

1981 WL 158255 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

April 29, 1981

*1 David E. Martin, Esquire
South Carolina Real Estate Commission
2221 Devine Street Suite 530
Columbia, South Carolina 29205

Dear David:

You have requested an opinion from this Office whether the Vacation Time Sharing Plan Act would apply to the shared ownership of a yacht. It is our opinion that this Act does not apply to shared ownership of a yacht.

The Act regulates the conveyance of vacation time sharing plans. [§ 27-32-20, S.C. CODE](#), 1976. Such plans are defined as an arrangement whereby the purchaser receives an ownership interest in, and the right to use, 'accommodations or facilities.' [§ 27-32-40\(8\), Id.](#) An accommodation is defined as 'any hotel or motel room, condominium or cooperative unit, cabin, lodge, apartment or any other private or commercial structure' [§ 27-32-10\(1\), Id.](#) A 'facility' is defined as 'any structure, service, or property' [§ 27-32-10\(6\), Id.](#)

According to these definitions, a yacht could come under only the category of 'structure' or 'property.' While a vessel in a dry dock has been deemed a 'structure' for purposes of a state labor law, [Gruner v. Texas Co.](#), 117 N.Y.S. 741, 742, 133 App. Div. 413, it is otherwise deemed not to be a structure or a building. [Hendrick's Elec., Inc. v. Plumley](#), 18 Wash.App. 440, 569 P.2d 73, 75. Therefore, absent some express indication of legislative intent a yacht should not be deemed a structure for purposes of extending the scope of this regulatory statute. Sutherland, STATUTORY CONSTRUCTION, § 65.02

The term 'property' is often used in variant senses, thus making it necessary to resort to the context of the statute to determine the sense in which it is employed. 63 Am.Jur.2d, 'Property.' § 2. A reading of the entire Act suggests that it is limited to real property. First, the Act regulates 'sellers of vacation time sharing plans' [§ 27-32-20, Id.](#)

As you noted, a 'seller' is someone who sells real estate or some interest therein. [§ 27-32-40\(7\), Id.](#) Second, enforcement of this Act is given by its express terms to the South Carolina Real Estate Commission along with the Attorney General. [§ 27-32-130, Id.](#) This suggests that the subject of the Act is to regulate the time sharing ownership of real property. Absent special circumstances not indicated here, a yacht is not real property. Therefore, it is the opinion of this Office that the Vacation Sharing Plan Act does not apply to the shared ownership of yachts.

Sincerely yours,

David C. Eckstrom
Assistant Attorney General

1981 WL 158255 (S.C.A.G.)

End of Document

© 2015 Thomson Reuters. No claim to original U.S. Government Works.