

1684--A

2015-2016 Regular Sessions

I N   S E N A T E

January 14, 2015

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Introduced by Sen. LITTLE -- read twice and ordered printed, and when printed to be committed to the Committee on Judiciary -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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:

1     Section 1.     The lien law is amended by adding a new section 181 to  
2     read as follows:  
3     S 181. CAMPGROUND OWNER'S LIEN. 1. DEFINITIONS. AS USED IN THIS  
4     SECTION:  
5     (A) "CAMPGROUND" MEANS ANY PARCEL OR TRACT OF LAND, WHERE FIVE OR MORE  
6     CAMPSITES ARE MADE AVAILABLE FOR USE AS TEMPORARY LIVING QUARTERS FOR  
7     RECREATIONAL, CAMPING, TRAVEL OR SEASONAL USE.  
8     (B) "CAMPGROUND OWNER" MEANS THE OWNER OR OPERATOR OF A CAMPGROUND OR  
9     AN AGENT OF SUCH OWNER OR OPERATOR.  
10    (C) "CAMPING SEASON" MEANS THE PERIOD OF TIME THAT A CAMPGROUND IS  
11    OPEN FOR THE PURPOSE OF ALLOWING GUESTS TO OCCUPY CAMPSITES DURING THE  
12    COURSE OF A YEAR.  
13    (D) "GUEST" MEANS A PERSON WHO ENTERS INTO A WRITTEN OCCUPANCY AGREE-  
14    MENT WITH A CAMPGROUND OWNER TO OCCUPY A CAMPSITE.  
15    (E) "OCCUPANCY AGREEMENT" MEANS ANY WRITTEN AGREEMENT BETWEEN A CAMP-  
16    GROUND OWNER AND A GUEST THAT ESTABLISHES OR MODIFIES THE TERMS, CONDI-  
17    TIONS, RULES OR ANY OTHER PROVISIONS CONCERNING THE USE AND OCCUPANCY OF  
18    A CAMPSITE.  
19    (F) "RECREATIONAL VEHICLE" MEANS A VEHICLE PRIMARILY DESIGNED AS  
20    TEMPORARY LIVING QUARTERS FOR RECREATIONAL, CAMPING, TRAVEL OR SEASONAL  
21    USE THAT EITHER HAS ITS OWN MOTIVE POWER, OR IS MOUNTED ON OR TOWED BY  
22    ANOTHER MOTOR VEHICLE.

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

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1       2. LIEN. A CAMPGROUND OWNER HAS A LIEN UPON A RECREATIONAL VEHICLE FOR  
2 OCCUPANCY FEES AND OTHER CHARGES THAT ARE SET FORTH IN AN OCCUPANCY  
3 AGREEMENT, TOGETHER WITH SUCH OTHER FEES AND CHARGES THAT A GUEST MAY  
4 INCUR IN A STORE, MARINA OR SIMILAR FACILITY OWNED OR OPERATED BY THE  
5 CAMPGROUND OWNER AND THE REASONABLE AND ACTUAL COSTS INCURRED BY THE  
6 CAMPGROUND OWNER IN ENFORCING A LIEN UNDER THIS CHAPTER, PROVIDED THAT  
7 SUCH LIEN SHALL NOT EXTEND TO STORAGE FEES INCURRED AFTER THE END OF A  
8 CAMPING SEASON OR THE DATE THAT A RECREATIONAL VEHICLE IS REMOVED FROM A  
9 CAMPSITE PURSUANT TO THIS SECTION, WHICHEVER IS EARLIER. A CAMPGROUND  
10 OWNER SHALL NOT EXERCISE ANY OF THE RIGHTS AND PRIVILEGES UNDER THIS  
11 SECTION UNTIL A GUEST HAS BEEN IN DEFAULT IN THE PAYMENT OF OCCUPANCY  
12 FEES AND OTHER CHARGES FOR A PERIOD OF THIRTY DAYS, AFTER WHICH TIME THE  
13 CAMPGROUND OWNER SHALL PROVIDE THE GUEST WITH WRITTEN NOTICE BY CERTI-  
14 FIED MAIL WHICH CONTAINS THE FOLLOWING:

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

18       (B) THE AMOUNT OF SUCH DEFAULT;

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

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

26       (E) THE TIMES AND DATES THAT THE GUEST MAY RETRIEVE HIS OR HER  
27 PERSONAL PROPERTY FROM THE RECREATIONAL VEHICLE AND THAT SUCH PROPERTY  
28 SHALL BE DEEMED TO HAVE BEEN ABANDONED IF NOT RETRIEVED PRIOR TO THE  
29 TIME AND DATE THAT THE RECREATIONAL VEHICLE IS SOLD PURSUANT TO ARTICLE  
30 NINE OF THIS CHAPTER.

31       4. A LIKE NOTICE SHALL BE SERVED IN THE SAME MANNER UPON ANY PERSON  
32 WHO SHALL HAVE GIVEN TO THE LIENOR NOTICE OF AN INTEREST IN THE PROPERTY  
33 SUBJECT TO THE LIEN OR IS LISTED AS A LIENHOLDER UPON THE CERTIFICATE OF  
34 TITLE OF THE RECREATIONAL VEHICLE PURSUANT TO THE PROVISIONS OF THE  
35 VEHICLE AND TRAFFIC LAW.

36       S 2. This act shall take effect immediately.