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

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I N A S S E M B L Y

April 20, 2012

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

AN ACT to amend the lien law, in relation to a campground owner's lien

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

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

S 181. CAMPGROUND OWNER'S LIEN. 1. DEFINITIONS. AS USED IN THIS ARTICLE:

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

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

(C) "GUEST" MEANS A PERSON WHO ENTERS INTO A WRITTEN OCCUPANCY AGREEMENT WITH A CAMPGROUND OWNER TO OCCUPY A CAMPSITE.

(D) "OCCUPANCY AGREEMENT" MEANS ANY WRITTEN AGREEMENT BETWEEN A CAMPGROUND OWNER AND GUEST THAT ESTABLISHES OR MODIFIES THE TERMS, CONDITIONS, RULES OR ANY OTHER PROVISIONS CONCERNING THE USE AND OCCUPANCY OF A CAMPSITE.

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

2. LIEN. A CAMPGROUND OWNER HAS A LIEN UPON A RECREATIONAL VEHICLE AND ITS CONTENTS FOR OCCUPANCY FEES AND OTHER CHARGES THAT ARE SET FORTH IN AN OCCUPANCY AGREEMENT, TOGETHER WITH SUCH OTHER FEES AND CHARGES THAT A GUEST MAY INCUR IN A STORE, MARINA OR SIMILAR FACILITY OWNED OR OPERATED BY THE CAMPGROUND OWNER AND SUCH OTHER AND FURTHER EXPENSES THAT THE CAMPGROUND OWNER MAY REASONABLY INCUR IN CONNECTION WITH THE PRESERVATION AND SALE OR OTHER DISPOSITION OF THE RECREATIONAL VEHICLE AND ITS CONTENTS IN ACCORDANCE WITH THIS CHAPTER. THE LIEN PROVIDED FOR IN THIS SECTION IS SUPERIOR TO ANY OTHER LIEN OR SECURITY INTEREST AND IT ATTACHES AS OF THE DATE OF EXECUTION OF THE OCCUPANCY AGREEMENT.

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

S 2. This act shall take effect immediately.

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

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