

REFERENCE TITLE: self-service storage agent license

State of Arizona
Senate
Forty-eighth Legislature
First Regular Session
2007

SB 1155

Introduced by
Senators Leff, Blendu; Representative Meza; Senators Huppenthal, McCune
Davis, Verschoor; Representatives Adams, Konopnicki, Reagan

AN ACT

AMENDING SECTIONS 20-288 AND 20-292, ARIZONA REVISED STATUTES; AMENDING TITLE 20, CHAPTER 2, ARTICLE 3.3, ARIZONA REVISED STATUTES, BY ADDING SECTION 20-332; RELATING TO SELF-SERVICE STORAGE AGENT LICENSES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 20-288, Arizona Revised Statutes, is amended to
3 read:

4 20-288. Exemption from examination

5 A. An individual who applies for an insurance producer license in this
6 state and who was previously licensed for the same lines of authority in
7 another state is not required to take an examination if either:

8 1. The applicant is currently licensed in the other state.

9 2. The application is received within ninety days after the
10 cancellation of the applicant's previous license and the other state issues a
11 certification that, at the time of cancellation, the applicant was in good
12 standing in that state, or other reliable information available to the
13 director indicates that the applicant is or was licensed in good standing for
14 the line of authority requested.

15 B. The following applicants are not required to take an examination:

16 1. An applicant for timely renewal of a license.

17 2. An applicant for the same type of license that covers the same
18 lines of authority for which the applicant was licensed in this state, other
19 than under a temporary license, within the twelve months preceding the date
20 of application.

21 3. An applicant who is a ticket selling agent or any other
22 representative of a common carrier for a limited line license that covers the
23 sale of travel accident ticket policies or baggage insurance.

24 4. An applicant for a license as a nonresident insurance producer who
25 meets the requirements of section 20-287, subsection A.

26 5. An applicant for a rental car agent license **THAT IS ISSUED** pursuant
27 to section 20-331.

28 6. **AN APPLICANT FOR A SELF-SERVICE STORAGE AGENT LICENSE THAT IS**
29 **ISSUED PURSUANT TO SECTION 20-332.**

30 Sec. 2. Section 20-292, Arizona Revised Statutes, is amended to read:

31 20-292. Violation; injunctive relief

32 If the director has cause to believe that any person is violating or
33 about to violate section 20-282, 20-298, 20-311.01, 20-321.01, 20-331,
34 20-331.01, **20-332**, 20-340.01 or 20-411, the director may order the person to
35 cease and desist and, through the attorney general, may cause a complaint to
36 be filed in the superior court in Maricopa county to enjoin and restrain the
37 person from continuing the violation, engaging in the violation or doing any
38 act in furtherance of the violation. If the director orders the person to
39 cease and desist, the person may file a notice of appeal and may appeal any
40 final order pursuant to title 41, chapter 6, article 10. If the director,
41 through the attorney general, causes a complaint to be filed, the superior
42 court in Maricopa county has jurisdiction of the proceeding and may make and
43 enter an order or judgment awarding the preliminary or final relief as in its
44 judgment is proper.

1 Sec. 3. Title 20, chapter 2, article 3.3, Arizona Revised Statutes, is
2 amended by adding section 20-332, to read:

3 20-332. Self-service storage agents; license; definitions

4 A. THE DIRECTOR MAY ISSUE A SELF-SERVICE STORAGE AGENT LICENSE TO AN
5 OPERATOR THAT HAS COMPLIED WITH THE REQUIREMENTS OF THIS SECTION AUTHORIZING
6 THE OPERATOR TO OFFER OR TO SELL THE KINDS OF INSURANCE PRESCRIBED IN THIS
7 SECTION IN CONNECTION WITH AND INCIDENTAL TO THE RENTAL OF SPACE AT A
8 SELF-SERVICE STORAGE FACILITY.

9 B. AN APPLICANT FOR A SELF-SERVICE STORAGE AGENT LICENSE SHALL FILE A
10 WRITTEN APPLICATION IN A FORM PRESCRIBED IN BY THE DIRECTOR. THE APPLICATION
11 SHALL SPECIFY ALL LOCATIONS IN THIS STATE AT WHICH THE SELF-SERVICE STORAGE
12 AGENT MAY CONDUCT BUSINESS UNDER THE LICENSE. NOTWITHSTANDING SECTION
13 20-290, SUBSECTION B, A SELF-SERVICE STORAGE AGENT IS NOT REQUIRED TO HAVE AN
14 INDIVIDUAL LICENSEE IN EACH SELF-SERVICE STORAGE FACILITY OR PLACE WHERE
15 INSURANCE IS TRANSACTED. THE SELF-SERVICE STORAGE AGENT SHALL NOTIFY THE
16 DIRECTOR WITHIN THIRTY DAYS AFTER COMMENCING OR CEASING BUSINESS UNDER THE
17 SELF-SERVICE STORAGE AGENT'S LICENSE OF ANY ADDITIONAL LOCATIONS IN THIS
18 STATE OR OF THOSE LOCATIONS IN THIS STATE THAT CEASE TO DO BUSINESS UNDER THE
19 LICENSE.

20 C. A SELF-SERVICE STORAGE AGENT MAY OFFER OR SELL INSURANCE ONLY IN
21 CONNECTION WITH AND INCIDENTAL TO THE RENTAL OF SPACE AT A SELF-SERVICE
22 STORAGE FACILITY AND ONLY WITH RESPECT TO PERSONAL PROPERTY INSURANCE THAT
23 PROVIDES COVERAGE TO OCCUPANTS AT THE SELF-SERVICE STORAGE FACILITY WHERE THE
24 INSURANCE IS TRANSACTED FOR THE LOSS OF OR DAMAGE TO STORED PERSONAL PROPERTY
25 THAT OCCURS AT THAT FACILITY.

26 D. A SELF-SERVICE STORAGE AGENT SHALL NOT OFFER OR SELL INSURANCE
27 PURSUANT TO THIS SECTION UNLESS:

28 1. THE SELF-SERVICE STORAGE AGENT MAKES READILY AVAILABLE TO THE
29 PROSPECTIVE OCCUPANT BROCHURES OR OTHER WRITTEN MATERIALS THAT:

30 (a) SUMMARIZE THE MATERIAL TERMS OF INSURANCE COVERAGE OFFERED TO
31 OCCUPANTS, INCLUDING THE IDENTITY OF THE INSURER, PRICE, BENEFITS, EXCLUSIONS
32 AND CONDITIONS.

33 (b) DISCLOSE THAT THE POLICIES OFFERED BY THE SELF-SERVICE STORAGE
34 AGENT MAY PROVIDE A DUPLICATION OF COVERAGE ALREADY PROVIDED BY AN OCCUPANT'S
35 HOMEOWNER'S INSURANCE POLICY, RENTER'S INSURANCE POLICY, VEHICLE INSURANCE
36 POLICY, WATERCRAFT INSURANCE POLICY OR OTHER SOURCE OF PROPERTY INSURANCE
37 COVERAGE.

38 (c) STATE THAT IF INSURANCE IS REQUIRED AS A CONDITION OF RENTAL, THE
39 REQUIREMENT MAY BE SATISFIED BY THE OCCUPANT PURCHASING THE INSURANCE
40 PRESCRIBED IN THIS SECTION OR BY PRESENTING EVIDENCE OF OTHER INSURANCE
41 COVERAGE THAT SATISFIES THE REQUIREMENT.

42 (d) DESCRIBE THE PROCESS FOR FILING A CLAIM.

43 2. ALL COSTS RELATED TO THE INSURANCE ARE CLEARLY ITEMIZED IN WRITING.

44 3. EVIDENCE OF COVERAGE IN A FORM APPROVED BY THE INSURER IS PROVIDED
45 TO EVERY OCCUPANT WHO PURCHASES THE COVERAGE.

1 4. THE INSURANCE IS PROVIDED BY AN INSURER AUTHORIZED TO TRANSACT THE
2 APPLICABLE KINDS OF INSURANCE IN THIS STATE OR BY A SURPLUS LINES INSURER
3 PURSUANT TO ARTICLE 5 OF THIS CHAPTER.

4 E. AN EMPLOYEE OR AGENT OF A SELF-SERVICE STORAGE AGENT MAY ACT ON
5 BEHALF OF AND UNDER THE SUPERVISION OF THE SELF-SERVICE STORAGE AGENT IN
6 MATTERS RELATING TO THE CONDUCT OF BUSINESS UNDER THE LICENSE THAT IS ISSUED
7 PURSUANT TO THIS SECTION. THE CONDUCT OF AN EMPLOYEE OR AGENT OF A
8 SELF-SERVICE STORAGE AGENT ACTING WITHIN THE SCOPE OF EMPLOYMENT OR AGENCY IS
9 DEEMED THE CONDUCT OF THE SELF-SERVICE STORAGE AGENT FOR PURPOSES OF THIS
10 SECTION.

11 F. EACH SELF-SERVICE STORAGE AGENT SHALL PROVIDE A TRAINING PROGRAM
12 THAT GIVES EMPLOYEES AND AGENTS OF THE SELF-SERVICE STORAGE AGENT BASIC
13 INSTRUCTION ABOUT THE PROVISIONS OF THIS SECTION, INCLUDING THE KINDS OF
14 INSURANCE COVERAGE PRESCRIBED IN THIS SECTION.

15 G. A SELF-SERVICE STORAGE AGENT SHALL NOT:

16 1. OFFER OR SELL INSURANCE EXCEPT IN CONNECTION WITH AND INCIDENTAL TO
17 THE RENTAL OF SPACE AT A SELF-SERVICE STORAGE FACILITY.

18 2. ADVERTISE, REPRESENT OR OTHERWISE PORTRAY ITSELF OR ANY OF ITS
19 EMPLOYEES OR AGENTS AS LICENSED INSURERS OR INSURANCE PRODUCERS.

20 3. PAY ANY PERSON ANY COMMISSION OR OTHER COMPENSATION DEPENDENT ON
21 THE SALE OF INSURANCE UNDER THE SELF-SERVICE STORAGE AGENT LICENSE THAT IS
22 ISSUED PURSUANT TO THIS SECTION.

23 H. NOTHING IN THIS SECTION PROHIBITS:

24 1. AN INSURER FROM PAYING, AND A SELF-SERVICE STORAGE AGENT FROM
25 RECEIVING, A COMMISSION, SERVICE FEE OR OTHER VALUABLE CONSIDERATION
26 DEPENDENT ON THE SALE OF INSURANCE.

27 2. A SELF-SERVICE STORAGE AGENT FROM PAYING, AND ITS EMPLOYEES OR
28 AGENTS FROM RECEIVING, PRODUCTION PAYMENTS OR INCENTIVE PAYMENTS IF THE
29 PAYMENTS ARE NOT DEPENDENT ON THE SALE OF INSURANCE.

30 I. AN OPERATOR IS NOT REQUIRED TO BE LICENSED PURSUANT TO THIS SECTION
31 MERELY TO DISPLAY AND MAKE AVAILABLE TO PROSPECTIVE OCCUPANTS BROCHURES AND
32 OTHER PROMOTIONAL MATERIALS CREATED BY OR ON BEHALF OF AN AUTHORIZED INSURER
33 OR BY A SURPLUS LINES INSURER PURSUANT TO ARTICLE 5 OF THIS CHAPTER.

34 J. TO THE EXTENT NOT INCONSISTENT WITH THIS SECTION, SECTIONS 20-281,
35 20-282, 20-283, 20-288 AND 20-289, SECTION 20-290, SUBSECTION A AND SECTIONS
36 20-291, 20-292, 20-293, 20-295, 20-296, 20-297, 20-298, 20-299, 20-301 AND
37 20-302 APPLY TO SELF-SERVICE STORAGE AGENTS. A SELF-SERVICE STORAGE AGENT IS
38 NOT SUBJECT TO THE CONTINUING EDUCATION REQUIREMENTS OF CHAPTER 18 OF THIS
39 TITLE.

40 K. FOR THE PURPOSES OF THIS SECTION:

41 1. "OCCUPANT" MEANS A PERSON OR THE PERSON'S SUBLESSEE, SUCCESSOR OR
42 ASSIGN WHO IS ENTITLED TO THE USE OF A LEASED SPACE OR SPACES AT A
43 SELF-SERVICE STORAGE FACILITY, TO THE EXCLUSION OF OTHERS.

44 2. "OPERATOR" MEANS THE OWNER OR OWNER'S MANAGING AGENT OF A
45 SELF-SERVICE STORAGE FACILITY.

- 1 3. "PERSONAL PROPERTY" MEANS MOVABLE PROPERTY THAT IS NOT AFFIXED TO
2 LAND AND INCLUDES:
3 (a) GOODS, WARES, MERCHANDISE, HOUSEHOLD ITEMS AND FURNISHINGS.
4 (b) VEHICLES, MOTOR VEHICLES, TRAILERS AND SEMITRAILERS AS THOSE TERMS
5 ARE DEFINED IN SECTION 28-101.
6 (c) WATERCRAFT AND MOTORIZED WATERCRAFT AS THOSE TERMS ARE DEFINED IN
7 SECTION 5-301.
8 4. "SELF-SERVICE STORAGE AGENT" MEANS AN OPERATOR WHO IS LICENSED
9 PURSUANT TO THIS SECTION.
10 5. "SELF-SERVICE STORAGE FACILITY" MEANS ANY REAL PROPERTY THAT IS
11 USED FOR RENTING OR LEASING STORAGE SPACE IN WHICH THE OCCUPANTS THEMSELVES
12 CUSTOMARILY STORE AND REMOVE PERSONAL PROPERTY ON A SELF-SERVICE BASIS.