

5347

2015-2016 Regular Sessions

I N S E N A T E

May 13, 2015

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:

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

3 (F) "ELECTRONIC MAIL" SHALL MEAN AN ELECTRONIC MESSAGE OR AN EXECUTA-  
4 BLE PROGRAM OR COMPUTER FILE THAT CONTAINS AN IMAGE OF A MESSAGE THAT IS  
5 TRANSMITTED BETWEEN TWO OR MORE COMPUTERS OR ELECTRONIC TERMINALS. SUCH  
6 TERM SHALL INCLUDE ELECTRONIC MESSAGES THAT ARE TRANSMITTED WITHIN OR  
7 BETWEEN COMPUTER NETWORKS.

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

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

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

19 S 2. Subdivision 7 of section 182 of the lien law, as added by chapter  
20 975 of the laws of 1983, is amended to read as follows:

21 7. Enforcement of lien. (A) An owner's lien may be enforced by public  
22 or private sale of the goods that have been removed from the storage  
23 space at a self-service storage facility, in block, or in parcel, at any  
24 time or place and on any terms which are commercially reasonable after  
25 notice to all persons known to claim an interest in the goods. The

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

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1 notice shall include an itemized statement of the amount due, the  
2 description of the property subject to the lien, the nature of the  
3 proposed sale, a demand for payment within a specified time not less  
4 than ten days from receipt of notification and a conspicuous statement  
5 that unless the claimant pays within that time the goods will be adver-  
6 tised for sale and sold at public or private sale in a commercially  
7 reasonable manner. The notice shall further include the time and place  
8 of any public or private sale and it shall state that any person claim-  
9 ing an interest in the goods is entitled to bring a proceeding hereunder  
10 within ten days of the service of the notice if he disputes the validity  
11 of the lien, or the amount claimed. The notice shall be personally  
12 delivered to the occupant, or sent by [registered or certified mail,  
13 return receipt requested,] VERIFIED MAIL OR VERIFIED ELECTRONIC MAIL to  
14 the [occupant to the] OCCUPANT'S last KNOWN address provided by the  
15 occupant, pursuant to the occupancy agreement.

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

20 S 3. This act shall take effect immediately.