

Assembly Bill No. 1964

CHAPTER 530

An act to amend Sections 799.30, 799.46, and 799.55 of, and to add Sections 1866 and 1867 to, the Civil Code, relating to evictions.

[Approved by Governor September 15, 2004. Filed with Secretary of State September 15, 2004.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1964, Leslie. Evictions: special occupancy parks.

Existing law authorizes an innkeeper of a hotel to evict a guest if the guest refuses or otherwise fails to fully depart from the guestroom by the innkeeper's posted checkout time.

This bill would permit the park management of a special occupancy park, as defined, to evict a guest if the guest refuses or fails to depart from the campsite, camping cabin, lot, or other rental unit by checkout time under certain circumstances. The bill would authorize the park management, after satisfying specified conditions, to take possession of the guest's property and have a guest's recreational vehicle or motor vehicle towed from the special occupancy park and to make the guest's campsite, camping cabin, lot, or rental unit available to a new guest.

The bill would also authorize the park management of a special occupancy park to require a guest to move from one space in the park to a different space if an imminent danger, as defined, is present. The bill would also make related, conforming changes to other provisions of law.

The people of the State of California do enact as follows:

SECTION 1. Section 799.30 of the Civil Code is amended to read:
799.30. "Recreational vehicle park" or "park" has the same meaning as defined in Section 18862.39 of the Health and Safety Code.

SEC. 2. Section 799.46 of the Civil Code is amended to read:

799.46. At the entry to a recreational vehicle park, or within the separate designated section for recreational vehicles within a mobilehome park, there shall be displayed in plain view on the property a sign indicating that the recreational vehicle may be removed from the premises for the reasons specified in Sections 799.22 and 1866 and containing the telephone number of the local traffic law enforcement agency. Nothing in this section shall prevent management from additionally displaying the sign in other locations within the park.

SEC. 3. Section 799.55 of the Civil Code is amended to read:



799.55. Except as provided in subdivision (b) of Section 1866, as a prerequisite to the right of management to have a defaulting occupant's recreational vehicle removed from the lot which is the subject of the registration agreement between the park and the occupant pursuant to Section 799.57, the management shall serve a 72-hour written notice as prescribed in Section 799.56. A defaulting occupant may correct his or her payment deficiency within the 72-hour period during normal business hours.

SEC. 4. Section 1866 is added to the Civil Code, to read:

1866. (a) For purposes of this section, the following definitions apply:

(1) "Camping cabin" has the same meaning as in Section 18862.5 of the Health and Safety Code.

(2) "Campsite" has the same meaning as in Section 18862.9 of the Health and Safety Code.

(3) "Guest" is interchangeable with "occupant" and has the same meaning as used in Chapter 2.6 (commencing with Section 799.20) of Title 2 of Part 2 of Division 1.

(4) "Lot" has the same meaning as in Section 18862.23 of the Health and Safety Code.

(5) "Motor vehicle" has the same meaning as in Section 415 of the Vehicle Code.

(6) "Occupant" is interchangeable with "guest" and has the same meaning as used in Chapter 2.6 (commencing with Section 799.20) of Title 2 of Part 2 of Division 1.

(7) "Park trailer" has the same meaning as in Section 18009.3 of the Health and Safety Code.

(8) "Recreational vehicle" has the same meaning as in Section 18010 of the Health and Safety Code.

(9) "Site" means the campsite, camping cabin, lot, or rental unit.

(10) "Special occupancy park" has the same meaning as in Section 18862.43 of the Health and Safety Code.

(11) "Tent" has the same meaning as in Section 18862.49 of the Health and Safety Code.

(b) (1) Notwithstanding any other provision of law, the park management of a special occupancy park shall have the right to evict a guest if the guest refuses or otherwise fails to fully depart from the campsite, camping cabin, lot, or other rental unit at the park management's posted checkout time on the date agreed to by the guest, but only if the following conditions are met:

(A) The guest is provided with written notice, at the time that he or she was provided accommodations by the park management, that the park management needs that guest's campsite, camping cabin, lot, or



rental unit to accommodate an arriving person with a contractual right thereto, and that if the guest fails to fully depart at the time agreed to, the park management may take possession of the guest's property left in the site, subject to the limits of paragraph (2), including any tent, park trailer, or recreational vehicle, and make the campsite, camping cabin, lot, or rental unit available to new guests. The written notice shall be signed by the guest.

(B) (i) At the time that the park management actually undertakes to evict the guest as specified in this subdivision, the park management has a contractual obligation to provide the guest's campsite, camping cabin, lot, or rental unit to an arriving person and there are no other substantially similar campsites, camping cabins, lots, or rental units available for the arriving person.

(ii) Subject to the same requirements described in subparagraph (i), a guest may be provided with the notice described in subparagraph (A) subsequent to the time he or she was provided accommodations by park management, if the notice is provided at least 24 hours prior to the guest's scheduled checkout time. If park management provides a notice under this subparagraph in bad faith or with the knowledge that the contractual obligation is not a bona fide obligation, it shall be liable to the evicted guest for actual damages, plus a civil penalty of two hundred fifty dollars (\$250).

(C) At the time that the park management actually undertakes to evict the guest as specified in this subdivision, the park management offers another campsite, camping cabin, lot, or rental unit to the guest, if one is available.

(2) In addition to the requirements of paragraph (1), in order for management to remove a recreational vehicle or motor vehicle, the park management shall do all of the following:

(A) Management shall have an oral, face-to-face communication with the registered guest after the guest has held over that does all of the following:

(i) Alerts the guest that he or she is in violation of the terms of the reservation because he or she has failed to depart the site at the agreed-upon time.

(ii) Reminds the guest that failure to remove a recreational vehicle, motor vehicle, or any other property from the space within two hours may result in the park management removing the recreational vehicle, motor vehicle, or any other property.

(iii) Discloses that the cost of towing a recreational vehicle or motor vehicle is substantial and that these costs will be incurred by the guest.

(iv) Identifies another location in the park to which the guest may temporarily move his or her recreational vehicle or motor vehicle.



(B) The park management gives the guest two hours after the park management has communicated with the guest, pursuant to subparagraph (A), to remove the guest's recreational vehicle, motor vehicle, or other property from the site.

(c) Except as provided in subdivision (f), if the conditions specified in subdivision (b) are met, the park management may take possession of the guest's property left at the site and have the guest's recreational vehicle or motor vehicle towed from the special occupancy park and make the guest's campsite, camping cabin, lot, or rental unit available to a new guest. Park management may enter a campsite, camping cabin, park trailer, lot, or rental unit owned by the park management to take possession of the guest's possessions. The evicted guest shall be entitled to immediate possession of his or her property upon request, subject to the enforcement rights of the park management, which are the same as those accorded to a hotel, motel, inn, boarding house, or lodging housekeeper, pursuant to Sections 1861 to 1861.28, inclusive. If a guest's recreational vehicle or motor vehicle has been towed from the premises, the guest shall be entitled to immediate possession of his or her vehicle upon request, subject to the conditions of the towing company.

(d) When the park management moves or causes the removal of a guest's recreational vehicle, motor vehicle, or other property, the management and the individual or entity that removes the recreational vehicle, motor vehicle, or other property shall exercise reasonable and ordinary care in removing the recreational vehicle, motor vehicle, or other property.

(e) This section does not apply to a manufactured home, as defined in Section 18007 of the Health and Safety Code, or a mobilehome, as defined in Section 18008 of the Health and Safety Code.

(f) In the event that a guest is incapable of removing his or her recreational vehicle or motor vehicle from the lot because of: (1) a physical incapacity, (2) the recreational vehicle or motor vehicle is not motorized and cannot be moved by the guest's vehicle, or (3) the recreational vehicle or motor vehicle is inoperable due to mechanical difficulties, the guest shall be provided with 72 hours in which to remove the vehicle. If the guest has not removed the vehicle within 72 hours, park management may remove the vehicle without further notice.

(g) As pertains to a minor, the rights of guests include, but are not limited to, the following:

(1) If a minor who is unaccompanied by an adult seeks accommodations, the park management may require a parent or guardian of the minor, or another responsible adult, to assume, in writing, full liability for any and all proper charges and other obligations incurred by



the minor for accommodations, food and beverages, and other services provided by or through the park management, as well as for any and all injuries or damage caused by the minor to any person or property.

(2) If a minor is accompanied by an adult, the park management may require the adult to agree, in writing, not to leave any minor 12 years of age or younger unattended on the park management's premises at any time during their stay, and to control the minor's behavior during their stay so as to preserve the peace and quiet of the other guests and to prevent any injury to any person and damage to any property.

SEC. 5. Section 1867 is added to the Civil Code, to read:

1867. (a) The park management of a special occupancy park may require a guest to move from a space in the special occupancy park to a different space in the special occupancy park if an imminent danger is present, as determined by the park management. If possible, the park management shall offer to return the guest to his or her original space once the park management has determined that the imminent danger is removed or resolved.

(b) For purposes of this section, the following definitions apply:

(1) "Imminent danger" means a danger that poses an immediate and likely risk to the health or safety of a guest or guests in the special occupancy park.

(2) "Space" means any of the following:

(A) "Camping cabin," as defined in Section 18862.5 of the Health and Safety Code.

(B) "Campsite," as defined in Section 18862.9 of the Health and Safety Code.

(C) "Lot," as defined in Section 18862.23 of the Health and Safety Code, or other rental unit.

(3) "Special occupancy park" has the same meaning as in Section 18862.43 of the Health and Safety Code.

