

1 HB456  
2 199206-1  
3 By Representatives Pettus, Treadaway, Hill, Standridge, Drake  
4 and Wilcox  
5 RFD: Judiciary  
6 First Read: 16-APR-19

2  
3  
4  
5  
6  
7  
8 SYNOPSIS: Existing law does not specifically provide a  
9 procedure for the operator of a recreational  
10 vehicle park to evict a guest of the park based on  
11 the conduct of the guest.

12 This bill would allow the operator of a  
13 recreational vehicle park to request a guest in the  
14 park to leave the park if the guest has a  
15 controlled substance, disturbs the peace and  
16 comfort of other persons who are in the park,  
17 damages the park, or fails to pay rent for use of  
18 the park and would provide the procedure for  
19 notifying a guest to leave the park.

20 This bill would provide criminal penalties  
21 for a person who fails to leave upon request.

22 Amendment 621 of the Constitution of Alabama  
23 of 1901, now appearing as Section 111.05 of the  
24 Official Recompilation of the Constitution of  
25 Alabama of 1901, as amended, prohibits a general  
26 law whose purpose or effect would be to require a  
27 new or increased expenditure of local funds from

1 becoming effective with regard to a local  
2 governmental entity without enactment by a 2/3 vote  
3 unless: it comes within one of a number of  
4 specified exceptions; it is approved by the  
5 affected entity; or the Legislature appropriates  
6 funds, or provides a local source of revenue, to  
7 the entity for the purpose.

8 The purpose or effect of this bill would be  
9 to require a new or increased expenditure of local  
10 funds within the meaning of the amendment. However,  
11 the bill does not require approval of a local  
12 governmental entity or enactment by a 2/3 vote to  
13 become effective because it comes within one of the  
14 specified exceptions contained in the amendment.

15  
16 A BILL  
17 TO BE ENTITLED  
18 AN ACT  
19

20 Relating to recreational parks; to allow the  
21 operator of a recreational vehicle park to request a guest in  
22 the park to leave the park for specified conduct; to provide  
23 the procedure for notifying a guest to leave the park; to  
24 provide criminal penalties; and in connection therewith would  
25 have as its purpose or effect the requirement of a new or  
26 increased expenditure of local funds within the meaning of  
27 Amendment 621 of the Constitution of Alabama of 1901, now

1 appearing as Section 111.05 of the Official Recompilation of  
2 the Constitution of Alabama of 1901, as amended.

3 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

4 Section 1. (a) As used in this section, the term  
5 "recreational vehicle park" has the following meaning:

6 A place set aside and offered by a person, for  
7 direct or indirect remuneration of the owner, lessor, or  
8 operator of the place, for the parking, accommodation, or  
9 rental of five or more recreational vehicles or tents. The  
10 term includes buildings and sites set aside for group camping  
11 and similar recreational facilities.

12 (b) The operator of a recreational vehicle park may  
13 request a guest of the park who, while on the premises of the  
14 park, illegally possesses or deals in a controlled substance,  
15 as defined in Section 20-2-2 of the Code of Alabama 1975; who  
16 disturbs the peace and comfort of other persons; who causes  
17 damage to the park; or who fails to make payment of rent at  
18 the rental rate agreed upon and by the time agreed upon, to  
19 leave the park.

20 (c) The operator of a recreational vehicle park may  
21 notify a guest who commits any of the acts in subsection (b)  
22 that the park no longer desires to entertain the guest and may  
23 request the guest immediately depart from the park. The notice  
24 shall be given in writing. If the guest has paid in advance,  
25 the park, at the time the notice is given, shall tender to the  
26 guest the unused portion of the advance payment. Any guest who  
27 remains or attempts to remain in the park after being

1 requested to leave pursuant to this subsection is guilty of a  
2 Class B misdemeanor.

3 (d) The operator of the park shall employ all  
4 reasonable and proper means to care for any personal property  
5 left on the premises by a guest who has been evicted and  
6 refund any unused portion of moneys paid by the guest for the  
7 occupancy of the premises.

8 Section 2. Although this bill would have as its  
9 purpose or effect the requirement of a new or increased  
10 expenditure of local funds, the bill is excluded from further  
11 requirements and application under Amendment 621, now  
12 appearing as Section 111.05 of the Official Recompilation of  
13 the Constitution of Alabama of 1901, as amended, because the  
14 bill defines a new crime or amends the definition of an  
15 existing crime.

16 Section 3. This act shall become effective on the  
17 first day of the third month following its passage and  
18 approval by the Governor, or its otherwise becoming law.