

S T A T E O F N E W Y O R K

5079--B

2009-2010 Regular Sessions

I N S E N A T E

April 27, 2009

Introduced by Sens. KLEIN, C. JOHNSON, ONORATO -- read twice and ordered printed, and when printed to be committed to the Committee on Judiciary -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- recommitted to the Committee on Judiciary in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the lien law, in relation to including in the definition of "improvement" the furnishing or delivery of fuel oil or kerosene

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

1 Section 1. Subdivision 4 of section 2 of the lien law, as amended by
2 chapter 925 of the laws of 1982, is amended to read as follows:
3 4. Improvement. The term "improvement," when used in this chapter,
4 includes the demolition, erection, alteration or repair of any structure
5 upon, connected with, or beneath the surface of, any real property and
6 any work done upon such property or materials furnished for its perma-
7 nent improvement, and shall also include any work done or materials
8 furnished in equipping any such structure with any chandeliers, brackets
9 or other fixtures or apparatus for supplying gas or electric light and
10 shall also include the drawing by any architect or engineer or surveyor,
11 of any plans or specifications or survey, which are prepared for or used
12 in connection with such improvement and shall also include the value of
13 materials actually manufactured for but not delivered to the real prop-
14 erty, and shall also include the reasonable rental value for the period
15 of actual use of machinery, tools and equipment and the value of
16 compressed gases furnished for welding or cutting in connection with the
17 demolition, erection, alteration or repair of any real property, and the
18 value of fuel and lubricants consumed by machinery operating on the
19 improvement, or by motor vehicles owned, operated or controlled by the
20 owner, or a contractor or subcontractor while engaged exclusively in the

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

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1 transportation of materials to or from the improvement for the purposes
2 thereof and shall also include the performance of real estate brokerage
3 services in obtaining a lessee for a term of more than three years of
4 all or any part of real property to be used for other than residential
5 purposes pursuant to a written contract of brokerage employment or
6 compensation, AND SHALL ALSO INCLUDE THE FURNISHING OR DELIVERY OF FUEL
7 OIL OR KEROSENE USED TO PRODUCE HEAT, HOT WATER, OR OTHER FORMS OF ENER-
8 GY OR POWER TO THE REAL PROPERTY, PROVIDED THAT SUCH REAL PROPERTY SHALL
9 INCLUDE ONLY RESIDENTIAL BUILDINGS THAT CONTAIN FOUR OR MORE RESIDENTIAL
10 UNITS AND ALL COMMERCIAL REAL PROPERTY INCLUDING, BUT NOT LIMITED TO,
11 OFFICE BUILDINGS, INDUSTRIAL FACILITIES, RETAIL SHOPS AND LODGING ESTAB-
12 LISHMENTS.

13 S 2. This act shall take effect on the first of January next succeed-
14 ing the date on which it shall have become a law.