



Sen. Pamela J. Althoff

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10000SB1818sam002

LRB100 07934 SMS 25190 a

1 AMENDMENT TO SENATE BILL 1818

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 1818, AS AMENDED,  
3 by replacing everything after the enacting clause with the  
4 following:

5 "Section 5. The Community Association Manager Licensing  
6 and Disciplinary Act is amended by changing Sections 5, 10, 15,  
7 25, 30, 50, 55, 60, 70, 75, 85, 90, 92, 155, and 165 as follows:

8 (225 ILCS 427/5)

9 (Section scheduled to be repealed on January 1, 2020)

10 Sec. 5. Legislative intent. It is the intent of the General  
11 Assembly that this Act provide for the licensing and regulation  
12 of community association managers ~~and community association~~  
13 ~~management firms~~, ensure that those who hold themselves out as  
14 possessing professional qualifications to engage in the  
15 business of community association management are, in fact,  
16 qualified to render management services of a professional

1 nature, and provide for the maintenance of high standards of  
2 professional conduct by those licensed to provide community  
3 association management services.

4 (Source: P.A. 98-365, eff. 1-1-14.)

5 (225 ILCS 427/10)

6 (Section scheduled to be repealed on January 1, 2020)

7 Sec. 10. Definitions. As used in this Act:

8 "Address of record" means the designated address recorded  
9 by the Department in the applicant's or licensee's application  
10 file or license file maintained by the Department's licensure  
11 maintenance unit. It is the duty of the applicant or licensee  
12 to inform the Department of any change of address, and such  
13 changes must be made either through the Department's website or  
14 by contacting the Department's licensure maintenance unit.

15 "Advertise" means, but is not limited to, issuing or  
16 causing to be distributed any card, sign or device to any  
17 person; or causing, permitting or allowing any sign or marking  
18 on or in any building, structure, newspaper, magazine or  
19 directory, or on radio or television; or advertising by any  
20 other means designed to secure public attention.

21 "Board" means the Illinois Community Association Manager  
22 Licensing and Disciplinary Board.

23 "Community association" means an association in which  
24 membership is a condition of ownership or shareholder interest  
25 of a unit in a condominium, cooperative, townhouse, villa, or

1 other residential unit which is part of a residential  
2 development plan and that is authorized to impose an  
3 assessment, rents, or other costs that may become a lien on the  
4 unit or lot.

5 "Community association funds" means any assessments, fees,  
6 fines, or other funds collected by the community association  
7 manager from the community association, or its members, other  
8 than the compensation paid to the community association manager  
9 for performance of community association management services.

10 "Community association management firm" means a company,  
11 corporation, limited liability company, or other entity that  
12 engages in community association management services through a  
13 designated community association manager.

14 "Community association management services" means those  
15 services listed in the definition of community association  
16 manager in this Section.

17 "Community association manager" means an individual who  
18 administers for remuneration the financial, administrative,  
19 maintenance, or other duties for the community association,  
20 including, but not limited to, any of the following services:

21 (A) collecting, controlling or disbursing funds of the  
22 community association or having the authority to do so; (B)  
23 preparing budgets or other financial documents for the  
24 community association; (C) assisting in the conduct of  
25 community association meetings; (D) maintaining association  
26 records; or ~~and~~ (E) administrating association contracts, as

1 stated in the declaration, bylaws, proprietary lease,  
2 declaration of covenants, or other governing document of the  
3 community association. ~~"Community association manager" does~~  
4 ~~not mean support staff, including, but not limited to~~  
5 ~~bookkeepers, administrative assistants, secretaries, property~~  
6 ~~inspectors, or customer service representatives.~~

7 "Department" means the Department of Financial and  
8 Professional Regulation.

9 "Designated community association manager" means a  
10 licensed community association manager who has an ownership  
11 interest in or is otherwise employed by a community association  
12 management firm to act as the controlling person and the  
13 authorized signatory for the firm on community association  
14 accounts and to otherwise supervise, manage, and be responsible  
15 for the firm's community association manager activities  
16 pursuant to Section 50 of this Act.

17 "License" means the license issued to a person,  
18 ~~corporation, partnership, limited liability company, or other~~  
19 ~~legal entity~~ under this Act to provide community association  
20 management services.

21 "Person" means an ~~any~~ individual, ~~corporation,~~  
22 ~~partnership, limited liability company, or other legal entity.~~

23 "Secretary" means the Secretary of Financial and  
24 Professional Regulation.

25 ~~"Supervising community association manager" means an~~  
26 ~~individual licensed as a community association manager who~~

1 ~~manages and supervises a firm.~~

2 (Source: P.A. 98-365, eff. 1-1-14; revised 10-27-16.)

3 (225 ILCS 427/15)

4 (Section scheduled to be repealed on January 1, 2020)

5 Sec. 15. License required. It shall be unlawful for any  
6 person, corporation, partnership, limited liability company,  
7 or other entity to provide community association management  
8 services, provide services as a community association manager,  
9 or hold himself, herself, or itself out as a community  
10 association manager or community association management firm  
11 to any community association in this State, unless he, she, or  
12 it holds a current and valid license issued ~~licensed~~ by the  
13 Department, employs a designated community association manager  
14 with a current and valid license issued by the Department, or  
15 is otherwise exempt from licensure under this Act.

16 (Source: P.A. 98-365, eff. 1-1-14.)

17 (225 ILCS 427/25)

18 (Section scheduled to be repealed on January 1, 2020)

19 Sec. 25. Community Association Manager Licensing and  
20 Disciplinary Board.

21 (a) There is hereby created the Community Association  
22 Manager Licensing and Disciplinary Board, which shall consist  
23 of 7 members appointed by the Secretary. All members must be  
24 residents of the State and must have resided in the State for

1 at least 5 years immediately preceding the date of appointment.  
2 Five members of the Board must be licensees under this Act,~~at~~  
3 ~~least two members of which shall be supervising community~~  
4 ~~association managers.~~ Two members of the Board shall be owners  
5 of, or hold a shareholder's interest in, a unit in a community  
6 association at the time of appointment who are not licensees  
7 under this Act and have no direct affiliation or work  
8 experience with the community association's community  
9 association manager. This Board shall act in an advisory  
10 capacity to the Department.

11 (b) Board members shall serve for terms of 5 years, except  
12 that, initially, 4 members shall serve for 5 years and 3  
13 members shall serve for 4 years. All members shall serve until  
14 his or her successor is appointed and qualified. All vacancies  
15 shall be filled in like manner for the unexpired term. No  
16 member shall serve for more than 2 successive terms. The  
17 Secretary shall remove from the Board any member whose license  
18 has become void or has been revoked or suspended and may remove  
19 any member of the Board for neglect of duty, misconduct, or  
20 incompetence. A member who is subject to formal disciplinary  
21 proceedings shall disqualify himself or herself from all Board  
22 business until the charge is resolved. A member also shall  
23 disqualify himself or herself from any matter on which the  
24 member cannot act objectively.

25 (c) Four Board members shall constitute a quorum. A quorum  
26 is required for all Board decisions.

1 (d) The Board shall elect annually a chairperson and vice  
2 chairperson.

3 (e) Each member shall receive reimbursement as set by the  
4 Governor's Travel Control Board for expenses incurred in  
5 carrying out the duties as a Board member. The Board shall be  
6 compensated as determined by the Secretary.

7 (f) The Board may recommend policies, procedures, and rules  
8 relevant to the administration and enforcement of this Act.

9 (Source: P.A. 98-365, eff. 1-1-14.)

10 (225 ILCS 427/30)

11 (Section scheduled to be repealed on January 1, 2020)

12 Sec. 30. Powers and duties of the Department. The  
13 Department may exercise the following functions, powers and  
14 duties:

15 (a) formulate rules for the administration and  
16 enforcement of this Act;

17 (b) prescribe forms to be issued for the administration  
18 and enforcement of this Act;

19 (c) conduct hearings or proceedings to refuse to issue,  
20 renew, suspend, revoke, place on probation, reprimand, or  
21 take disciplinary or non-disciplinary action as the  
22 Department may deem appropriate under this Act;

23 (d) maintain a roster of the names and addresses of all  
24 licensees and the community association management firms  
25 that employ them in a manner as deemed appropriate by the

1 Department; and

2 (e) seek the advice and expert knowledge of the Board  
3 on any matter relating to the administration and  
4 enforcement of this Act.

5 (Source: P.A. 96-726, eff. 7-1-10.)

6 (225 ILCS 427/50)

7 (Section scheduled to be repealed on January 1, 2020)

8 Sec. 50. Community association management firm.

9 (a) No corporation, partnership, limited liability  
10 company, or other legal entity shall provide or offer to  
11 provide community association management services, unless it  
12 does so through a licensed community association manager that  
13 ~~has applied in writing on the prescribed forms and has paid the~~  
14 ~~required nonrefundable fees and~~ provided evidence to the  
15 Department that he or she meets the requirements to be named as  
16 a the firm has designated community association manager and  
17 agrees a licensed supervising community association manager to  
18 supervise and manage the firm's licensed activities ~~firm~~. A  
19 designated ~~supervising~~ community association manager shall be  
20 a continuing requirement of firm operation. ~~licensure~~. No  
21 ~~supervising community association manager may be the~~  
22 ~~supervising community association manager for more than one~~  
23 ~~firm~~.

24 (b) Any corporation, partnership, limited liability  
25 company, or other legal entity that is providing, or offering



1 to provide, community association management services and is  
2 not in compliance with Section 50 and other provisions of this  
3 Act shall be subject to the civil penalties  ~~fines~~, injunctions,  
4 cease and desist provisions, and penalties provided for in  
5 Sections 90, 92, and 155 of this Act.

6 (c) No community association manager may be the designated  
7 community association manager ~~licensee in charge~~ for more than  
8 one firm, corporation, limited liability company, or other  
9 legal entity.

10 (d) The Department is authorized to adopt rules and set all  
11 necessary requirements for the implementation of this Section.

12 (Source: P.A. 98-365, eff. 1-1-14.)

13 (225 ILCS 427/55)

14 (Section scheduled to be repealed on January 1, 2020)

15 Sec. 55. Fidelity insurance; segregation of accounts.

16 (a) The designated ~~supervising~~ community association  
17 manager or the community association management firm with which  
18 he or she is employed shall not have access to and disburse  
19 community association funds unless each of the following  
20 conditions occur:

21 (1) There is fidelity insurance in place to insure  
22 against loss for theft of community association funds.

23 (2) The fidelity insurance is not less than all moneys  
24 under the control of the designated ~~supervising~~ community  
25 association manager ~~or the employing community association~~

1 ~~management firm~~ for the association.

2 (3) The fidelity insurance covers the designated  
3 community association manager, all other licensees,  
4 ~~supervising community association manager,~~ and all  
5 partners, officers, and employees of the community  
6 association management firm during the term of the  
7 insurance coverage, which shall be at least for the same  
8 term as the service agreement between the community  
9 association management firm ~~or supervising community~~  
10 ~~association manager~~ as well as the community association  
11 officers, directors, and employees.

12 (4) The insurance company issuing the fidelity  
13 insurance may not cancel or refuse to renew the bond  
14 without giving at least 10 days' prior written notice.

15 (5) Unless an agreement between the community  
16 association and the ~~supervising~~ community association  
17 manager or the community association management firm  
18 provides to the contrary, a community association may  
19 secure and pay for the fidelity insurance required by this  
20 Section. The designated ~~supervising~~ community association  
21 manager, all other licensees, and ~~or~~ the community  
22 association management firm must be named as additional  
23 insured parties on the community association policy.

24 (b) A community association management firm that provides  
25 community association management services for more than one  
26 community association shall maintain separate, segregated

1 accounts for each community association or, with the consent of  
2 the community association, combine the accounts of one or more  
3 community associations, but in that event, separately account  
4 for the funds of each community association. The funds shall  
5 not, in any event, be commingled with the ~~supervising~~ community  
6 association manager's or community association management  
7 firm's funds. The maintenance of such accounts shall be  
8 custodial, and such accounts shall be in the name of the  
9 respective community association or community association  
10 manager or community association management firm ~~Community~~  
11 ~~Association Management Agency~~ as the agent for the association.

12 (c) The ~~supervising~~ community association manager or  
13 community association management firm shall obtain the  
14 appropriate general liability and errors and omissions  
15 insurance, as determined by the Department, to cover any losses  
16 or claims against the ~~supervising~~ community association  
17 manager or the community association management firm.

18 (d) The Department shall have authority to promulgate  
19 additional rules regarding insurance, fidelity insurance and  
20 all accounts maintained and to be maintained by a designated  
21 ~~supervising~~ community association manager or community  
22 association management firm.

23 (Source: P.A. 98-365, eff. 1-1-14.)

24 (225 ILCS 427/60)

25 (Section scheduled to be repealed on January 1, 2020)

1           Sec. 60. Licenses; renewals; restoration; person in  
2 military service.

3           (a) The expiration date and renewal period for each license  
4 issued under this Act shall be set by rule. The Department may  
5 promulgate rules requiring continuing education and set all  
6 necessary requirements for such, including but not limited to  
7 fees, approved coursework, number of hours, and waivers of  
8 continuing education.

9           (b) Any licensee who has permitted his or, her, ~~or its~~  
10 license to expire may have the license restored by making  
11 application to the Department and filing proof acceptable to  
12 the Department of fitness to have his or, her, ~~or its~~ license  
13 restored, by which may include sworn evidence certifying to  
14 active practice in another jurisdiction satisfactory to the  
15 Department, complying with any continuing education  
16 requirements, and paying the required restoration fee.

17           (c) If the person has not maintained an active practice in  
18 another jurisdiction satisfactory to the Department, the  
19 Department shall determine, by an evaluation program  
20 established by rule, the person's fitness to resume active  
21 status and may require the person to complete a period of  
22 evaluated clinical experience and successful completion of a  
23 practical examination. However, any person whose license  
24 expired while (i) in federal service on active duty with the  
25 Armed Forces of the United States or called into service or  
26 training with the State Militia or (ii) in training or

1 education under the supervision of the United States  
2 preliminary to induction into the military service may have his  
3 or her license renewed or restored without paying any lapsed  
4 renewal fees if, within 2 years after honorable termination of  
5 the service, training or education, except under condition  
6 other than honorable, he or she furnishes the Department with  
7 satisfactory evidence to the effect that he or she has been so  
8 engaged and that the service, training, or education has been  
9 so terminated.

10 (d) A community association manager, ~~community association~~  
11 ~~management firm or supervising community association manager~~  
12 who notifies the Department, in writing on forms prescribed by  
13 the Department, may place his or, her, ~~or its~~ license on  
14 inactive status and shall be excused from the payment of  
15 renewal fees until the person notifies the Department in  
16 writing of the intention to resume active practice.

17 (e) A community association manager, ~~community association~~  
18 ~~management firm, or supervising community association manager~~  
19 requesting his or, her, ~~or its~~ license be changed from inactive  
20 to active status shall be required to pay the current renewal  
21 fee and shall also demonstrate compliance with the continuing  
22 education requirements.

23 (f) Any licensee with a nonrenewed or on inactive license  
24 status or any community association firm operating without a  
25 designated community association manager shall not provide  
26 community association management services as set forth in this

1 Act.

2 (g) Any person or entity violating subsection (f) of this  
3 Section shall be considered to be practicing without a license  
4 and will be subject to the disciplinary provisions of this Act.

5 (Source: P.A. 98-365, eff. 1-1-14.)

6 (225 ILCS 427/70)

7 (Section scheduled to be repealed on January 1, 2020)

8 Sec. 70. Penalty for insufficient funds; payments. Any  
9 person who delivers a check or other payment to the Department  
10 that is returned to the Department unpaid by the financial  
11 institution upon which it is drawn shall pay to the Department,  
12 in addition to the amount already owed to the Department, a  
13 fine of \$50. The Department shall notify the person that  
14 payment of fees and fines shall be paid to the Department by  
15 certified check or money order within 30 calendar days after  
16 notification. If, after the expiration of 30 days from the date  
17 of the notification, the person has failed to submit the  
18 necessary remittance, the Department shall automatically  
19 terminate the license or deny the application, without hearing.  
20 If, after termination or denial, the person seeks a license, he  
21 or, ~~she, or it~~ shall apply to the Department for restoration or  
22 issuance of the license and pay all fees and fines due to the  
23 Department. The Department may establish a fee for the  
24 processing of an application for restoration of a license to  
25 pay all expenses of processing this application. The Secretary

1 may waive the fines due under this Section in individual cases  
2 where the Secretary finds that the fines would be unreasonable  
3 or unnecessarily burdensome.

4 (Source: P.A. 98-365, eff. 1-1-14.)

5 (225 ILCS 427/75)

6 (Section scheduled to be repealed on January 1, 2020)

7 Sec. 75. Endorsement. The Department may issue a community  
8 association manager ~~or supervising community association~~  
9 ~~manager~~ license, without the required examination, to an  
10 applicant licensed under the laws of another state if the  
11 requirements for licensure in that state are, on the date of  
12 licensure, substantially equal to the requirements of this Act  
13 or to a person who, at the time of his or her application for  
14 licensure, possessed individual qualifications that were  
15 substantially equivalent to the requirements then in force in  
16 this State. An applicant under this Section shall pay all of  
17 the required fees.

18 Applicants have 3 years from the date of application to  
19 complete the application process. If the process has not been  
20 completed within the 3 years, the application shall be denied,  
21 the fee shall be forfeited, and the applicant must reapply and  
22 meet the requirements in effect at the time of reapplication.

23 (Source: P.A. 98-365, eff. 1-1-14.)

24 (225 ILCS 427/85)

1 (Section scheduled to be repealed on January 1, 2020)

2 Sec. 85. Grounds for discipline; refusal, revocation, or  
3 suspension.

4 (a) The Department may refuse to issue or renew a license,  
5 or may place on probation, reprimand, suspend, or revoke any  
6 license, or take any other disciplinary or non-disciplinary  
7 action as the Department may deem proper and impose a fine not  
8 to exceed \$10,000 for each violation upon any licensee or  
9 applicant under this Act or any person or entity who holds  
10 himself, herself, or itself out as an applicant or licensee for  
11 any one or combination of the following causes:

12 (1) Material misstatement in furnishing information to  
13 the Department.

14 (2) Violations of this Act or its rules.

15 (3) Conviction of or entry of a plea of guilty or plea  
16 of nolo contendere to a felony or a misdemeanor under the  
17 laws of the United States, any state, or any other  
18 jurisdiction or entry of an administrative sanction by a  
19 government agency in this State or any other jurisdiction.  
20 Action taken under this paragraph (3) for a misdemeanor or  
21 an administrative sanction is limited to a misdemeanor or  
22 administrative sanction that has as an essential element  
23 dishonesty or fraud, that involves larceny, embezzlement,  
24 or obtaining money, property, or credit by false pretenses  
25 or by means of a confidence game, or that is directly  
26 related to the practice of the profession.



1           (4) Making any misrepresentation for the purpose of  
2 obtaining a license or violating any provision of this Act  
3 or its rules.

4           (5) Professional incompetence.

5           (6) Gross negligence.

6           (7) Aiding or assisting another person in violating any  
7 provision of this Act or its rules.

8           (8) Failing, within 30 days, to provide information in  
9 response to a request made by the Department.

10           (9) Engaging in dishonorable, unethical, or  
11 unprofessional conduct of a character likely to deceive,  
12 defraud or harm the public as defined by the rules of the  
13 Department, or violating the rules of professional conduct  
14 adopted by the Department.

15           (10) Habitual or excessive use or addiction to alcohol,  
16 narcotics, stimulants, or any other chemical agent or drug  
17 that results in the inability to practice with reasonable  
18 judgment, skill, or safety.

19           (11) Having been disciplined by another state, the  
20 District of Columbia, a territory, a foreign nation, or a  
21 governmental agency authorized to impose discipline if at  
22 least one of the grounds for the discipline is the same or  
23 substantially equivalent of one of the grounds for which a  
24 licensee may be disciplined under this Act. A certified  
25 copy of the record of the action by the other state or  
26 jurisdiction shall be prima facie evidence thereof.

1           (12) Directly or indirectly giving to or receiving from  
2 any person, firm, corporation, partnership or association  
3 any fee, commission, rebate, or other form of compensation  
4 for any professional services not actually or personally  
5 rendered.

6           (13) A finding by the Department that the licensee,  
7 after having his or, her, ~~or its~~ license placed on  
8 probationary status, has violated the terms of probation.

9           (14) Willfully making or filing false records or  
10 reports relating to a licensee's practice, including but  
11 not limited to false records filed with any State or  
12 federal agencies or departments.

13           (15) Being named as a perpetrator in an indicated  
14 report by the Department of Children and Family Services  
15 under the Abused and Neglected Child Reporting Act and upon  
16 proof by clear and convincing evidence that the licensee  
17 has caused a child to be an abused child or neglected child  
18 as defined in the Abused and Neglected Child Reporting Act.

19           (16) Physical illness or mental illness or impairment,  
20 including, but not limited to, deterioration through the  
21 aging process or loss of motor skill that results in the  
22 inability to practice the profession with reasonable  
23 judgment, skill, or safety.

24           (17) Solicitation of professional services by using  
25 false or misleading advertising.

26           (18) A finding that licensure has been applied for or

1 obtained by fraudulent means.

2 (19) Practicing or attempting to practice under a name  
3 other than the full name as shown on the license or any  
4 other legally authorized name unless approved by the  
5 Department.

6 (20) Gross overcharging for professional services  
7 including, but not limited to, (i) collection of fees or  
8 moneys for services that are not rendered; and (ii)  
9 charging for services that are not in accordance with the  
10 contract between the licensee and the community  
11 association.

12 (21) Improper commingling of personal and client funds  
13 in violation of this Act or any rules promulgated thereto.

14 (22) Failing to account for or remit any moneys or  
15 documents coming into the licensee's possession that  
16 belong to another person or entity.

17 (23) Giving differential treatment to a person that is  
18 to that person's detriment because of race, color, creed,  
19 sex, religion, or national origin.

20 (24) Performing and charging for services without  
21 reasonable authorization to do so from the person or entity  
22 for whom service is being provided.

23 (25) Failing to make available to the Department, upon  
24 request, any books, records, or forms required by this Act.

25 (26) Purporting to be a designated ~~supervising~~  
26 community association manager of a firm without active

1 participation in the firm.

2 (27) Failing to make available to the Department at the  
3 time of the request any indicia of licensure or  
4 registration issued under this Act.

5 (28) Failing to maintain and deposit funds belonging to  
6 a community association in accordance with subsection (b)  
7 of Section 55 of this Act.

8 (29) Violating the terms of a disciplinary order issued  
9 by the Department.

10 (30) Operating a community association management firm  
11 without a licensed designated community association  
12 manager.

13 (31) Failing to meet the requirements for acting as a  
14 designated community association manager, if appropriate.

15 (b) In accordance with subdivision (a)(5) of Section  
16 2105-15 of the Department of Professional Regulation Law of the  
17 Civil Administrative Code of Illinois (20 ILCS 2105/2105-15),  
18 the Department shall deny a license or renewal authorized by  
19 this Act to a person who has defaulted on an educational loan  
20 or scholarship provided or guaranteed by the Illinois Student  
21 Assistance Commission or any governmental agency of this State.

22 (c) The determination by a circuit court that a licensee is  
23 subject to involuntary admission or judicial admission, as  
24 provided in the Mental Health and Developmental Disabilities  
25 Code, operates as an automatic suspension. The suspension will  
26 terminate only upon a finding by a court that the patient is no

1 longer subject to involuntary admission or judicial admission  
2 and the issuance of an order so finding and discharging the  
3 patient, and upon the recommendation of the Board to the  
4 Secretary that the licensee be allowed to resume his or her  
5 practice as a licensed community association manager.

6 (d) In accordance with subsection (g) of Section 2105-15 of  
7 the Department of Professional Regulation Law of the Civil  
8 Administrative Code of Illinois (20 ILCS 2105/2105-15), the  
9 Department may refuse to issue or renew or may suspend the  
10 license of any person who fails to file a return, to pay the  
11 tax, penalty, or interest shown in a filed return, or to pay  
12 any final assessment of tax, penalty, or interest, as required  
13 by any tax Act administered by the Department of Revenue, until  
14 such time as the requirements of that tax Act are satisfied.

15 (e) In accordance with subdivision (a)(5) of Section  
16 2105-15 of the Department of Professional Regulation Law of the  
17 Civil Administrative Code of Illinois (20 ILCS 2105/2105-15)  
18 and in cases where the Department of Healthcare and Family  
19 Services (formerly Department of Public Aid) has previously  
20 determined that a licensee or a potential licensee is more than  
21 30 days delinquent in the payment of child support and has  
22 subsequently certified the delinquency to the Department may  
23 refuse to issue or renew or may revoke or suspend that person's  
24 license or may take other disciplinary action against that  
25 person based solely upon the certification of delinquency made  
26 by the Department of Healthcare and Family Services.

1           (f) In enforcing this Section, the Department or Board upon  
2 a showing of a possible violation may compel a licensee or an  
3 individual licensed to practice under this Act, or who has  
4 applied for licensure under this Act, to submit to a mental or  
5 physical examination, or both, as required by and at the  
6 expense of the Department. The Department or Board may order  
7 the examining physician to present testimony concerning the  
8 mental or physical examination of the licensee or applicant. No  
9 information shall be excluded by reason of any common law or  
10 statutory privilege relating to communications between the  
11 licensee or applicant and the examining physician. The  
12 examining physicians shall be specifically designated by the  
13 Board or Department. The individual to be examined may have, at  
14 his or her own expense, another physician of his or her choice  
15 present during all aspects of this examination. Failure of an  
16 individual to submit to a mental or physical examination, when  
17 directed, shall be grounds for suspension of his or her license  
18 or denial of his or her application or renewal until the  
19 individual submits to the examination if the Department finds,  
20 after notice and hearing, that the refusal to submit to the  
21 examination was without reasonable cause.

22           If the Department or Board finds an individual unable to  
23 practice because of the reasons set forth in this Section, the  
24 Department or Board may require that individual to submit to  
25 care, counseling, or treatment by physicians approved or  
26 designated by the Department or Board, as a condition, term, or

1 restriction for continued, reinstated, or renewed licensure to  
2 practice; or, in lieu of care, counseling, or treatment, the  
3 Department may file, or the Board may recommend to the  
4 Department to file, a complaint to immediately suspend, revoke,  
5 deny, or otherwise discipline the license of the individual. An  
6 individual whose license was granted, continued, reinstated,  
7 renewed, disciplined or supervised subject to such terms,  
8 conditions, or restrictions, and who fails to comply with such  
9 terms, conditions, or restrictions, shall be referred to the  
10 Secretary for a determination as to whether the individual  
11 shall have his or her license suspended immediately, pending a  
12 hearing by the Department.

13 In instances in which the Secretary immediately suspends a  
14 person's license under this Section, a hearing on that person's  
15 license must be convened by the Department within 30 days after  
16 the suspension and completed without appreciable delay. The  
17 Department and Board shall have the authority to review the  
18 subject individual's record of treatment and counseling  
19 regarding the impairment to the extent permitted by applicable  
20 federal statutes and regulations safeguarding the  
21 confidentiality of medical records.

22 An individual licensed under this Act and affected under  
23 this Section shall be afforded an opportunity to demonstrate to  
24 the Department or Board that he or she can resume practice in  
25 compliance with acceptable and prevailing standards under the  
26 provisions of his or her license.

1 (Source: P.A. 97-333, eff. 8-12-11; 98-365, eff. 1-1-14;  
2 98-756, eff. 7-16-14.)

3 (225 ILCS 427/90)

4 (Section scheduled to be repealed on January 1, 2020)

5 Sec. 90. Violations; injunctions; cease and desist orders.

6 (a) If any person violates a provision of this Act, the  
7 Secretary may, in the name of the People of the State of  
8 Illinois, through the Attorney General of the State of  
9 Illinois, petition for an order enjoining the violation or for  
10 an order enforcing compliance with this Act. Upon the filing of  
11 a verified petition in court, the court may issue a temporary  
12 restraining order, without notice or bond, and may  
13 preliminarily and permanently enjoin the violation. If it is  
14 established that the person has violated or is violating the  
15 injunction, the Court may punish the offender for contempt of  
16 court. Proceedings under this Section are in addition to, and  
17 not in lieu of, all other remedies and penalties provided by  
18 this Act.

19 (b) If any person, entity or other business may provide  
20 community association management services or provide services  
21 as community association manager to any community association  
22 in this State without having a valid license under this Act or  
23 without a designated community association manager for a  
24 community association management firm, then any licensee, any  
25 interested party or any person injured thereby may, in addition



1 to the Secretary, petition for relief as provided in subsection  
2 (a) of this Section.

3 (c) Whenever in the opinion of the Department any person,  
4 entity or other business violates any provision of this Act,  
5 the Department may issue a rule to show cause why an order to  
6 cease and desist should not be entered against such person,  
7 firm or other entity. The rule shall clearly set forth the  
8 grounds relied upon by the Department and shall provide a  
9 period of at least 7 days from the date of the rule to file an  
10 answer to the satisfaction of the Department. If the person,  
11 firm or other entity fails to file an answer satisfactory to  
12 the Department, the matter shall be considered as a default and  
13 the Department may cause an order to cease and desist to be  
14 issued immediately.

15 (Source: P.A. 96-726, eff. 7-1-10.)

16 (225 ILCS 427/92)

17 (Section scheduled to be repealed on January 1, 2020)

18 Sec. 92. Unlicensed practice; violation; civil penalty.

19 (a) Any person, entity or other business who practices,  
20 offers to practice, attempts to practice, or holds himself,  
21 herself or itself out to practice as a community association  
22 manager or community association management firm or provide  
23 services as a community association manager or community  
24 association management firm to any community association in  
25 this State without being licensed under this Act or without a

1 designated community association manager for a community  
2 association management firm shall, in addition to any other  
3 penalty provided by law, pay a civil penalty to the Department  
4 in an amount not to exceed \$10,000 for each offense, as  
5 determined by the Department. The civil penalty shall be  
6 assessed by the Department after a hearing is held in  
7 accordance with the provisions set forth in this Act regarding  
8 the provision of a hearing for the discipline of a licensee.

9 (b) The Department may investigate any and all unlicensed  
10 activity.

11 (c) The civil penalty shall be paid within 60 days after  
12 the effective date of the order imposing the civil penalty. The  
13 order shall constitute a judgment and may be filed and  
14 execution had thereon in the same manner as any judgment from  
15 any court of record.

16 (Source: P.A. 98-365, eff. 1-1-14.)

17 (225 ILCS 427/155)

18 (Section scheduled to be repealed on January 1, 2020)

19 Sec. 155. Violations; penalties.

20 (a) A person who violates any of the following provisions  
21 shall be guilty of a Class A misdemeanor; a person who commits  
22 a second or subsequent violation of these provisions is guilty  
23 of a Class 4 felony:

24 (1) The practice of or attempted practice of or holding  
25 out as available to practice as a community association

1 manager ~~or supervising community association manager~~  
2 without a license.

3 (2) Operation of or attempt to operate a community  
4 association management firm without ~~a firm license or a~~  
5 designated ~~supervising~~ community association manager.

6 (3) The obtaining of or the attempt to obtain any  
7 license or authorization issued under this Act by  
8 fraudulent misrepresentation.

9 (b) Whenever a licensee is convicted of a felony related to  
10 the violations set forth in this Section, the clerk of the  
11 court in any jurisdiction shall promptly report the conviction  
12 to the Department and the Department shall immediately revoke  
13 any license authorized under this Act held by that licensee.  
14 The licensee shall not be eligible for licensure under this Act  
15 until at least 10 years have elapsed since the time of full  
16 discharge from any sentence imposed for a felony conviction. If  
17 any person in making any oath or affidavit required by this Act  
18 swears falsely, the person is guilty of perjury and may be  
19 punished accordingly.

20 (Source: P.A. 98-365, eff. 1-1-14; 99-78, eff. 7-20-15.)

21 (225 ILCS 427/165)

22 (Section scheduled to be repealed on January 1, 2020)

23 Sec. 165. Home rule. The regulation and licensing of  
24 community association managers, ~~supervising community~~  
25 ~~association managers, and community association management~~

1 ~~firms~~ are exclusive powers and functions of the State. A home  
2 rule unit may not regulate or license community association  
3 managers, ~~supervising community association managers, or~~  
4 ~~community association management firms~~. This Section is a  
5 denial and limitation of home rule powers and functions under  
6 subsection (h) of Section 6 of Article VII of the Illinois  
7 Constitution.

8 (Source: P.A. 98-365, eff. 1-1-14.)

9 (225 ILCS 427/42 rep.)

10 Section 10. The Community Association Manager Licensing  
11 and Disciplinary Act is amended by repealing Section 42.

12 Section 99. Effective date. This Act takes effect upon  
13 becoming law."