

ASSEMBLY BILL

No. 126

Introduced by Assembly Member Hall

January 14, 2013

An act to amend Section 11273 of the Business and Professions Code, relating to real estate.

LEGISLATIVE COUNSEL'S DIGEST

AB 126, as introduced, Hall. Time shares: management and governance.

The Vacation Ownership and Time-share Act of 2004 requires a time-share association to maintain among its records a complete list of the names and addresses of all owners of time-share interests in the time-share plan. The list is required to be updated at least every 6 months.

This bill would instead require the time-share association to maintain a complete list of the names and postal addresses of all owners of time-share interests in the time-share plan and to update the list at least every 12 months.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

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

- 1 SECTION 1. Section 11273 of the Business and Professions
- 2 Code is amended to read:
- 3 11273. (a) The books of account, minutes of members and
- 4 governing body meetings, and all other records of the time-share
- 5 plan maintained by the association or the managing entity shall be

1 made available for inspection and copying by any member, or by
2 his or her duly appointed representative, at any reasonable time
3 for a purpose reasonably related to membership in the association.

4 (b) The records shall be made available for inspection at the
5 office where the records are maintained. Upon receipt of an
6 authenticated written request from a member along with the fee
7 prescribed by the governing body to defray the costs of
8 reproduction, the managing entity or other custodian of records of
9 the association or the time-share plan shall prepare and transmit
10 to the member a copy of any and all records requested.

11 (c) The governing body shall establish reasonable rules with
12 respect to all of the following:

13 (1) Notice to be given to the managing entity or other custodian
14 of the records by the member desiring to make the inspection or
15 to obtain copies.

16 (2) Hours and days of the week when a personal inspection of
17 the records may be made.

18 (3) Payment of the cost of reproducing copies of records
19 requested by a member.

20 (d) Every governing body member shall have the absolute right
21 at any time to inspect all books, records, and documents of the
22 association and all real and personal properties owned and
23 controlled by the association.

24 (e) The association shall maintain among its records a complete
25 list of the names and *postal* addresses of all owners of time-share
26 interests in the time-share plan. The association shall update this
27 list no less frequently than every ~~six~~ 12 months. Unless otherwise
28 provided in the time-share instruments, the association may not
29 publish this owner's list or provide a copy of it to any time-share
30 interest owner or to any third party or use or sell the list for
31 commercial purposes.

32 (f) For single site time-share plans and component sites of a
33 multisite time-share plan located outside of the state, the association
34 shall be subject to the provisions set forth in this section. The
35 association must be in compliance with the applicable laws of the
36 state or jurisdiction in which the time-share property or component
37 site is located, and if a conflict exists between laws of the situs
38 state and the requirements set forth in this section, the law of the
39 situs state shall control. If the association and the time-share
40 instruments provide for the matters contained in this section, the

1 association shall be deemed to be in compliance with the
2 requirements of this section and neither the developer nor the
3 association shall be required to make revisions to the time-share
4 instruments in order to comply with the section.

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