

5079

2009-2010 Regular Sessions

I N S E N A T E

April 27, 2009

Introduced by Sen. KLEIN -- read twice and ordered printed, and when printed to be committed to the Committee on Judiciary

AN ACT to amend the lien law, in relation to allowing heating oil dealers to place a lien on commercial property for an owner's failure to pay its bill for the value of delivered heating oil and related services

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. The lien law is amended by adding a new section 6-a to read
2 as follows:
3 S 6-A. LIENS FOR VALUE OF HEATING OIL DELIVERED TO COMMERCIAL PROPERTY
4 AND RELATED SERVICES. 1. FOR THE PURPOSES OF THIS SECTION, THE TERMS:
5 (A) "HEATING OIL DEALER" MEANS A BUSINESS PRIMARILY INVOLVED IN THE
6 DISTRIBUTION OF HEATING OIL TO CUSTOMERS FOR ON-PREMISES USE OF THE FUEL
7 FOR SPACE AND/OR WATER HEATING;
8 (B) "HEATING OIL" MEANS ANY PETROLEUM PRODUCT USED AS FUEL FOR SPACE
9 OR WATER HEATING PURPOSES INCLUDING, BUT NOT LIMITED TO, NUMBERS 2, 4
10 AND 6 FUEL OIL AND KEROSENE; AND
11 (C) "COMMERCIAL PROPERTY" MEANS NON-RESIDENTIAL REAL PROPERTY, AS
12 DEFINED IN SUBDIVISION TWO OF SECTION TWO OF THIS CHAPTER, UTILIZED FOR
13 BUSINESS PURPOSES SUCH AS OFFICE BUILDINGS, MANUFACTURING PLANTS, ASSEMBLY
14 PLANTS, RESTAURANTS, STORES, SHOPPING CENTERS, HOTELS AND MOTELS,
15 APARTMENT COMPLEXES CONTAINING FOUR OR MORE RESIDENTIAL UNITS OR ANY
16 OTHER TYPE OF BUSINESS ENTERPRISE.
17 2. A HEATING OIL DEALER WHO SHALL DELIVER TO ANY COMMERCIAL PROPERTY
18 HEATING OIL USED AS FUEL FOR ON-PREMISES CONSUMPTION SHALL HAVE A LIEN
19 FOR THE VALUE OF SUCH DELIVERED HEATING OIL UPON THE COMMERCIAL PROPERTY
20 BY FILING A NOTICE OF SUCH LIEN IN THE OFFICE OF THE CLERK OF ANY COUNTY
21 WHEREIN ANY PART OF SUCH COMMERCIAL PROPERTY IS EXISTING AT THE TIME OF
22 SUCH FILING. IN ADDITION, ANY HEATING OIL DEALER WHO PERFORMS MAINTENANCE,
23 REPAIR OR REPLACEMENT SERVICES TO ANY APPLIANCE OR SYSTEM FUELED

EXPLANATION--Matter in *ITALICS* (underscored) is new; matter in brackets [] is old law to be omitted.

LBD11310-01-9

1 BY HEATING OIL IN CONNECTION WITH A HEATING OIL DELIVERY CONTRACT TO
2 COMMERCIAL PROPERTY SHALL HAVE A LIEN FOR THE VALUE OF SUCH SERVICES
3 UPON THE COMMERCIAL PROPERTY BY FILING A NOTICE OF SUCH LIEN IN THE
4 OFFICE OF THE CLERK OF ANY COUNTY WHEREIN ANY PART OF SUCH COMMERCIAL
5 PROPERTY IS SITUATED AT THE TIME OF SUCH FILING. THE PROVISIONS OF THIS
6 ARTICLE RELATING TO THE CONTENTS, FILING AND ENTRY OF A NOTICE OF A
7 MECHANIC'S LIEN, AND THE PRIORITY AND DURATION THEREOF, SHALL APPLY TO
8 SUCH LIENS.
9 S 2. This act shall take effect on the sixtieth day after it shall
10 have become a law.