S T A T E O F N E W Y O R K

5561

2011-2012 Regular Sessions

I N A S S E M B L Y

February 23, 2011

Introduced by M. of A. ENGLEBRIGHT -- read once and referred to the Committee on Judiciary

AN ACT to amend the real property law, in relation to campgrounds

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

Section 1. The real property law is amended by adding a new section 233-b to read as follows:

S 233-B. CAMPGROUNDS. A. WHENEVER USED IN THIS SECTION:

1. "CAMPGROUND" MEANS ANY PARCEL OR TRACT OF LAND, INCLUDING BUILDINGS OR OTHER STRUCTURES, WHERE FIVE OR MORE CAMPSITES ARE MADE AVAILABLE FOR USE AS TEMPORARY LIVING QUARTERS FOR RECREATIONAL, CAMPING, TRAVEL OR SEASONAL USE.

2. "CAMPGROUND OWNER" MEANS THE OWNER OR OPERATOR OF A CAMPGROUND OR AN AGENT OF SUCH OWNER OR OPERATOR.

B. A CAMPGROUND OWNER MAY REMOVE OR CAUSE TO BE REMOVED FROM A CAMPGROUND ANY PERSON WHO:

1. IS NOT A REGISTERED GUEST OR VISITOR OF THE CAMPGROUND;

2. REMAINS ON THE CAMPGROUND BEYOND AN AGREED-UPON DEPARTURE TIME AND DATE;

3. DEFAULTS IN THE PAYMENT OF ANY LAWFULLY IMPOSED REGISTRATION OR VISITOR FEE OR CHARGE;

4. CREATES A DISTURBANCE THAT DENIES OTHER PERSONS THEIR RIGHT TO QUIET ENJOYMENT OF THE CAMPGROUND;

5. VIOLATES ANY FEDERAL, STATE OR LOCAL LAW; OR

6. VIOLATES ANY OTHER LAWFUL REGULATION PROMULGATED BY THE CAMPGROUND OWNER AND CONTINUES IN VIOLATION FOR MORE THAN TWENTY-FOUR HOURS AFTER THE CAMPGROUND OWNER HAS GIVEN WRITTEN NOTICE OF SUCH VIOLATION AND DIRECTING THAT SUCH PERSON CORRECT OR CEASE VIOLATION OF SUCH RULE OR REGULATION.

C. A PERSON WHO REMAINS ON A CAMPGROUND AFTER HAVING BEEN ASKED TO LEAVE BY A CAMPGROUND OWNER FOR VIOLATING ANY OF THE PROVISIONS OF

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

LBD09119-01-1

SUBDIVISION B OF THIS SECTION SHALL BE GUILTY OF TRESPASS AND MAY BE REMOVED SUMMARILY BY THE CAMPGROUND OWNER OR A LAW ENFORCEMENT OFFICER.

D. A PERSON WHO IS REMOVED FROM A CAMPGROUND PURSUANT TO SUBDIVISION C OF THIS SECTION SHALL BE ENTITLED TO A REFUND OF THE UNUSED PORTION OF ANY PREPAID FEES, LESS ANY AMOUNT OTHERWISE OWED TO THE CAMPGROUND OWNER OR DEDUCTED FOR DAMAGES, WHICH UNUSED PORTION OF PREPAID FEES MAY BE PRORATED AT A RATE THAT IS BASED UPON THE DAILY RATE CHARGED BY THE CAMPGROUND OWNER.

E. ANY PERSON REMOVED FROM A CAMPGROUND WHO OR WHO OTHERWISE LEAVES PROPERTY ON THE CAMPGROUND WITHOUT THE PERMISSION OF THE CAMPGROUND OWNER UPON THE CONCLUSION OF A CAMPING SEASON SHALL BE PROVIDED WITH A REASONABLE OPPORTUNITY TO RETURN TO THE CAMPGROUND, EITHER PERSONALLY OR THROUGH A PERSON WHO HAS BEEN GIVEN WRITTEN AUTHORITY TO ACT ON BEHALF OF SUCH PERSON, FOR THE PURPOSE OF RECLAIMING SUCH PROPERTY. PROPERTY THAT IS NOT RECLAIMED SHALL BE DEEMED TO HAVE BEEN PLACED IN STORAGE AND MAY BE DISPOSED OF BY THE CAMPGROUND OWNER PURSUANT TO THE TERMS OF ARTICLE NINE OF THE LIEN LAW. A MOTOR VEHICLE SHALL BE DEEMED TO HAVE BEEN STORED BY A BAILEE OF MOTOR VEHICLES PURSUANT TO SECTION ONE HUNDRED EIGHTY-FOUR OF THE LIEN LAW AND OTHER PERSONAL PROPERTY SHALL BE DEEMED TO HAVE BEEN STORED BY THE OWNER OF A SELF SERVICE STORAGE FACILITY PURSUANT TO SECTION ONE HUNDRED EIGHTY-TWO OF THE LIEN LAW.

S 2. This act shall take effect immediately.