

1007

2013-2014 Regular Sessions

I N S E N A T E

(PREFILED)

January 9, 2013

Introduced by Sen. LITTLE -- 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 establishing a campground owner's lien

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

1 Section 1. The lien law is amended by adding a new section 181 to
2 read as follows:

3 S 181. CAMPGROUND OWNER'S LIEN. 1. DEFINITIONS. AS USED IN THIS
4 SECTION:

5 (A) "CAMPGROUND" MEANS ANY PARCEL OR TRACT OF LAND, WHERE FIVE OR MORE
6 CAMPSITES ARE MADE AVAILABLE FOR USE AS TEMPORARY LIVING QUARTERS FOR
7 RECREATIONAL, CAMPING, TRAVEL OR SEASONAL USE.

8 (B) "CAMPGROUND OWNER" MEANS THE OWNER OR OPERATOR OF A CAMPGROUND OR
9 AN AGENT OF SUCH OWNER OR OPERATOR.

10 (C) "GUEST" MEANS A PERSON WHO ENTERS INTO A WRITTEN OCCUPANCY AGREE-
11 MENT WITH A CAMPGROUND OWNER TO OCCUPY A CAMPSITE.

12 (D) "OCCUPANCY AGREEMENT" MEANS ANY WRITTEN AGREEMENT BETWEEN A CAMP-
13 GROUND OWNER AND A GUEST THAT ESTABLISHES OR MODIFIES THE TERMS, CONDI-
14 TIONS, RULES OR ANY OTHER PROVISIONS CONCERNING THE USE AND OCCUPANCY OF
15 A CAMPSITE.

16 (E) "RECREATIONAL VEHICLE" MEANS A VEHICLE PRIMARILY DESIGNED AS
17 TEMPORARY LIVING QUARTERS FOR RECREATIONAL, CAMPING, TRAVEL OR SEASONAL
18 USE THAT EITHER HAS ITS OWN MOTIVE POWER, OR IS MOUNTED ON OR TOWED BY A
19 MOTOR VEHICLE.

20 2. LIEN. A CAMPGROUND OWNER HAS A LIEN UPON A RECREATIONAL VEHICLE AND
21 ITS CONTENTS FOR OCCUPANCY FEES AND OTHER CHARGES THAT ARE SET FORTH IN
22 AN OCCUPANCY AGREEMENT, TOGETHER WITH SUCH OTHER FEES AND CHARGES THAT A
23 GUEST MAY INCUR IN A STORE, MARINA OR SIMILAR FACILITY OWNED OR OPERATED
24 BY THE CAMPGROUND OWNER, AND SUCH OTHER AND FURTHER EXPENSES THAT THE

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

LBD01204-01-3

1 CAMPGROUND OWNER MAY REASONABLY INCUR IN CONNECTION WITH THE PRESERVA-
2 TION AND SALE OR OTHER DISPOSITION OF THE RECREATIONAL VEHICLE AND ITS
3 CONTENTS IN ACCORDANCE WITH THIS CHAPTER. THE LIEN PROVIDED FOR IN THIS
4 SECTION IS SUPERIOR TO ANY OTHER LIEN OR SECURITY INTEREST AND ATTACHES
5 AS OF THE DATE OF EXECUTION OF THE OCCUPANCY AGREEMENT.

6 3. ENFORCEMENT OF LIEN. A CAMPGROUND OWNER'S LIEN SHALL BE ENFORCED IN
7 ACCORDANCE WITH THE PROVISIONS OF ARTICLE NINE OF THIS CHAPTER.

8 S 2. This act shall take effect immediately.