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I N  S E N A T E

May 15, 2014

Introduced by Sen. LARKIN -- 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 notice of enforcement of a lien

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

Section 1. Subdivision 1 of section 182 of the lien law is amended by adding four new paragraphs (f), (g), (h) and (i) to read as follows:

(F) "ELECTRONIC MAIL" SHALL MEAN AN ELECTRONIC MESSAGE OR AN EXECUTABLE PROGRAM OR COMPUTER FILE THAT CONTAINS AN IMAGE OF A MESSAGE THAT IS TRANSMITTED BETWEEN TWO OR MORE COMPUTERS OR ELECTRONIC TERMINALS. SUCH TERM SHALL INCLUDE ELECTRONIC MESSAGES THAT ARE TRANSMITTED WITHIN OR BETWEEN COMPUTER NETWORKS.

(G) "LAST KNOWN ADDRESS" SHALL MEAN THE POSTAL ADDRESS OR ELECTRONIC MAIL ADDRESS PROVIDED BY THE OCCUPANT IN THE LATEST OCCUPANCY AGREEMENT, OR THE POSTAL ADDRESS OR ELECTRONIC MAIL ADDRESS PROVIDED BY THE OCCUPANT IN A SUBSEQUENT WRITTEN NOTICE OF A CHANGE OF ADDRESS.

(H) "VERIFIED MAIL" SHALL MEAN ANY METHOD OF MAILING THAT IS OFFERED BY THE UNITED STATES POSTAL SERVICE OR PRIVATE DELIVERY SERVICE THAT PROVIDES EVIDENCE OF MAILING.

(I) "VERIFIED ELECTRONIC MAIL" MEANS ELECTRONIC MAIL THAT IS TRANSMITTED TO AN E-MAIL ADDRESS THAT THE OCCUPANT HAS VERIFIED AS BEING THEIR OPERABLE E-MAIL ADDRESS AND HAS EXPRESSLY ELECTED TO RECEIVE NOTICE BY ELECTRONIC MAIL TO THAT ADDRESS.

S 2. Subdivision 7 of section 182 of the lien law, as added by chapter 975 of the laws of 1983, is amended to read as follows:

7. Enforcement of lien. (A) An owner's lien may be enforced by public or private sale of the goods that have been removed from the storage space at a self-service storage facility, in block, or in parcel, at any time or place and on any terms which are commercially reasonable after notice to all persons known to claim an interest in the goods. The notice shall include an itemized statement of the amount due, the description of the property subject to the lien, the nature of the proposed sale, a demand for payment within a specified time not less

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

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than ten days from receipt of notification and a conspicuous statement that unless the claimant pays within that time the goods will be advertised for sale and sold at public or private sale in a commercially reasonable manner. The notice shall further include the time and place of any public or private sale and it shall state that any person claiming an interest in the goods is entitled to bring a proceeding hereunder within ten days of the service of the notice if he disputes the validity of the lien, or the amount claimed. The notice shall be personally delivered to the occupant, or sent by [registered or certified mail, return receipt requested,] VERIFIED MAIL OR VERIFIED ELECTRONIC MAIL to the [occupant to the] OCCUPANT'S last KNOWN address provided by the occupant, pursuant to the occupancy agreement.

(B) ANY NOTICE MADE PURSUANT TO THIS SECTION SHALL BE PRESUMED DELIVERED WHEN IT IS DEPOSITED WITH THE UNITED STATES POSTAL SERVICE OR PRIVATE DELIVERY SERVICE, AND PROPERLY ADDRESSED WITH POSTAGE PREPAID OR SENT BY VERIFIED ELECTRONIC MAIL TO THE OCCUPANT'S LAST KNOWN ADDRESS.

S 3. This act shall take effect immediately.