

STATE OF NEW YORK

1944--A

2019-2020 Regular Sessions

IN SENATE

January 17, 2019

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 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 § 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 3. "Guest" means a person who occupies a campsite pursuant to an
11 agreement with a term of more than one week.

12 b. 1. A campground owner may request any law enforcement officer
13 remove any guest who willfully denies other guests their right to quiet
14 enjoyment of the campground, including, but not limited, to any guest
15 who:

16 (a) disturbs, threatens or endangers other guests;

17 (b) is less than twenty-one years of age and possesses alcohol;

18 (c) possesses illegal drugs;

19 (d) violates any state or local law; or

20 (e) violates any other lawful rule or regulation of the campground
21 that enhances the safety and quiet enjoyment of its guests and is posted
22 in a conspicuous place or made a part of the guest's occupancy agree-
23 ment.

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

LBD03141-03-9

1 2. the right to request a guest to be removed by any law enforcement
2 officer can only be exercised after the campground owner or its agent
3 has provided the guest with written warning that his or her conduct
4 shall result in a removal from the campground if it is repeated. In the
5 event that such conduct is repeated and the guest fails to vacate the
6 campground upon being requested to do so, the campground owner may only
7 cause the guest to be removed by a law enforcement officer, who may cite
8 the guest with trespass.

9 c. A person who is removed from a campground pursuant to subdivision b
10 of this section shall be entitled to a refund of the unused portion of
11 any prepaid fees, less any amount otherwise owed to the campground owner
12 or deducted for damages, which unused portion of prepaid fees may be
13 prorated at a rate that is based upon the daily rate charged by the
14 campground owner.

15 d. A campground owner may remove property belonging to a person who is
16 removed from a campground pursuant to subdivision b of this section from
17 a campsite and such property, whether removed from a campsite or allowed
18 to remain on a campsite, shall be deemed to be placed in storage. A
19 campground owner shall provide the owner of such property thirty days
20 written notice, by certified mail, return receipt requested, to remove
21 such property and dispose of such property pursuant to article nine of
22 the lien law in the event the owner fails to remove such property within
23 the thirty-day period of time.

24 § 2. This act shall take effect immediately.