

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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SENATE BILL 1015
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Short Title: Amend Time Share Registration Fees.

(Public)

Sponsors:

Referred to: Commerce

May 4, 1995

A BILL TO BE ENTITLED

AN ACT TO AMEND THE REGISTRATION PROCEDURES AND FEES FOR DEVELOPERS UNDER THE NORTH CAROLINA TIME SHARE ACT.

The General Assembly of North Carolina enacts:

Section 1. G.S. 93A-52 reads as rewritten:

"§ 93A-52. Application for registration of time share project; denial of registration; renewal; reinstatement; and termination of developer's interest.

(a) Registration. ~~Prior to the offering~~ Before a developer offers in this State of any to sell a time share located in this State, the developer of the time share project shall apply to the Commission to register the time share project of which the time share is located and shall pay the registration fee. ~~make written application to the Commission for the registration of the project. The application shall be accompanied by a fee in an amount fixed by the Commission but not to exceed fifteen hundred dollars (\$1500), and~~ An application shall be accompanied by the required fee and shall include a description of the time share offered or of the project, project in which the time share is located, copies of proposed time share instruments including public offering statements, sale contracts, deeds, and other documents referred to therein, information pertaining to any marketing or managing entity to be employed by the developer for the sale of time shares in a time share project

1 or the management of the project, information regarding any exchange program available
2 to the purchaser, an irrevocable appointment of the Commission to receive service of any
3 lawful process in any proceeding against the developer or the developer's salesmen
4 arising under this Article, and ~~such any~~ other information as the Commission may by rule
5 require.

6 Upon receipt of a properly completed application and fee and upon a determination by
7 the Commission that the sale and management of the time shares in the time share project
8 will be directed and conducted by persons of good moral character, the Commission shall
9 issue to the developer a certificate of registration authorizing the developer to offer time
10 shares in the project for sale. The certificate of registration shall be prominently
11 displayed in the office of the developer. ~~The~~

12 The Commission shall within 15 days after receipt of an incomplete application,
13 notify the developer by mail that the Commission has found specified deficiencies, and
14 shall, within 45 days after the receipt of a properly completed application, either issue the
15 certificate of registration or notify the developer by mail of any specific objections to the
16 registration of the project. ~~The certificate shall be prominently displayed in the office of the~~
17 ~~developer on the site of the project.~~

18 The developer shall promptly report to the Commission any and all changes in the
19 information required to be submitted for the purpose of the registration. The developer
20 shall also immediately furnish the Commission complete information regarding any
21 change in its interest in a registered time share project. In the event a developer disposes
22 of, or otherwise terminates its interest in a time share project, the developer shall certify
23 to the Commission in writing that its interest in the time share project is terminated and
24 shall return to the Commission for cancellation the certificate of registration.

25 The acceptance by the Commission of an application for registration does not
26 constitute the approval of its contents or waive the authority of the Commission to take
27 disciplinary action as provided by this Article.

28 (b) Denial of Registration. – In the event the Commission finds that there is
29 substantial reason to deny the application for registration as a time share project, the
30 Commission shall notify the applicant that ~~such the~~ application has been denied and shall
31 afford the applicant an opportunity for a hearing before the Commission to show cause
32 why the application should not be denied. In all proceedings to deny a certificate of
33 registration, the provisions of Chapter 150B of the General Statutes shall be applicable.

34 (c) ~~The acceptance by the Commission of an application for registration shall not~~
35 ~~constitute the approval of its contents or waive the authority of the Commission to take~~
36 ~~disciplinary action as provided by this Article.~~

37 (d) Renewal of Registration. – All certificates of registration granted and issued by
38 the Commission under the provisions of this Article shall expire on the 30th day of June
39 following issuance thereof, and shall become invalid after ~~such that~~ date unless reinstated.
40 Renewal of ~~such a~~ certificate may be effected at any time during the month of June
41 preceding the date of expiration of ~~such the~~ registration upon proper application to the
42 Commission and by the payment of a ~~the~~ renewal fee ~~fixed by the Commission but not to~~
43 ~~exceed one thousand five hundred dollars (\$1,500) for each time share project.~~ fee. ~~The~~

1 developer shall, when making application for renewal, also provide a copy of the report
2 required in G.S. 93A-48. Each certificate reinstated after the expiration date thereof shall
3 be subject to a late filing fee of ~~fifty dollars (\$50.00)~~ in addition to the required renewal
4 fee. In the event a time share developer fails to reinstate the registration within 12 months
5 after the expiration date thereof, the Commission may, in its discretion, consider the time
6 share project as not having been previously registered, and thereby subject to the
7 provisions of this Article relating to the issuance of an original certificate. Duplicate
8 certificates may be issued by the Commission upon payment of ~~a fee of one dollar (\$1.00)~~
9 ~~by the registrant developer.~~ the required fee.

10 (e) Fees. – The Commission shall set the fee for the registration of a time share
11 project and for the renewal of a certificate of registration of a time share project. The
12 fees shall be graduated depending upon the number of time shares a developer owns in
13 the time share project. The maximum fee charged for registration of a time share project
14 and for renewal of a certificate of registration cannot exceed the amounts set in the
15 following table:

<u>Number of Time Shares in Project</u>	<u>Maximum Fee</u>
<u>Fewer than 5</u>	<u>No fee payable</u>
<u>5 - 10</u>	<u>\$500.00</u>
<u>10 or more</u>	<u>\$1,500.00.</u>

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20 For an application for registration of a time share project, the number of time shares
21 owned in the project is determined as of the date of application. For an application for
22 renewal of a certificate of registration, the number of time shares owned in the time share
23 project being renewed is determined as of July 1 of the renewal year.

24 The fee for the late renewal of a certificate of registration is fifty dollars (\$50.00).
25 The fee for issuing a duplicate certificate of registration is one dollar (\$1.00)."

26 Sec. 2. This act becomes effective July 1, 1995, and applies to certificates of
27 registration issued or renewed on or after that date.