

SENATE BILL NO. 200—SENATOR SCHNEIDER

FEBRUARY 28, 2011

Referred to Committee on Judiciary

SUMMARY—Makes various changes relating to time shares.
(BDR 10-217)

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; restricting the disclosure of certain information about owners of time shares; requiring certain mailings to owners of time shares upon request by an owner; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 2 of this bill requires the manager or board of an association of a time-share plan to maintain a list of owners of time shares in the plan. **Section 2** also prohibits the manager or board from disclosing personal information about an owner without the prior written consent of the owner except under certain circumstances.

Section 3 of this bill requires the manager or board of an association of a time-share plan to: (1) mail certain materials to all owners on the list of owners of time shares in the plan upon the request of an owner under certain circumstances; (2) provide an owner with the option to place certain limits on the information that may be provided to other owners; (3) provide an owner with a written disclosure regarding the potential effect of giving consent to publish or furnish information about the owner; and (4) establish procedures for such mailings.

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 the provisions set forth as sections 2 and 3 of this act.

Sec. 2. 1. *A manager or, if there is no manager, the board shall maintain in the records of an association a complete list of*



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1 *the names and mailing addresses of all owners. The list must be*
2 *updated not less frequently than quarterly.*

3 2. *If a time-share plan is part of a common-interest*
4 *community governed by chapter 116 of NRS, the names and*
5 *addresses of delegates or representatives who are elected pursuant*
6 *to NRS 116.31105 or, if there are none, the name and address of*
7 *the association must appear on the list of owners of an association*
8 *organized under NRS 116.3101 in lieu of the names, addresses*
9 *and other personal information of the individual owners.*

10 3. *Notwithstanding any provision of the declaration or bylaws*
11 *of a time-share plan to the contrary, a manager or a board may*
12 *not, except as otherwise authorized or required by law, publish or*
13 *furnish any information about any owner to any other owner or*
14 *any other person without the prior written consent of the owner*
15 *whose information is requested.*

16 4. *Before obtaining the written consent of an owner pursuant*
17 *to subsection 3, a manager or a board shall provide the owner*
18 *with:*

19 (a) *The option to limit the information about the owner that*
20 *may be published or furnished to any other owner or any other*
21 *person:*

22 (1) *To exclusively the owner's name and mailing address;*
23 *and*

24 (2) *For use only in legitimate matters of business of the*
25 *association.*

26 (b) *The following written disclosure:*

27
28 **BY GIVING YOUR CONSENT TO PUBLISH OR**
29 **FURNISH INFORMATION ABOUT YOU FOR**
30 **PURPOSES OTHER THAN LEGITIMATE MATTERS OF**
31 **BUSINESS OF THE ASSOCIATION, THE**
32 **INFORMATION COULD BE USED FOR COMMERCIAL**
33 **OR OTHER PURPOSES.**
34

35 5. *The provisions of this section:*

36 (a) *Do not restrict the use by a manager or a board of*
37 *information about an owner in the performance of their respective*
38 *duties under the declaration of a time share plan or as otherwise*
39 *required by law.*

40 (b) *Supersede any provisions of chapter 82 of NRS to the*
41 *contrary.*

42 **Sec. 3. 1. A manager or, if there is no manager, the board**
43 **shall:**

44 (a) *Establish reasonable procedures by which owners may:*

45 (1) *Solicit votes or proxies from other owners; and*



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(2) Provide information to other owners with respect to legitimate matters of business of the association.

(b) Mail to all persons included in the list of owners materials provided by an owner upon the request of that owner if the purpose of the mailing is to advance legitimate matters of business of the association, including, without limitation, a solicitation of a proxy for any purpose, provided that the owner who requests the mailing;

(1) Provides to the manager or board a separate copy of the materials for each of the owners on the list or, if the mailing is to be transmitted electronically, a single copy of the materials in an electronic format; and

(2) Pays the association the actual costs of the mailing before the mailing.

2. The board is responsible for determining whether a mailing requested pursuant to this section advances legitimate matters of business of the association.

3. The manager or board, as applicable, may determine the manner in which a mailing may be accomplished.

4. For the purposes of this section, "mail" and "mailing" include, without limitation, a distribution made by electronic or similar means, such as the transmission of electronic mail as defined in NRS 41.715.

Sec. 4. (Deleted by amendment.)

Sec. 5. (Deleted by amendment.)

