

STATE OF NEW YORK

751

2017-2018 Regular Sessions

IN SENATE

January 4, 2017

Introduced by Sen. LITTLE -- read twice and ordered printed, and when printed to be committed 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:

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

3 § 181. Campground owner's lien. 1. As used in this article:

4 (a) "Campground" means any parcel or tract of land, where five or more
5 campsites are made available for use as temporary living quarters for
6 recreational, camping, travel or seasonal use.

7 (b) "Campground owner" means the owner or operator of a campground or
8 an agent of such owner or operator.

9 (c) "Camping season" means the period of time that a campground is
10 open for the purpose of allowing guests to occupy campsites during the
11 course of a year.

12 (d) "Guest" means a person who enters into a written occupancy agree-
13 ment with a campground owner to occupy a campsite.

14 (e) "Occupancy agreement" means any written agreement between a camp-
15 ground owner and guest that establishes or modifies the terms, condi-
16 tions, rules or any other provisions concerning the use and occupancy of
17 a campsite.

18 (f) "Recreational vehicle" means a vehicle primarily designed as
19 temporary living quarters for recreational, camping, travel, or seasonal
20 use that either has its own motive power or is mounted on or towed by
21 another vehicle.

22 2. A campground owner has a lien upon a recreational vehicle for occu-
23 pancy fees and other charges that are set forth in an occupancy agree-
24 ment, together with such other fees and charges that a guest may incur
25 in a store, marina or similar facility owned or operated by the camp-
26 ground owner and the reasonable and actual costs incurred by the camp-

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

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1 ground owner in enforcing a lien under this chapter, provided that such
2 lien shall not extend to storage fees incurred after the end of a camp-
3 ing season or the date that a recreational vehicle is removed from a
4 campsite pursuant to this section, whichever is earlier.

5 3. The provisions of this section shall not apply unless an occupancy
6 agreement contains a clause alerting a guest that a default in the
7 payment of occupancy fees and other charges for a period of thirty days
8 may result in the campground owner taking possession of the guest's
9 recreational vehicle and other personal property and selling same pursu-
10 ant to the terms of article nine of this chapter.

11 4. A campground owner shall not exercise any of the rights and privi-
12 leges under this section until a guest has been in default in the
13 payment of occupancy fees and other charges for a period of thirty days,
14 after which time the campground owner shall provide the guest with writ-
15 ten notice served personally if such guest is occupying his or her
16 recreational vehicle at the campground at the time of service or by
17 ordinary mail and certified mail directed to the address contained in
18 the occupancy agreement if such guest is not occupying his or her recre-
19 ational vehicle at the time of service, which notice shall contain the
20 following:

21 (a) a statement that the guest is in default for a period of thirty
22 days or more under the terms and conditions of his or her occupancy
23 agreement;

24 (b) the amount of such default;

25 (c) a demand for payment within fifteen days from the date that notice
26 was mailed;

27 (d) a statement that, upon a failure to pay such amount, the guest's
28 recreational vehicle and other property will be removed from his or her
29 campsite and that the campground owner will commence proceedings to
30 enforce its lien pursuant to the provisions of article nine of this
31 chapter;

32 (e) a statement advising the guest that he or she may bring an action
33 against the campground owner pursuant to section two hundred one-a of
34 this chapter if he or she contests the validity or amount of the lien;
35 and

36 (f) the times and dates that the guest may retrieve his or her recre-
37 ational vehicle upon payment of the amount of the lien and/or other
38 personal property belonging to the guest without payment of such amount.
39 If such personal property remains unclaimed, it will be sold with the
40 recreational vehicle pursuant to the provisions of article nine of this
41 chapter.

42 5. A like notice shall be served by certified mail upon any person who
43 shall have given to the lienor notice of an interest in the property
44 subject to the lien or is listed as a lienholder upon the certificate of
45 title of the recreational vehicle pursuant to the provisions of the
46 vehicle and traffic law.

47 § 2. This act shall take effect immediately.