

ASSEMBLY BILL

No. 2290

Introduced by Assembly Member Hill

February 24, 2012

An act to amend Section 11273 of the Business and Professions Code, relating to land use.

LEGISLATIVE COUNSEL'S DIGEST

AB 2290, as introduced, Hill. Vacation ownership and time-shares: owners list.

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, as specified. Existing law prohibits an association from publishing the owners list or providing a copy of it to any time-share interest owner or to any 3rd party or using or selling the list for commercial purposes, except as provided in the time-share instruments.

This bill would require the association to maintain a complete list of the names and post office addresses of all owners of time-share interests in the time-share plan, and would prohibit the association from publishing the owners list or providing a copy of it to any time-share interest owner or to any 3rd or using or selling the list for commercial purposes. The bill would provide an alternate method for time-share interest owners to communicate with the entire membership of the association, as specified. The bill would also specify that certain provisions of the Nonprofit Mutual Benefit Corporation Law do not apply to time-share associations under the Vacation Ownership and Time-share Act of 2004.

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
6 made available for inspection and copying by any member, or by
7 his or her duly appointed representative, at any reasonable time
8 for a purpose reasonably related to membership in the association.
9 (b) The records shall be made available for inspection at the
10 office where the records are maintained. Upon receipt of an
11 authenticated written request from a member along with the fee
12 prescribed by the governing body to defray the costs of
13 reproduction, the managing entity or other custodian of records of
14 the association or the time-share plan shall prepare and transmit
15 to the member a copy of any and all records requested.
16 (c) The governing body shall establish reasonable rules with
17 respect to all of the following:
18 (1) Notice to be given to the managing entity or other custodian
19 of the records by the member desiring to make the inspection or
20 to obtain copies.
21 (2) Hours and days of the week when a personal inspection of
22 the records may be made.
23 (3) Payment of the cost of reproducing copies of records
24 requested by a member.
25 (d) Every governing body member shall have the absolute right
26 at any time to inspect all books, records, and documents of the
27 association and all real and personal properties owned and
28 controlled by the association.
29 (e) (1) The association shall maintain among its records a
30 complete list of the names and *post office* addresses of all owners
31 of time-share interests in the time-share plan. The association shall
32 update this list no less frequently than every six months. ~~Unless~~
33 ~~otherwise provided in the time-share instruments, the~~ *The*
34 ~~association may~~ *shall* not publish this owner’s list or provide a

1 copy of it to any time-share interest-owner's owners or to any third
2 party or use or sell the list for commercial purposes.

3 (2) *If an owner of a time-share interest in the time-share plan*
4 *provides a written request to the association to communicate with*
5 *the membership of the association, the association shall, within*
6 *30 days of the date of the written request, determine whether the*
7 *communication would advance legitimate association business,*
8 *and shall provide a method of making the requested communication*
9 *without providing access to, or a copy of, the association*
10 *membership list to the requesting owner. The association shall*
11 *notify the requesting owner of the costs associated with making*
12 *the communication, prior to making the communication, and the*
13 *requesting owner shall provide payment to the association prior*
14 *to the time the association makes the communication. Any*
15 *alternative method that accomplishes the purposes set forth in a*
16 *written request pursuant to this paragraph shall be deemed a*
17 *reasonable alternative. If the association determines that a*
18 *communication will not advance legitimate association business,*
19 *the association shall, within 30 days, notify the requesting owner*
20 *in writing and shall indicate the reasons for the rejection.*

21 (3) *Section 8330 of the Corporations Code shall not apply to*
22 *time-share associations under this act.*

23 (f) For single site time-share plans and component sites of a
24 multisite time-share plan located outside of the state, the association
25 shall be subject to the provisions set forth in this section. The
26 association must be in compliance with the applicable laws of the
27 state or jurisdiction in which the time-share property or component
28 site is located, and if a conflict exists between laws of the situs
29 state and the requirements set forth in this section, the law of the
30 situs state shall control. If the association and the time-share
31 instruments provide for the matters contained in this section, the
32 association shall be deemed to be in compliance with the
33 requirements of this section and neither the developer nor the
34 association shall be required to make revisions to the time-share
35 instruments in order to comply with the section.

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