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

7308

2013-2014 Regular Sessions

I N A S S E M B L Y

May 10, 2013

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 establishing 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 SECTION:

(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 A 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 MOTIVE POWER, OR IS MOUNTED ON OR TOWED BY A MOTOR VEHICLE.

2. LIEN. A CAMPGROUND OWNER HAS A LIEN UPON A RECREATIONAL VEHICLE 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 THE REASONABLE AND ACTUAL COSTS INCURRED BY THE CAMPGROUND OWNER IN ENFORCING A LIEN UNDER THIS CHAPTER. A CAMPGROUND

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

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OWNER SHALL NOT EXERCISE ANY OF THE RIGHTS AND PRIVILEGES UNDER THIS SECTION UNTIL A GUEST HAS BEEN IN A DEFAULT IN THE PAYMENT OF OCCUPANCY FEES AND OTHER CHARGES FOR A PERIOD OF THIRTY DAYS, AFTER WHICH TIME THE CAMPGROUND OWNER SHALL PROVIDE THE GUEST WITH WRITTEN NOTICE BY CERTIFIED MAIL WHICH CONTAINS THE FOLLOWING:

(A) A STATEMENT THAT THE GUEST IS IN DEFAULT FOR A PERIOD OF THIRTY DAYS OR MORE UNDER THE TERMS AND CONDITIONS OF HIS OR HER OCCUPANCY AGREEMENT;

(B) THE AMOUNT OF SUCH DEFAULT;

(C) A DEMAND FOR PAYMENT WITHIN FIFTEEN DAYS FROM THE DATE THAT NOTICE WAS MAILED; AND

(D) A STATEMENT THAT, UPON A FAILURE TO PAY SUCH AMOUNT, THE GUEST'S RECREATIONAL VEHICLE AND OTHER PROPERTY WILL BE REMOVED FROM HIS OR HER CAMPSITE AND THAT THE CAMPGROUND OWNER WILL COMMENCE PROCEEDINGS TO ENFORCE ITS LIEN PURSUANT TO THE PROVISIONS OF ARTICLE NINE OF THIS CHAPTER.

SUCH NOTICE SHALL ALSO PROVIDE THE GUEST WITH TIMES AND DATES THAT HE OR SHE MAY RETRIEVE HIS OR HER PERSONAL PROPERTY FROM THE RECREATIONAL VEHICLE AND THAT SUCH PROPERTY SHALL BE DEEMED TO HAVE BEEN ABANDONED IF NOT RETRIEVED PRIOR TO THE TIME AND DATE THAT THE RECREATIONAL VEHICLE IS SOLD PURSUANT TO ARTICLE NINE OF THIS CHAPTER. THE LIEN PROVIDED FOR IN THIS SECTION IS SUPERIOR TO ANY OTHER LIEN OR SECURITY INTEREST.

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.