

SB3394



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

SB3394

Introduced 2/16/2018, by Sen. Pamela J. Althoff

SYNOPSIS AS INTRODUCED:

225 ILCS 427/40
225 ILCS 427/42
225 ILCS 441/5-10
225 ILCS 454/5-27
225 ILCS 454/5-28

Amends the Community Association Manager Licensing and Disciplinary Act, the Home Inspector License Act, and the Real Estate License Act of 2000. Reduces the minimum age requirement for licensure as a community association manager, supervising community association manager, home inspector, broker, or managing broker to 18 years of age (rather than 21 years of age). Makes a conforming change. Effective immediately.

LRB100 16083 SMS 31202 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning regulation.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Community Association Manager Licensing and
5 Disciplinary Act is amended by changing Sections 40 and 42 as
6 follows:

7 (225 ILCS 427/40)

8 (Section scheduled to be repealed on January 1, 2020)

9 Sec. 40. Qualifications for licensure as a community
10 association manager.

11 (a) No person shall be qualified for licensure as a
12 community association manager under this Act, unless he or she
13 has applied in writing on the prescribed forms and has paid the
14 required, nonrefundable fees and meets all of the following
15 qualifications:

16 (1) He or she is at least 18 ~~21~~ years of age.

17 (2) He or she provides satisfactory evidence of having
18 completed at least 20 classroom hours in community
19 association management courses approved by the Board.

20 (3) He or she has passed an examination authorized by
21 the Department.

22 (4) He or she has not committed an act or acts, in this
23 or any other jurisdiction, that would be a violation of

1 this Act.

2 (5) He or she is of good moral character. In
3 determining moral character under this Section, the
4 Department may take into consideration whether the
5 applicant has engaged in conduct or activities that would
6 constitute grounds for discipline under this Act. Good
7 moral character is a continuing requirement of licensure.
8 Conviction of crimes may be used in determining moral
9 character, but shall not constitute an absolute bar to
10 licensure.

11 (6) He or she has not been declared by any court of
12 competent jurisdiction to be incompetent by reason of
13 mental or physical defect or disease, unless a court has
14 subsequently declared him or her to be competent.

15 (7) He or she complies with any additional
16 qualifications for licensure as determined by rule of the
17 Department.

18 (b) The education requirement set forth in item (2) of
19 subsection (a) of this Section shall not apply to persons
20 holding a real estate managing broker or real estate broker
21 license in good standing issued under the Real Estate License
22 Act of 2000.

23 (c) The examination and initial education requirement of
24 items (2) and (3) of subsection (a) of this Section shall not
25 apply to any person who within 6 months from the effective date
26 of the requirement for licensure, as set forth in Section 170

1 of this Act, applies for a license by providing satisfactory
2 evidence to the Department of qualifying experience or
3 education, as may be set forth by rule, including without
4 limitation evidence that he or she has practiced community
5 association management for a period of 5 years.

6 (d) Applicants have 3 years from the date of application to
7 complete the application process. If the process has not been
8 completed within the 3 years, the application shall be denied,
9 the fee shall be forfeited, and the applicant must reapply and
10 meet the requirements in effect at the time of re-application.

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

12 (225 ILCS 427/42)

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

14 Sec. 42. Qualifications for licensure as a supervising
15 community association manager.

16 (a) No person shall be qualified for licensure as a
17 supervising community association manager under this Act
18 unless he or she has applied in writing on the prescribed
19 forms, has paid the required nonrefundable fees, and meets all
20 of the following qualifications:

21 (1) He or she is at least 18 ~~21~~ years of age.

22 (2) He or she has been licensed at least one out of the
23 last 2 preceding years as a community association manager.

24 (3) He or she provides satisfactory evidence of having
25 completed at least 30 classroom hours in community

1 association management courses approved by the Board, 20
2 hours of which shall be those pre-license hours required to
3 obtain a community association manager license, and 10
4 additional hours completed the year immediately preceding
5 the filing of the application for a supervising community
6 association manager license, which shall focus on
7 community association administration, management, and
8 supervision.

9 (4) He or she has passed an examination authorized by
10 the Department.

11 (5) He or she has not committed an act or acts, in this
12 or any other jurisdiction, that would be a violation of
13 this Act.

14 (6) He or she is of good moral character. In
15 determining moral character under this Section, the
16 Department may take into consideration whether the
17 applicant has engaged in conduct or activities that would
18 constitute grounds for discipline under this Act. Good
19 moral character is a continuing requirement of licensure.
20 Conviction of crimes may be used in determining moral
21 character, but shall not constitute an absolute bar to
22 licensure.

23 (7) He or she has not been declared by any court of
24 competent jurisdiction to be incompetent by reason of
25 mental or physical defect or disease, unless a court has
26 subsequently declared him or her to be competent.

1 (8) He or she complies with any additional
2 qualifications for licensure as determined by rule of the
3 Department.

4 (b) The initial 20-hour education requirement set forth in
5 item (3) of subsection (a) of this Section shall not apply to
6 persons holding a real estate managing broker or real estate
7 broker license in good standing issued under the Real Estate
8 License Act of 2000. The 10 additional hours required for
9 licensure under this Section shall not apply to persons holding
10 a real estate managing broker license in good standing issued
11 under the Real Estate License Act of 2000.

12 (c) The examination and initial education requirement of
13 items (3) and (4) of subsection (a) of this Section shall not
14 apply to any person who, within 6 months after the effective
15 date of the requirement for licensure, as set forth in Section
16 170 of this Act, applies for a license by providing
17 satisfactory evidence to the Department of qualifying
18 experience or education, as may be set forth by rule, including
19 without limitation, evidence that he or she has practiced
20 community association management for a period of 7 years.

21 (d) Applicants have 3 years after the date of application
22 to complete the application process. If the process has not
23 been completed within the 3 years, the application shall be
24 denied, the fee shall be forfeited, and the applicant must
25 reapply and meet the requirements in effect at the time of
26 re-application.

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

2 Section 10. The Home Inspector License Act is amended by
3 changing Section 5-10 as follows:

4 (225 ILCS 441/5-10)

5 (Section scheduled to be repealed on January 1, 2022)

6 Sec. 5-10. Application for home inspector license. Every
7 natural person who desires to obtain a home inspector license
8 shall:

9 (1) apply to the Department on forms prescribed by the
10 Department and accompanied by the required fee; all
11 applications shall contain the information that, in the
12 judgment of the Department, enables the Department to pass
13 on the qualifications of the applicant for a license to
14 practice as a home inspector as set by rule;

15 (2) be at least 18 ~~21~~ years of age;

16 (3) provide evidence of having attained a high school
17 diploma or completed an equivalent course of study as
18 determined by an examination conducted by the Illinois
19 State Board of Education;

20 (4) personally take and pass an examination authorized
21 by the Department; and

22 (5) prior to taking the examination, provide evidence
23 to the Department that he or she has successfully completed
24 the prerequisite classroom hours of instruction in home

1 inspection, as established by rule.

2 Applicants have 3 years after the date of the application
3 to complete the application process. If the process has not
4 been completed within 3 years, the application shall be denied,
5 the fee forfeited, and the applicant must reapply and meet the
6 requirements in effect at the time of reapplication.

7 (Source: P.A. 97-226, eff. 7-28-11.)

8 Section 15. The Real Estate License Act of 2000 is amended
9 by changing Sections 5-27 and 5-28 as follows:

10 (225 ILCS 454/5-27)

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

12 Sec. 5-27. Requirements for licensure as a broker.

13 (a) Every applicant for licensure as a broker must meet the
14 following qualifications:

15 (1) Be at least 18 ~~21~~ years of age. ~~The minimum age of~~
16 ~~21 years shall be waived for any person seeking a license~~
17 ~~as a broker who has attained the age of 18 and can provide~~
18 ~~evidence of the successful completion of at least 4~~
19 ~~semesters of post-secondary school study as a full-time~~
20 ~~student or the equivalent, with major emphasis on real~~
21 ~~estate courses, in a school approved by the Department;~~

22 (2) Be of good moral character;

23 (3) Successfully complete a 4-year course of study in a
24 high school or secondary school approved by the Illinois

1 State Board of Education or an equivalent course of study
2 as determined by an examination conducted by the Illinois
3 State Board of Education which shall be verified under oath
4 by the applicant;

5 (4) (Blank);

6 (5) Provide satisfactory evidence of having completed
7 90 hours of instruction in real estate courses approved by
8 the Department, 15 hours of which must consist of
9 situational and case studies presented in the classroom or
10 by live, interactive webinar or online distance education
11 courses;

12 (6) Personally take and pass a written examination
13 authorized by the Department;

14 (7) Present a valid application for issuance of a
15 license accompanied by a sponsor card and the fees
16 specified by rule.

17 (b) The requirements specified in items (3) and (5) of
18 subsection (a) of this Section do not apply to applicants who
19 are currently admitted to practice law by the Supreme Court of
20 Illinois and are currently in active standing.

21 (c) No applicant shall engage in any of the activities
22 covered by this Act until a valid sponsor card has been issued
23 to such applicant. The sponsor card shall be valid for a
24 maximum period of 45 days after the date of issuance unless
25 extended for good cause as provided by rule.

26 (d) All licenses should be readily available to the public

1 at their place of business.

2 (e) An individual holding an active license as a managing
3 broker may return the license to the Department along with a
4 form provided by the Department and shall be issued a broker's
5 license in exchange. Any individual obtaining a broker's
6 license under this subsection (e) shall be considered as having
7 obtained a broker's license by education and passing the
8 required test and shall be treated as such in determining
9 compliance with this Act.

10 (Source: P.A. 99-227, eff. 8-3-15; 100-188, eff. 1-1-18.)

11 (225 ILCS 454/5-28)

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

13 Sec. 5-28. Requirements for licensure as a managing broker.

14 (a) Every applicant for licensure as a managing broker must
15 meet the following qualifications:

16 (1) be at least 18 ~~21~~ years of age;

17 (2) be of good moral character;

18 (3) have been licensed at least 2 out of the preceding
19 3 years as a broker;

20 (4) successfully complete a 4-year course of study in
21 high school or secondary school approved by the Illinois
22 State Board of Education or an equivalent course of study
23 as determined by an examination conducted by the Illinois
24 State Board of Education, which shall be verified under
25 oath by the applicant;

1 (5) provide satisfactory evidence of having completed
2 at least 165 hours, 120 of which shall be those hours
3 required pre and post-licensure to obtain a broker's
4 license, and 45 additional hours completed within the year
5 immediately preceding the filing of an application for a
6 managing broker's license, which hours shall focus on
7 brokerage administration and management and leasing agent
8 management and include at least 15 hours in the classroom
9 or by live, interactive webinar or online distance
10 education courses;

11 (6) personally take and pass a written examination
12 authorized by the Department; and

13 (7) present a valid application for issuance of a
14 license accompanied by a sponsor card, an appointment as a
15 managing broker, and the fees specified by rule.

16 (b) The requirements specified in item (5) of subsection
17 (a) of this Section do not apply to applicants who are
18 currently admitted to practice law by the Supreme Court of
19 Illinois and are currently in active standing.

20 (c) No applicant shall act as a managing broker for more
21 than 90 days after an appointment as a managing broker has been
22 filed with the Department without obtaining a managing broker's
23 license.

24 (Source: P.A. 99-227, eff. 8-3-15; 100-188, eff. 1-1-18.)

25 Section 99. Effective date. This Act takes effect upon
26 becoming law.