STATE OF NEW YORK

5863

2017-2018 Regular Sessions

IN SENATE

May 3, 2017

Introduced by Sen. BONACIC -- 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 eliminating the requirement that a notice of sale must be served upon an owner of property if such owner resides in the same county as the lienor

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The opening paragraph of section 201 of the lien law, as amended by chapter 354 of the laws of 2008, is amended to read as follows:

Before such sale is held the lienor shall serve a notice upon the owner [~~with due diligence within such county, if such owner can be found where such lien arose, if not then to the person for whose account the same is then held personally, provided such service can be made with due diligence within the county where such lien arose, but if such owner or person cannot with due diligence be found within such county, or if the property affected, other than a security, is a motor vehicle that is to be sold pursuant to subdivision three of section two hundred two of this article of a value of less than five hundred dollars or other property that is of a value of less than one hundred dollars, then such notice shall be served by mailing it to the owner at his last known place of residence, or to his last known post-office address or if the owner's place of residence or post-office address is not known, then to the last known place of residence or last known post-office address of the person for whose account the same is then held personally. Any notice permitted herein to be served by mail shall be sent~~] by certified mail, return receipt requested, and by first-class mail. A like notice shall be served [~~in the same way~~] **by certified mail, return receipt requested** upon any person who shall have given to the lienor notice of an interest in the property subject to the lien and upon any person who has perfected a security interest in the property by filing a financing

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

LBD11381-01-7

statement pursuant to the provisions of the uniform commercial code or who is listed as lienholder upon the certificate of title of the property pursuant to the provisions of the vehicle and traffic law. Such notice shall contain a statement of the following facts:

§ 2. This act shall take effect immediately.