



CHAPTER 93A
ARTICLE 4 - TIMESHARES

N.C.G.S. § 93A-54.

Disciplinary action by Commission.

SOURCE General Statutes of North Carolina, as published by the General Assembly	LAST AMENDMENT IN THIS TEXT S.L. 2021-192, s. 5(a) — tenth act in the lineage	RETRIEVED 21 September 2026, 05:37 UTC	SOURCE FINGERPRINT df1bd5e8fa6bb7e03da8022a - ada79b50a34135c47272adad - 082ac0a0df9ff31f
---	---	--	---

§ 93A-54(a) The Commission has power to take disciplinary action for violation of the provisions of this Article in the offering or sale of a timeshare program to a purchaser. Upon its own motion, or on the complaint of any person, the Commission may investigate the actions of any regulated party or any other person or entity who shall assume to act in such capacity of a regulated party. If the Commission finds probable cause that a timeshare regulated party has violated any of the provisions of this Article, the Commission may hold a hearing on the allegations of misconduct.

§ 93A-54(a1) The Commission has the power to suspend or revoke at any time a real estate license issued to a timeshare salesperson or program broker, or a certificate of registration of a timeshare program issued to a developer; or to reprimand or censure a regulated party; or to fine a regulated party in the amount of five hundred dollars (\$500.00) for each violation of this Article; or to impose any other specified penalty permitted under this Article; if, after a hearing, the Commission adjudges the regulated party to be guilty of any of the following:

- (1) Making any willful or negligent misrepresentation or any willful or negligent omission of material fact about any timeshare or timeshare program.
- (2) Making any false promises of a character likely to influence, persuade, or induce.
- (3) Pursuing a course of misrepresentation or making of false promises through agents, salespersons, advertising or otherwise.

- (4) Failing, within a reasonable time, to account for all money received from others in a timeshare transaction, and failing to remit such monies as may be required in G.S. 93A-45 of this Article.
- (5) Acting in a manner as to endanger the interest of the public.
- (6) Paying a commission, salary, or other valuable consideration to any person for acts or services performed in violation of this Article.
- (7) Any other conduct which constitutes improper, fraudulent, or dishonest dealing.
- (8) Performing or undertaking to perform any legal service as set forth in G.S. 84-2.1, or any other acts not specifically set forth in that section.
- (9) Failing to deposit and maintain in an escrow account all money received from others in a timeshare transaction as may be required in G.S. 93A-42 or G.S. 93A-45.
- (10) Failing to deliver to a purchaser a public offering statement containing the information required by G.S. 93A-44 and any other disclosures that the Commission may by regulation require.
- (11) Failing to comply with the provisions of Chapter 75 of the General Statutes in the advertising or promotion of timeshares for sale, or failing to assure such compliance by persons engaged on behalf of a developer.
- (12) Failing to comply with the provisions of G.S. 93A-48 in furnishing complete and accurate information to purchasers concerning any exchange program which may be offered to such purchaser or owner.
- (13) Making any false or fraudulent representation on an application for registration.
- (14) Violating any rule or regulation promulgated by the Commission.
- (15) Failing to record or cause to be recorded a timeshare instrument as required by G.S. 93A-42(c1) [G.S. 93A-42(c)] or failing to provide an owner the protection against liens required by G.S. 93A-57(a).
- (16) Failing as a timeshare program broker to exercise reasonable and adequate supervision of the conduct of sales at a project or location by the brokers and salespersons under the timeshare program broker's control.

§ 93A-54(a2)

The clear proceeds of fines collected pursuant to subsection (a1) of this section shall be remitted to the Civil Penalty and Forfeiture Fund in accordance with G.S. 115C-457.2.

§ 93A-54(b)

Following a hearing, the Commission shall also have power to suspend or revoke any certificate of registration issued under the provisions of this Article or to reprimand or censure any regulated party when the regulated party has been convicted or has entered a plea of guilty or no contest upon which final judgment is entered by a court of competent jurisdiction in this State, or any other state, of the criminal offenses of embezzlement, obtaining money under false pretense, fraud, forgery, conspiracy to defraud, or any other offense involving moral turpitude which would reasonably affect the regulated party's performance in the timeshare business.

§ 93A-54(c)

The Commission may appear in its own name in superior court in actions for injunctive relief to prevent any person or entity from violating the provisions of this Article or rules promulgated by the Commission. The superior court shall have the power to grant these injunctions even if criminal prosecution has been or may be instituted as a result of the violations, or regardless of whether the regulated party or person has been registered by the Commission.

§ 93A-54(d)

Each developer shall maintain or cause to be maintained complete records of every timeshare transaction and each independent escrow agent shall maintain or cause to be maintained complete records pertaining to the deposit, maintenance, and withdrawal of money required to be held in an escrow account, or as otherwise required by the Commission, under G.S. 93A-45 of this Article. The Commission may inspect these records periodically without prior notice and may also inspect these records whenever the Commission determines that they are pertinent to an investigation of any specific complaint against a developer or independent escrow agent.

§ 93A-54(e)

When a licensee is accused of any act, omission, or misconduct under this Article which would subject the licensee to disciplinary action, the licensee may, with the consent and approval of the Commission, surrender the licensee's license and all the rights and privileges pertaining to it for a period of time to be established by the Commission. A licensee who surrenders a license shall not be eligible for, or submit any application for, licensure as a real estate broker or registration of a timeshare program during the period of license surrender. For the purposes of this section, the term licensee shall include a developer.

END OF SECTION TEXT

APPARATUS FOLLOWS — DERIVED, NOT ENACTED

APPARATUS I

10 ACTS

Amendment lineage

The State prints this history as a single parenthetical at the foot of the section. It is reproduced verbatim in the colophon and unpacked below in order of enactment.



Nº	YEAR	ACT	CHARACTER
01	1983	c. 814, s. 1	ENACTED
02	1985	c. 578, ss. 6-10	AMENDED
03	1987	c. 516, ss. 17, 18	AMENDED
04	1998	S.L. 1998-215, s. 138	AMENDED
05	2000	S.L. 2000-140, s. 19(b)	AMENDED
06	2001	S.L. 2001-487, s. 23(l)	AMENDED
07	2005	S.L. 2005-395, s. 23	AMENDED
08	2011	S.L. 2011-217, s. 22	AMENDED
09	2021	S.L. 2021-163, s. 1(c)	AMENDED
10	2021	S.L. 2021-192, s. 5(a)	AMENDED

APPARATUS II

9 AUTHORITIES

Authorities referenced

Every G.S. cross-reference appearing in the text of this section, in order of first appearance. Nothing is characterized; the operative language is quoted from the section itself.

REFERENCE	APPEARS IN	OPERATIVE LANGUAGE IN THIS SECTION
G.S. 93A-45	(a1)(4)	"monies as may be required in"
G.S. 84-2.1	(a1)(8)	"legal service as set forth in"
G.S. 93A-42	(a1)(9)	"transaction as may be required in"
G.S. 93A-44	(a1)(10)	"statement containing the information required by"
G.S. 93A-48	(a1)(12)	"to comply with the provisions of"
G.S. 93A-42(c1)	(a1)(15)	"a timeshare instrument as required by"

G.S. 93A-42(c)	(a1)(15)	"as required by G.S. 93A-42(c1) ["
G.S. 93A-57(a)	(a1)(15)	"the protection against liens required by"
G.S. 115C-457.2	(a2)	"and Forfeiture Fund in accordance with"

APPARATUS III

Citation

FULL SECTION

N.C. Gen. Stat. § 93A-54 (2021).

PINPOINT

N.C. Gen. Stat. § 93A-54(a) (2021).

Pinpoint keys are set in the left margin of the text rather than line numbers: subsection designators are stable across editions and paper sizes, line numbers are not.

COLOPHON

Provenance

This document reproduces the text of one section of the General Statutes of North Carolina from a source file whose SHA-256 digest is printed on every page. The digest fixes the bytes this export was made from; if the State's file changes, the digest will not match.

The text of the section is unaltered. Subsection designators have been moved from the run of text into the margin. The amendment history and the table of authorities are derived from the section by mechanical extraction — they add no characterization of the law.

This is not the official text. The official text is published by the General Assembly of North Carolina.

HISTORY PARENTHETICAL, AS PRINTED BY THE STATE

(1983, c. 814, s. 1; 1985, c. 578, ss. 6-10; 1987, c. 516, ss. 17, 18; 1998-215, s. 138; 2000-140, s. 19(b); 2001-487, s. 23(l); 2005-395, s. 23; 2011-217, s. 22; 2021-163, s. 1(c); 2021-192, s. 5(a).)

SET IN SPECTRAL AND ARCHIVO
NORTH CAROLINA LAW — STATUTE EXPORT, FORMAT V1

