

AMENDED IN SENATE AUGUST 20, 2001

AMENDED IN SENATE JULY 10, 2001

AMENDED IN ASSEMBLY MAY 15, 2001

AMENDED IN ASSEMBLY MAY 1, 2001

AMENDED IN ASSEMBLY APRIL 16, 2001

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

ASSEMBLY BILL

No. 1656

Introduced by Assembly Member Goldberg

February 23, 2001

An act to amend Section 21701.1 of, and to add Section 21701.2 to, the Business and Professions Code, and to amend Section 5109 of, and to add Section 5139.5 to, the Public Utilities Code, relating to household goods.

LEGISLATIVE COUNSEL'S DIGEST

AB 1656, as amended, Goldberg. Self-service storage facilities: household goods.

Existing law defines household goods carrier for purposes of regulation by the Public Utilities Commission. Existing law authorizes the commission to establish rules for household goods carriers.

This bill would require the commission to adopt regulations requiring specified self-service storage facilities to register with the commission and would require the commission to accept and attempt to help resolve consumer complaints regarding *these* self-service storage facilities.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 21701.1 of the Business and Professions
2 Code is amended to read:
3 21701.1. (a) The owner or operator of a self-service storage
4 facility or a household goods carrier, may, for a fee, transport
5 individual storage containers to and from a self-service storage
6 facility that he or she owns or operates. This transportation
7 activity, whether performed by an owner, operator, or carrier, shall
8 not be deemed transportation for compensation or hire as a
9 business of used household goods and is not subject to regulation
10 under Chapter 7 (commencing with Section 5101) of Division 2
11 of the Public Utilities Code, provided that all of the following
12 requirements are met:
13 (1) The fee charged (A) to deliver an empty individual storage
14 container to a customer and to transport the loaded container to a
15 self-service storage facility or (B) to return a loaded individual
16 storage container from a self-service storage facility to the
17 customer does not exceed one hundred dollars (\$100).
18 (2) The owner, operator, or carrier, or any affiliate of the owner,
19 operator, or carrier, does not load, pack, or otherwise handle the
20 contents of the container.
21 (3) The owner, operator, or carrier is registered under Chapter
22 2 (commencing with Section 34620) of Division 14.85 of the
23 Vehicle Code or holds a permit under Chapter 7 (commencing with
24 Section 5101) of Division 2 of the Public Utilities Code.
25 (4) The owner, operator, or carrier has procured and
26 maintained cargo insurance in the amount of at least twenty
27 thousand dollars (\$20,000) per shipment. Proof of cargo insurance
28 coverage shall be maintained on file and presented to the
29 Department of Motor Vehicles or Public Utilities Commission
30 upon written request.
31 (5) The owner, operator, or carrier shall disclose to the
32 customer in advance the following information regarding the
33 container transfer service offered, in a written document separate
34 from others furnished at the time of disclosure:

1 (A) A detailed description of the transfer service, including a
2 commitment to use its best efforts to place the container in an
3 appropriate location designated by the customer.

4 (B) The dimensions and construction of the individual storage
5 containers used.

6 (C) The unit charge, if any, for the container transfer service
7 that is in addition to the storage charge or any other fees under the
8 rental agreement.

9 (D) The availability of delivery or pickup by the customer of
10 his or her goods at the self-service storage facility.

11 (E) The maximum allowable distance, measured from the
12 self-service storage facility, for the initial pickup and final delivery
13 of the loaded container.

14 (F) The precise terms of the company's right to move a
15 container from the initial storage location at its own discretion and
16 a statement that the customer will not be required to pay additional
17 charges with respect to that transfer. The storage company shall
18 obtain the customer's written acknowledgement that this type of
19 move might occur and provide the customer with at least 30 days
20 advance notice when this move will occur and the options
21 available to the customer.

22 (G) Conspicuous disclosure in bold text of the allocation of
23 responsibility for the risk of loss or damage to the customer's
24 goods, including any disclaimer of the company's liability, and the
25 procedure for presenting any claim regarding loss or damage to the
26 company.

27 (H) The ability of the customer to register complaints with the
28 California Public Utilities Commission.

29 The disclosure of terms and conditions required by this
30 subdivision, and the rental agreement, shall be received by the
31 customer a minimum of 72 hours prior to delivery of the empty
32 individual storage container; however, the customer may, in
33 writing, knowingly and voluntarily waive that receipt. The
34 company shall record in writing, and retain for a period of at least
35 six months after the end of the rental, the time and method of
36 delivery of the information, any waiver made by the customer, and
37 the times and dates of initial pickup and redelivery of the
38 containerized goods.

39 (6) No later than the time the empty individual storage
40 container is delivered to the customer, the company shall provide

1 the customer with an informational brochure containing the
2 following information about loading the container:

3 (A) Packing and loading tips to minimize damage in transit.

4 (B) A suggestion that the customer make an inventory of the
5 items as they are loaded and keep any other record (for example,
6 photographs or videotape) that may assist in any subsequent
7 claims processing.

8 (C) A list of items that are impermissible to pack in the
9 container (for example, flammable items).

10 (D) A list of items that are not recommended to be packed in
11 light of foreseeable hazards inherent in the company's handling of
12 the containers and in light of any limitation of liability contained
13 in the rental agreement.

14 (b) Pickup and delivery of the individual storage containers
15 shall be on a date agreed upon between the customer and the
16 company. If the company requires the customer to be physically
17 present at the time of pickup, the company shall in fact be at the
18 customer's premises prepared to perform the service not more than
19 four hours later than the scheduled time agreed to by the customer
20 and company, and in the event of a preventable breach of that
21 obligation by the company, the customer shall be entitled to
22 receive a penalty of fifty dollars (\$50) from the company and to
23 elect rescission of the rental agreement without liability.

24 (c) No charge shall be assessed with respect to any movement
25 of the container between self-service storage facilities by the
26 company at its own discretion, nor for the delivery of a container
27 to a customer's premises if the customer advises the company, at
28 least 24 hours before the agreed time of container dropoff, orally
29 or in writing, that he or she is rescinding the request for service.

30 (d) For purposes of this chapter, "individual storage
31 container" means a container that meets all of the following
32 requirements:

33 (1) It shall be fully enclosed and locked.

34 (2) It contains not less than 100 and not more than 1,100 cubic
35 feet.

36 (3) It is constructed out of a durable material appropriate for
37 repeated use. A box constructed out of cardboard or a similar
38 material shall not constitute an individual storage container for
39 purposes of this section.



(e) Nothing in this section shall be construed to limit the authority of the Public Utilities Commission to investigate and commence an appropriate enforcement action pursuant to Chapter 7 (commencing with Section 5101) of Division 2 of the Public Utilities Code against any person transporting household goods in individual storage containers in a manner other than that described in this section.

SEC. 2. Section 21701.2 is added to the Business and Professions Code, to read:

21701.2. Every self-service storage facility that engages in *the transportation and storage* of individual storage containers pursuant to Section 21701.1 *and from that same facility provides on site, individual self-service storage space for renting or leasing* shall register with the Public Utilities Commission in accordance with the regulations established by the commission.

SEC. 3. Section 5109 of the Public Utilities Code is amended to read:

5109. “Household goods carrier” includes every corporation or person, their lessees, trustee, receivers or trustees appointed by any court whatsoever, engaged in the transportation for compensation or hire as a business by means of a motor vehicle or motor vehicles being used in the transportation of used household goods and personal effects over any public highway in this state.

SEC. 4. Section 5139.5 is added to the Public Utilities Code, to read:

5139.5. (a) In order to monitor whether individual storage containers are transported in violation of Chapter 7 (commencing with Section 5101) of Division 2 of the Public Utilities Code, the commission shall adopt regulations requiring those self-service storage facilities described in Section 21701.2 of the Business and Professions Code to register with the commission.

(b) The commission shall accept, tally, and help resolve consumer complaints regarding ~~self-service~~ *self-service* storage facilities *described in Section 21701.2 of the Business and Professions Code.*