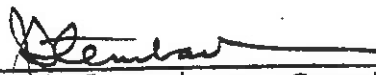


*file*

TO:  Director, Preliminary Plan Review Bureau	<h1>ENGINEERING INSTRUCTION</h1> <p>NEW YORK STATE DEPARTMENT OF TRANSPORTATION</p>
Distribution: <input checked="" type="checkbox"/> Main Office <input checked="" type="checkbox"/> Regions <input type="checkbox"/> Special	Code: <u>ET 78-6</u> Date: <u>1/26/78</u>
APPROVED:   (Deputy Chief Engineer-Construction Subdivision)	Supersedes:

An amendment to the New York State Lien Law which became effective August 5, 1977, is quoted below for your information. As a result thereof, Regional Offices may occasionally receive demand letters of the nature described therein. All such letters are to be promptly forwarded to the main office Construction Subdivision where procedures have been established to provide the required notice at the same time the contractor is notified of the Commissioner's acceptance of the contract.

"Sec. 11-a. Notice of completion and acceptance may be demanded.

"1. At any time before the construction or demolition of a public improvement is completed and accepted by the state or any political subdivision thereof, or by a public corporation or within thirty days thereof a person performing work for or furnishing materials to a contractor, his subcontractor, assignee or legal representative may file a written demand requiring notice of completion and acceptance be given to him upon the happening of such event.

"2. Such demand shall be filed with the head of the department or bureau having charge of the construction or demolition. It shall state the name and address of the one making the demand; the name of the contractor or subcontractor for whom the labor was performed or materials furnished; the estimated amount of the entire value thereof; and a description of the public improvement upon which the labor was performed or the materials furnished.

"3. Within five days of any completion and acceptance in respect to which a demand for notice has been filed pursuant to the provisions of this section the head of the department or bureau issuing the same shall cause written notice thereof to be mailed to the name and address of the one making the demand as recited therein.

"4. The failure by the state, public corporation or any officer or employee thereof to give the notice required by this section shall not give rise to any cause of action; extend any period of time within which an act must be performed; or otherwise alter, affect or impair any other right or duty."