AN ACT concerning the commercial real estate broker lien act; conditions of lien; leases; subleases; additional compensation; amending K.S.A. 58-30a03, 58-30a07, 58-30a09 and 58-30a10 and repealing the existing sections.

Be it enacted by the Legislature of the State of Kansas:

Section 1. K.S.A. 58-30a03 is hereby amended to read as follows: 58-30a03. (a) Any broker shall have a lien on commercial real estate in the amount of the compensation as agreed upon by the broker and the owner or the owner's agent, if:

(1) Such real estate is listed with the broker under terms of a written agreement signed by the owner or the owner's agent; and

(2) the broker or salespersons retained by the broker have provided services that resulted in the procuring of a person or entity ready, willing and able to purchase, lease or otherwise accept a conveyance of the commercial real estate as provided by such agreement which were otherwise acceptable to the owner or owner's agent as evidenced by a written agreement signed by the owner or the owner's agent.

(b) A broker also shall have a lien on such commercial real estate if the broker has a written agreement with a person or entity to represent such person or entity in the purchase, lease or other conveyance to the buyer, lessee or grantee of such real estate when the broker becomes entitled to compensation pursuant to the written agreement.

Sec. 2. K.S.A. 58-30a07 is hereby amended to read as follows: 58-30a07. In the case of a lease, the lien must be recorded within 90 days after the lessee takes possession of the property. If written notice of the intention to sign the lease is personally served on the broker entitled to claim a lien at least 10 days before the date of the intended signing of the lease, the claim for lien must be recorded before the date indicated for the signing of the lease. The lien attaches for purposes of this paragraph when the claim for lien is recorded.

Sec. 3. K.S.A. 58-30a09 is hereby amended to read as follows: 58-30a09. If a lease also includes provisions for a sublease or assignment of lease, the notice of lien must be recorded not later than 90 days after the
lessee takes possession of the leased premises. If the transferor personally
serves written notice of the intended execution of the lease on the broker
entitled to claim a lien at least 10 days prior to the date of the intended
execution of the lease, the notice of lien must be recorded before the date
indicated in such notice for the execution of the lease. The lien shall attach
as of the recording of the notice of lien and shall not relate back to the date
of the written instrument within the term of the lease on the property
obtained under the written agreement between the broker and the owner,
owner's agent, buyer, agent of the buyer, lessee or agent of the lessee. The
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Sec. 4. K.S.A. 58-30a10 is hereby amended to read as follows: 58-
30a10. If additional compensation is owed to a broker as a result of the
exercise of an option to expand the leased premises, the renewal or
extension of a lease, the purchase of the property or other transaction
pursuant to a written agreement signed by the current owner or tenant, the
broker may record its notice of lien at any time after execution of the lease
or other written agreement containing such option but not later than 90
days after the occurrence of the transaction expansion of the leased
premises, renewal or extension of the lease, purchase of the property or
other transaction for which the additional commission is claimed.

Sec. 5. K.S.A. 58-30a03, 58-30a07, 58-30a09 and 58-30a10 are
hereby repealed.

Sec. 6. This act shall take effect and be in force from and after its
publication in the statute book.