

SENATE BILL NO. 176—SENATOR SCHNEIDER

MARCH 5, 2009

Referred to Committee on Judiciary

SUMMARY—Makes various changes relating to time shares.
(BDR 10-692)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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EXPLANATION – Matter in ***bolded italics*** is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to time shares; providing for the relocation of an interest in a time share under certain circumstances; authorizing the withdrawal of time share units from a time-share plan under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1 of this bill provides that certain types of interests in a time share may be relocated to another unit or parcel if the replacement unit or parcel: (1) is within the same project and governed by the same time-share instrument as the original unit or parcel; (2) has a value which is greater than or equal to the value of the original unit or parcel; and (3) contains sleeping accommodations for at least the same number of persons as the original unit or parcel. **Section 1** only authorizes such relocation of an interest in a time share if: (1) the interest is owned by the developer; or (2) the relocation is approved by a majority of the association and agreed to by the developer.

Existing law provides that if a time-share instrument authorizes the developer to withdraw units from the time-share plan, any unit that is subject to withdrawal may not be withdrawn if a time share attributable to that unit is owned by a purchaser. (NRS 119A.495) **Sections 1 and 2** of this bill allow a unit or parcel to be withdrawn from a time-share plan by the developer if: (1) all remaining owners having an interest in the unit or parcel give their written consent; and (2) an equitable cost-sharing agreement covering any shared common area or amenities is entered into between the association and the owners.



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THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 119A of NRS is hereby amended by adding thereto a new section to read as follows:

1. Any interest in a time share that is an undivided fee simple interest or leasehold interest in a unit or parcel on which units are located, and any interest in a time share that is a license, may be relocated to another unit or parcel on which units are located if the replacement unit or parcel:

(a) Is within the same project and governed by the same time-share instrument as the original unit or parcel;

(b) Has a value which is greater than or equal to the value of the original unit or parcel; and

(c) Contains sleeping accommodations for at least the same number of persons as the original unit or parcel.

2. Relocation of an interest in a time share pursuant to this section only applies to an interest that is owned by the developer, unless the relocation is:

(a) Approved by the vote or the written consent of members of the association constituting the minimum percentage of the voting power of the association which constitutes a quorum pursuant to NRS 82.291; and

(b) Agreed to in writing by the developer.

3. The relocation of each interest in a time share pursuant to this section must be made by the recordation of an instrument signed by the developer that identifies:

(a) The names of the record owners of each interest in the time share to be relocated;

(b) The permanent identifying number of each interest in the time share;

(c) A legal description of the unit or parcel and the unit type to which each permanent identifying number was originally assigned; and

(d) A legal description of the unit or parcel and the unit type to which each permanent identifying number will be reassigned.

4. Upon recordation of the instrument described in subsection 3 and the mailing of the recorded instrument to the owner by certified mail, return receipt requested, to the last known address of the owner as shown in the records of the association, the owner of the interest in a time share identified in the recorded instrument shall be deemed to have no further right, title or interest in the unit or parcel originally conveyed or assigned to the owner.



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1 5. Any legally created unit or parcel within a project may be
2 withdrawn from the time-share plan by the developer if:

3 (a) All remaining owners having an interest in the unit or
4 parcel, if there are any such remaining owners, give written
5 consent to the withdrawal; and

6 (b) An equitable cost-sharing agreement covering any shared
7 common area or amenities is entered into between the association
8 governing the time-share plan and the owners of the withdrawn
9 unit or parcel.

10 Sec. 2. NRS 119A.495 is hereby amended to read as follows:

11 119A.495 ~~HH~~ Except as otherwise provided in section 1 of
12 this act, if a time-share instrument authorizes the developer to
13 withdraw units from the time-share plan, any unit that is subject to
14 withdrawal may not be withdrawn if a time share attributable to that
15 unit is owned by a purchaser.

