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

3303

2011-2012 Regular Sessions

I N  S E N A T E

February 15, 2011

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 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:

Section 1. Subdivision 4 of section 2 of the lien law, as amended by chapter 925 of the laws of 1982, is amended to read as follows:

4. Improvement. The term "improvement," when used in this chapter, includes the demolition, erection, alteration or repair of any structure upon, connected with, or beneath the surface of, any real property and any work done upon such property or materials furnished for its permanent improvement, and shall also include any work done or materials furnished in equipping any such structure with any chandeliers, brackets or other fixtures or apparatus for supplying gas or electric light and shall also include the drawing by any architect or engineer or surveyor, of any plans or specifications or survey, which are prepared for or used in connection with such improvement and shall also include the value of materials actually manufactured for but not delivered to the real property, and shall also include the reasonable rental value for the period of actual use of machinery, tools and equipment and the value of compressed gases furnished for welding or cutting in connection with the demolition, erection, alteration or repair of any real property, and the value of fuel and lubricants consumed by machinery operating on the improvement, or by motor vehicles owned, operated or controlled by the owner, or a contractor or subcontractor while engaged exclusively in the transportation of materials to or from the improvement for the purposes thereof and shall also include the performance of real estate brokerage services in obtaining a lessee for a term of more than three years of all or any part of real property to be used for other than residential purposes pursuant to a written contract of brokerage employment or

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

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compensation, AND SHALL ALSO INCLUDE THE FURNISHING OR DELIVERY OF FUEL OIL OR KEROSENE USED TO PRODUCE HEAT, HOT WATER, OR OTHER FORMS OF ENERGY OR POWER TO THE REAL PROPERTY, PROVIDED THAT SUCH REAL PROPERTY SHALL INCLUDE ONLY RESIDENTIAL BUILDINGS THAT CONTAIN FOUR OR MORE RESIDENTIAL UNITS AND ALL COMMERCIAL REAL PROPERTY INCLUDING, BUT NOT LIMITED TO, OFFICE BUILDINGS, INDUSTRIAL FACILITIES, RETAIL SHOPS AND LODGING ESTABLISHMENTS.

S 2. This act shall take effect on the first of January next succeeding the date on which it shall have become a law.