

Stricken language would be deleted from and underlined language would be added to law as it existed prior to the 82nd General Assembly.

1 State of Arkansas
2 82nd General Assembly
3 Regular Session, 1999
4

As Engrossed: S3/18/99
A Bill

SENATE BILL 948

5 By: Senator B. Lewellen
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8 **For An Act To Be Entitled**

9 *"AN ACT TO AMEND ARKANSAS CODE 18-14-303 TO CONFORM*
10 *THE RIGHT OF A TIME-SHARE ESTATE OWNER TO SECURE THE*
11 *NAMES AND MAILING ADDRESSES OF CURRENT TIME-SHARE*
12 *ESTATE OWNERS TO THE SAME AS THE RIGHT FOR TIME-SHARE*
13 *USE PROGRAMS; AND FOR OTHER PURPOSES."*
14

15 **Subtitle**

16 *"AN ACT TO CONFORM THE RIGHT OF A TIME-*
17 *SHARE ESTATE OWNER TO SECURE THE NAMES*
18 *AND MAILING ADDRESSES OF CURRENT TIME-*
19 *SHARE ESTATE OWNERS TO THE SAME AS THE*
20 *RIGHT FOR TIME-SHARE USE PROGRAMS."*
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23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
24

25 SECTION 1. Arkansas Code 18-14-303 is amended to read as follows:

26 "18-14-303. Provisions for management and operation of time-share estate
27 programs.

28 The time-share instruments for a time-share estate program shall
29 prescribe reasonable arrangements for management and operation of the time-
30 share program and for the maintenance, repair, and furnishing of units, which
31 shall ordinarily include, but need not be limited to, provisions for the
32 following:

- 33 (1) Creation of an association of time-share estate owners;
34 (2) Adoption of bylaws for organizing and operating the
35 association;
36 (3) Payment of costs and expenses of operating the time-share

1 program and owning and maintaining the units;

2 (4) Employment and termination of employment of the managing
3 agent for the association;

4 (5) Preparation and dissemination to owners of an annual budget
5 and of operating statements and other financial information concerning the
6 time-share program;

7 (6) Adoption of standards and rules of conduct for the use and
8 occupancy of units by owners;

9 (7) Collection of assessments from owners to defray the expenses
10 of management of the time-share program and maintenance of the units and time-
11 share project;

12 (8) Comprehensive general liability insurance for death, bodily
13 injury, and property damage arising out of, or in connection with, the use of
14 units by owners, their guests, and other users;

15 (9) Methods for providing compensating use periods or monetary
16 compensation to an owner if a unit cannot be made available for the period to
17 which the owner is entitled by schedule or by confirmed reservation;

18 (10) Procedures for imposing a monetary penalty or suspension of
19 an owner's rights and privileges in the time-share program for failure of the
20 owner to comply with provisions of the time-share instruments or the rules of
21 the association with respect to the use of the units. Under these procedures
22 an owner must be given notice and the opportunity to refute or explain the
23 charges against him in person or in writing to the governing body of the
24 association before a decision to impose discipline is rendered. Any monetary
25 penalty may be secured by the lien provided for in § 18-14-302;

26 (11) Employment of attorneys, accountants, and other professional
27 persons as necessary to assist in the management of the time-share program and
28 the units.

29 (12) Dissemination, within ten (10) days of receipt of a written
30 request from an owner of a time share estate, to the time-share estate owner,
31 by the developer, or by the managing agent, of a list of the names and mailing
32 addresses of all current time-share estate owners in the time-share program."
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34 SECTION 2. All provisions of this act of a general and permanent nature
35 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
36 Revision Commission shall incorporate the same in the Code.

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SECTION 3. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

SECTION 4. All laws and parts of laws in conflict with this act are hereby repealed.

/s/ Lewellen