

1360

2013-2014 Regular Sessions

I N   S E N A T E

(PREFILED)

January 9, 2013

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Introduced by Sens. LITTLE, HASSELL-THOMPSON, MAZIARZ, NOZZOLIO -- read twice and ordered printed, and when printed to be committed 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:

1     Section 1. The real property law is amended by adding a new section  
2     233-b to read as follows:  
3     S 233-B. CAMPGROUNDS. A. WHENEVER USED IN THIS SECTION:  
4     1. "CAMPGROUND" MEANS ANY PARCEL OR TRACT OF LAND, INCLUDING BUILDINGS  
5     OR OTHER STRUCTURES, WHERE FIVE OR MORE CAMPSITES ARE MADE AVAILABLE FOR  
6     USE AS TEMPORARY LIVING QUARTERS FOR RECREATIONAL, CAMPING, TRAVEL OR  
7     SEASONAL USE.  
8     2. "CAMPGROUND OWNER" MEANS THE OWNER OR OPERATOR OF A CAMPGROUND OR  
9     AN AGENT OF SUCH OWNER OR OPERATOR.  
10    B. A CAMPGROUND OWNER MAY REMOVE OR CAUSE TO BE REMOVED FROM A CAMP-  
11    GROUND ANY PERSON WHO:  
12    1. IS NOT A REGISTERED GUEST OR VISITOR OF THE CAMPGROUND;  
13    2. REMAINS ON THE CAMPGROUND BEYOND AN AGREED-UPON DEPARTURE TIME AND  
14    DATE;  
15    3. DEFAULTS IN THE PAYMENT OF ANY LAWFULLY IMPOSED REGISTRATION OR  
16    VISITOR FEE OR CHARGE;  
17    4. CREATES A DISTURBANCE THAT DENIES OTHER PERSONS THEIR RIGHT TO  
18    QUIET ENJOYMENT OF THE CAMPGROUND;  
19    5. VIOLATES ANY FEDERAL, STATE OR LOCAL LAW; OR  
20    6. VIOLATES ANY OTHER LAWFUL REGULATION PROMULGATED BY THE CAMPGROUND  
21    OWNER AND CONTINUES IN VIOLATION FOR MORE THAN TWENTY-FOUR HOURS AFTER  
22    THE CAMPGROUND OWNER HAS GIVEN WRITTEN NOTICE OF SUCH VIOLATION AND  
23    DIRECTING THAT SUCH PERSON CORRECT OR CEASE VIOLATION OF SUCH RULE OR  
24    REGULATION.

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

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1 C. A PERSON WHO REMAINS ON A CAMPGROUND AFTER HAVING BEEN ASKED TO  
2 LEAVE BY A CAMPGROUND OWNER FOR VIOLATING ANY OF THE PROVISIONS OF  
3 SUBDIVISION B OF THIS SECTION SHALL BE GUILTY OF TRESPASS AND MAY BE  
4 REMOVED SUMMARILY BY THE CAMPGROUND OWNER OR A LAW ENFORCEMENT OFFICER.

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

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

24 S 2. This act shall take effect immediately.