

2339

2013-2014 Regular Sessions

I N   S E N A T E

January 16, 2013

---

Introduced by Sen. MAZIARZ -- read twice and ordered printed, and when printed to be committed to the Committee on Consumer Protection

AN ACT to amend the general business law, in relation to cancellation of certain membership camping contracts

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

1     Section 1. Subparagraph 5 of paragraph a of subdivision 2 of section  
2     654-a of the general business law, as added by chapter 383 of the laws  
3     of 2012, is amended to read as follows:  
4     (5) the purchaser of a contract signed by more than one purchaser  
5     provides to the operator a copy of any of the following, within six  
6     months of its issuance, involving domestic violence by another signatory  
7     of the same contract: (A) a valid domestic violence incident report form  
8     as such term is defined in subdivision fifteen of section eight hundred  
9     thirty-seven of the executive law; (B) a valid police report; (C) a  
10    valid order of protection; or (D) a signed affidavit from a licensed  
11    medical or mental health care provider, employee of a court acting with-  
12    in the scope of his or her employment, social worker, a rape crisis  
13    counselor as defined in section forty-five hundred ten of the civil  
14    practice law and rules, or advocate acting on behalf of an agency that  
15    assists domestic violence victims. Paragraph d of this subdivision shall  
16    not apply to a purchaser canceling under this subparagraph. A claim for  
17    termination under this subparagraph shall be made in good faith. Termi-  
18    nation under this subparagraph shall require, and the provision of any  
19    of the items in (A) through (D) of this subparagraph, for the purposes  
20    of this subparagraph, shall be presumptive evidence of the continued  
21    existence of a substantial risk of physical or emotional harm to the  
22    purchaser or purchaser's child. [Provision of any of the items in (A)  
23    through (D) of this subparagraph shall give the operator, at its option,  
24    the right to investigate and, based on the information contained in such  
25    items, if he or she determines that the safety of campground users or

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

LBD04306-01-3

1 employees would be endangered by allowing the purchaser that is not  
2 exercising his or her rights under this subdivision to remain authorized  
3 to use the campground facilities, the operator shall provide written  
4 notice of such determination to such purchaser which shall inform such  
5 purchaser of his or her right to respond in writing to the operator  
6 within thirty days of receipt of such notice. Upon expiration of the  
7 thirty day period, if the operator reasonably determines that the  
8 response from the purchaser not exercising his or her rights under this  
9 subdivision is insufficient, the operator may terminate the contract of  
10 such purchaser.]

11 S 2. This act shall take effect on the same date and in the same  
12 manner as chapter 383 of the laws of 2012 takes effect.