



## 101ST GENERAL ASSEMBLY

### State of Illinois

2019 and 2020

HB4766

Introduced 2/18/2020, by Rep. William Davis and Kelly M. Burke

#### SYNOPSIS AS INTRODUCED:

See Index

Amends the Regulatory Sunset Act. Extends the repeal date of the Community Association Manager Licensing and Disciplinary Act from January 1, 2022 to January 1, 2031. Amends the Community Association Manager Licensing and Disciplinary Act. Provides that all applicants and licensees under the Act shall provide a valid address and email address to the Department of Financial and Professional Regulation. Creates provisions concerning qualifications for licensure as a community association management firm and illegal discrimination. Makes changes in provisions concerning definitions; license requirements; exemptions; the Community Association Manager Licensing and Disciplinary Board; powers and duties of the Department; qualifications for licensure as a community association manager; examinations; fidelity insurance and segregation of accounts; license renewals; penalties for insufficient payments; endorsement; grounds for discipline; injunctions and cease and desist orders; unlicensed practice; investigation, notice, and hearings; appointment of a hearing officer; judicial review; violations and penalties; and home rule. Repeals provisions concerning qualifications for licensure as a supervising community association manager; rosters; violations and penalties; and enforcement. Effective immediately.

LRB101 20552 SPS 70168 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 Regulatory Sunset Act is amended by changing  
5 Section 4.32 and by adding Section 4.41 as follows:

6 (5 ILCS 80/4.32)

7 Sec. 4.32. Acts repealed on January 1, 2022. The following  
8 Acts are repealed on January 1, 2022:

9 The Boxing and Full-contact Martial Arts Act.

10 The Collateral Recovery Act.

11 ~~The Community Association Manager Licensing and~~  
12 ~~Disciplinary Act.~~

13 The Detection of Deception Examiners Act.

14 The Home Inspector License Act.

15 The Medical Practice Act of 1987.

16 The Registered Interior Designers Act.

17 The Massage Licensing Act.

18 The Petroleum Equipment Contractors Licensing Act.

19 The Real Estate Appraiser Licensing Act of 2002.

20 The Water Well and Pump Installation Contractor's License  
21 Act.

22 (Source: P.A. 100-920, eff. 8-17-18; 101-316, eff. 8-9-19;  
23 101-614, eff. 12-20-19.)

1 (5 ILCS 80/4.41 new)

2 Sec. 4.41. Act repealed on January 1, 2031. The following  
3 Act is repealed on January 1, 2031:

4 The Community Association Manager Licensing and  
5 Disciplinary Act.

6 Section 10. The Community Association Manager Licensing  
7 and Disciplinary Act is amended by changing Sections 10, 15,  
8 20, 25, 30, 40, 45, 50, 55, 60, 70, 75, 85, 90, 92, 95, 115,  
9 120, 145, 155, and 165 and by adding Sections 12, 41, and 86 as  
10 follows:

11 (225 ILCS 427/10)

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

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

14 "Address of record" means the designated street address,  
15 which may not be a post office box, recorded by the Department  
16 in the applicant's or licensee's application file or license  
17 file maintained by the Department ~~Department's licensure~~  
18 ~~maintenance unit. It is the duty of the applicant or licensee~~  
19 ~~to inform the Department of any change of address, and such~~  
20 ~~changes must be made either through the Department's website or~~  
21 ~~by contacting the Department's licensure maintenance unit.~~

22 "Advertise" means, but is not limited to, issuing or  
23 causing to be distributed any card, sign or device to any

1 person; or causing, permitting or allowing any sign or marking  
2 on or in any building, structure, newspaper, magazine or  
3 directory, or on radio or television; or advertising by any  
4 other means designed to secure public attention, including, but  
5 not limited to, print, electronic, social media, and digital  
6 forums.

7 "Board" means the Community Association Manager Licensing  
8 and Disciplinary Board.

9 "Community association" means an association in which  
10 membership is a condition of ownership or shareholder interest  
11 of a unit in a condominium, cooperative, townhouse, villa, or  
12 other residential unit which is part of a residential  
13 development plan and that is authorized to impose an  
14 assessment, rents, or other costs that may become a lien on the  
15 unit or lot.

16 "Community association funds" means any assessments, fees,  
17 fines, or other funds collected by the community association  
18 manager from the community association, or its members, other  
19 than the compensation paid to the community association manager  
20 for performance of community association management services.

21 "Community association management firm" means a company,  
22 corporation, limited liability company, partnership, or other  
23 entity that engages in community association management  
24 services.

25 "Community association management services" means those  
26 services listed in the definition of community association

1 manager in this Section.

2 "Community association manager" means an individual who:

3 (1) has an ownership interest in or is employed by a  
4 community association management firm, or is directly  
5 employed by or provides services as an independent  
6 contractor to a community association; and

7 (2) administers for remuneration the financial,  
8 administrative, maintenance, or other duties for the  
9 community association, including the following services:

10 (A) collecting, controlling or disbursing funds of  
11 the community association or having the authority to do  
12 so;

13 (B) preparing budgets or other financial documents  
14 for the community association;

15 (C) assisting in the conduct of community  
16 association meetings;

17 (D) maintaining association records; ~~and~~

18 (E) administrating association contracts or  
19 procuring goods and services in accordance with, as  
20 appropriate, ~~as stated in~~ the declaration, bylaws,  
21 proprietary lease, declaration of covenants, or other  
22 governing document of the community association or at  
23 the direction of the Board of Managers; and

24 (F) coordinating or performing financial,  
25 administrative, maintenance, or other duties as called  
26 for in the management contract, including coordinating

1           individuals who are employees of the community  
2           association.

3           "Community association manager" does not mean support  
4 staff, including, but not limited to bookkeepers,  
5 administrative assistants, secretaries, property inspectors,  
6 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 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           "Email address of record" means the designated email  
18 address recorded by the Department in the applicant's  
19 application file or the licensee's license file, as maintained  
20 by the Department.

21           "License" means the privilege conferred by the Department  
22 to a person that has fulfilled all the requirements  
23 prerequisite to any type of licensure under this Act ~~license~~  
24 ~~issued to a person, corporation, partnership, limited~~  
25 ~~liability company, or other legal entity under this Act to~~  
26 ~~provide community association management services.~~

1       "Licensee" means a community association manager or a  
2       community association management firm.

3       "Person" means any individual, corporation, partnership,  
4       limited liability company, or other legal entity.

5       "Secretary" means the Secretary of Financial and  
6       Professional Regulation or his or her designee.

7       ~~"Supervising community association manager" means an~~  
8       ~~individual licensed as a community association manager who~~  
9       ~~manages and supervises a firm.~~

10       (Source: P.A. 100-201, eff. 8-18-17.)

11       (225 ILCS 427/12 new)

12       Sec. 12. Address of record; email address of record. The  
13       Department shall require all applicants and licensees:

14               (1) to provide a valid address and email address to the  
15               Department, which shall serve as the address of record and  
16               email address of record, respectively, at the time of  
17               application for licensure or renewal of a license; and

18               (2) to inform the Department of any change of address  
19               of record or email address of record within 24 hours after  
20               such change through the Department's website.

21       (225 ILCS 427/15)

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

23       Sec. 15. License required. It shall be unlawful for any  
24       person, ~~corporation, partnership, limited liability company,~~

1 ~~or other entity~~ to provide community association management  
2 services, provide services as a community association manager,  
3 or hold himself, herself, or itself out as a community  
4 association manager or community association management firm  
5 to any community association in this State, unless he, she, or  
6 it holds a current and valid license issued licensed by the  
7 Department or is otherwise exempt from licensure under this  
8 Act.

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

10 (225 ILCS 427/20)

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

12 Sec. 20. Exemptions.

13 (a) The requirement for holding a license under this Act  
14 shall not apply to any of the following:

15 (1) Any director or, ~~officer, or member~~ of a community  
16 association providing one or more of the services of a  
17 community association manager to a community association  
18 without compensation for such services to the association.

19 (2) Any person, ~~corporation, partnership, or limited~~  
20 ~~liability company~~ providing one or more of the services of  
21 a community association manager to a community association  
22 of 10 units or less.

23 (3) A licensed attorney acting solely as an incident to  
24 the practice of law.

25 (4) An individual ~~A person~~ acting as a receiver,



1 trustee in bankruptcy, administrator, executor, or  
2 guardian acting under a court order or under the authority  
3 of a court will ~~or of a trust instrument~~.

4 (5) A person licensed in this State under any other Act  
5 who engages in practices or activities specifically  
6 authorized by the Act pursuant to which the license was  
7 granted ~~from engaging the practice for which he or she is~~  
8 ~~licensed~~.

9 (b) A licensed community association manager may not  
10 perform or engage in any activities for which a real estate  
11 managing broker, ~~or~~ real estate broker, or residential leasing  
12 agent ~~broker's~~ license is required under the Real Estate  
13 License Act of 2000, unless he or she also possesses a current  
14 and valid license under the Real Estate License Act of 2000 and  
15 is providing those services as provided for in the Real Estate  
16 License Act of 2000 and the applicable rules.

17 (c) (Blank). ~~A person may temporarily act as, or provide~~  
18 ~~services as, a community association manager without being~~  
19 ~~licensed under this Act if the person (i) is a community~~  
20 ~~association manager regulated under the laws of another state~~  
21 ~~or territory of the United States or another country and (ii)~~  
22 ~~has applied in writing to the Department, on forms prepared and~~  
23 ~~furnished by the Department, for licensure under this Act. This~~  
24 ~~temporary right to act as a community association manager shall~~  
25 ~~expire 6 months after the filing of his or her written~~  
26 ~~application to the Department; upon the withdrawal of the~~

1 ~~application for licensure under this Act; or upon delivery of a~~  
2 ~~notice of intent to deny the application from the Department;~~  
3 ~~or upon the denial of the application by the Department,~~  
4 ~~whichever occurs first.~~

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

6 (225 ILCS 427/25)

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

8 Sec. 25. Community Association Manager Licensing and  
9 Disciplinary Board.

10 (a) There is hereby created the Community Association  
11 Manager Licensing and Disciplinary Board, which shall consist  
12 of 7 members appointed by the Secretary. All members must be  
13 residents of the State and must have resided in the State for  
14 at least 5 years immediately preceding the date of appointment.  
15 Five members of the Board must be licensees under this Act,~~at~~  
16 ~~least two members of which shall be supervising community~~  
17 ~~association managers.~~ Two members of the Board shall be owners  
18 of, or hold a shareholder's interest in, a unit in a community  
19 association at the time of appointment who are not licensees  
20 under this Act and have no direct affiliation ~~or work~~  
21 ~~experience~~ with the community association's community  
22 association manager. This Board shall act in an advisory  
23 capacity to the Department.

24 (b) Each member's term ~~Members serving on the Board on the~~  
25 ~~effective date of this amendatory Act of the 100th General~~

1 ~~Assembly may serve the remainder of their unexpired terms.~~  
2 ~~Thereafter, the members' terms~~ shall be for 4 years or until  
3 his or her successor is appointed ~~and expire upon completion of~~  
4 ~~the term~~. No member shall be reappointed to the Board for a  
5 term that would cause his or her cumulative service to the  
6 Board to exceed 10 years. Appointments to fill vacancies shall  
7 be made by the Secretary for the unexpired portion of the term.  
8 The Secretary shall remove from the Board any member whose  
9 license has become void or has been revoked or suspended and  
10 may remove any member of the Board for neglect of duty,  
11 misconduct, or incompetence. A member who is subject to formal  
12 disciplinary proceedings shall disqualify himself or herself  
13 from all Board business until the charge is resolved. A member  
14 also shall disqualify himself or herself from any matter on  
15 which the member cannot act objectively.

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

18 (d) The Board shall elect annually, at its first meeting of  
19 the fiscal year, a chairperson and vice chairperson.

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

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

26 (Source: P.A. 100-886, eff. 8-14-18.)

1 (225 ILCS 427/30)

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

3 Sec. 30. Powers and duties of the Department. The  
4 Department may exercise the following functions, powers and  
5 duties:

6 (a) formulate rules for the administration and  
7 enforcement of this Act;

8 (b) prescribe forms to be issued for the administration  
9 and enforcement of this Act and utilize regular or  
10 electronic mail, at the discretion of the Department, to  
11 send notices, pleadings, and other information to  
12 applicants and licensees;

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

17 (d) (blank); ~~maintain a roster of the names and~~  
18 ~~addresses of all licensees in a manner as deemed~~  
19 ~~appropriate by the Department; and~~

20 (e) seek the advice and expert knowledge of the Board  
21 on any matter relating to the administration and  
22 enforcement of this Act; and

23 (f) exercise any and all general powers and duties set  
24 forth in Section 2105-15 of the Professional Regulation Law  
25 of the Civil Administrative Code of Illinois.

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

2 (225 ILCS 427/40)

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

4 Sec. 40. Qualifications for licensure as a community  
5 association manager.

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

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

12 (1.5) He or she successfully completed a 4-year course  
13 of study in a high school, secondary school, an equivalent  
14 course of study approved by the state in which the school  
15 is located, or possess a high school equivalency  
16 certificate that shall be verified under oath by the  
17 applicant.

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

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

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

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

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

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

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

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

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

6 (d) Applicants have 2 3 years from the date of application  
7 to complete the application process. If the process has not  
8 been completed within the 2 3 years, the application shall be  
9 denied, the fee shall be forfeited, and the applicant must  
10 reapply and meet the requirements in effect at the time of  
11 re-application.

12 (e) The Department shall not require applicants to report  
13 the following information and shall not consider the following  
14 criminal history records in connection with an application for  
15 licensure or registration:

16 (1) juvenile adjudications of delinquent minors as  
17 defined in Section 5-105 of the Juvenile Court Act of 1987  
18 subject to the restrictions set forth in Section 5-130 of  
19 that Act;

20 (2) law enforcement records, court records, and  
21 conviction records of an individual who was 17 years old at  
22 the time of the offense and before January 1, 2014, unless  
23 the nature of the offense required the individual to be  
24 tried as an adult;

25 (3) records of arrest not followed by a charge or  
26 conviction;

1           (4) records of arrest in which the charges were  
2           dismissed unless related to the practice of the profession;  
3           however, applicants shall not be asked to report any  
4           arrests, and an arrest not followed by a conviction shall  
5           not be the basis of a denial and may be used only to assess  
6           an applicant's rehabilitation;

7           (5) convictions overturned by a higher court; or

8           (6) convictions or arrests that have been sealed or  
9           expunged.

10          (f) A licensee shall report to the Department, in a manner  
11          prescribed by the Department, any plea of guilty or nolo  
12          contendere to forgery, embezzlement, obtaining money under  
13          false pretenses, larceny, extortion, conspiracy to defraud, or  
14          any similar offense or offenses or any conviction of a felony  
15          involving moral turpitude that occurs during the licensee's  
16          term of licensure.

17          (Source: P.A. 100-892, eff. 8-14-18.)

18                 (225 ILCS 427/41 new)

19          Sec. 41. Qualifications for licensure as a community  
20          association management firm. Any person who desires to obtain a  
21          community association management firm license must:

22                 (1) apply to the Department on forms prescribed by the  
23                 Department and pay the required fee;

24                 (2) provide evidence to the Department that the  
25                 community association management firm has a licensed



1       designated community association manager;  
2               (3) be authorized to conduct business in the State of  
3       Illinois and provide proof of such authorization to the  
4       Department; and  
5               (4) comply with all requirements as may be set forth by  
6       rule.

7       (225 ILCS 427/45)

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

9       Sec. 45. Examinations.

10       (a) The Department shall authorize examinations of  
11 applicants for licensure as a community association manager at  
12 such times and places as it may determine. The examination of  
13 applicants shall be of a character to give a fair test of the  
14 qualifications of the applicant to practice as a community  
15 association manager.

16       (b) Applicants for examination shall be required to pay,  
17 either to the Department or the designated testing service, a  
18 fee covering the cost of providing the examination.

19       (c) The Department may employ consultants to prepare and  
20 conduct ~~for the purpose of preparing and conducting~~  
21 examinations.

22       (d) An applicant shall be eligible to take the examination  
23 only after successfully completing the education requirements  
24 set forth in this Act and attaining the minimum education and  
25 age required under this Act.

1 (e) (Blank). ~~The examination approved by the Department~~  
2 ~~should utilize the basic principles of professional testing~~  
3 ~~standards utilizing psychometric measurement. The examination~~  
4 ~~shall use standards set forth by the National Organization for~~  
5 ~~Competency Assurances and shall be approved by the Department.~~

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

7 (225 ILCS 427/50)

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

9 Sec. 50. Community association management firm.

10 (a) No corporation, partnership, limited liability  
11 company, or other legal entity shall provide or offer to  
12 provide community association management services, unless it  
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 the firm has designated a licensed ~~supervising~~  
16 community association manager to supervise and manage the firm.  
17 Having a ~~A~~ designated ~~supervising~~ community association  
18 manager shall be a continuing requirement of firm licensure. ~~No~~  
19 ~~supervising community association manager may be the~~  
20 ~~supervising community association manager for more than one~~  
21 ~~firm.~~

22 (b) Any corporation, partnership, limited liability  
23 company, or other legal entity that is providing, or offering  
24 to provide, community association management services and is  
25 not in compliance with this Section ~~50~~ and other provisions of

1 this Act shall be subject to the civil penalties, fines,  
2 injunctions, cease and desist provisions, and penalties  
3 provided for in Sections 90, 92, and 155 of this Act.

4 (c) No community association manager may be the designated  
5 community association manager ~~licensee in charge~~ for more than  
6 one firm, corporation, limited liability company, partnership,  
7 or other legal entity. The designated community association  
8 manager shall be responsible for the actions of all licensed  
9 community association managers and unlicensed persons  
10 purporting to act on behalf of, or holding themselves out as  
11 acting on behalf of, the community association management firm.

12 (d) The Department may adopt rules and set all necessary  
13 requirements for the implementation of this Section.

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

15 (225 ILCS 427/55)

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

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

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

23 (1) There is fidelity insurance in place to insure  
24 against loss or ~~for~~ theft of community association funds.

25 (2) The fidelity insurance is not less than all moneys

1 under the control of the designated ~~supervising~~ community  
2 association manager or the employing community association  
3 management firm for the association.

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

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

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

1 (b) A community association management firm that provides  
2 community association management services for more than one  
3 community association shall maintain separate, segregated  
4 accounts for each community association ~~or, with the consent of~~  
5 ~~the community association, combine the accounts of one or more~~  
6 ~~community associations, but in that event, separately account~~  
7 ~~for the funds of each community association. The funds shall~~  
8 ~~not, in any event, be commingled with the supervising community~~  
9 ~~association manager's or community association management~~  
10 ~~firm's funds. The funds shall not be commingled with the funds~~  
11 ~~of the community association manager, the community~~  
12 ~~association management firm, or any other community~~  
13 ~~association.~~ The maintenance of such accounts shall be  
14 custodial, and such accounts shall be in the name of the  
15 respective community association ~~or community association~~  
16 ~~manager or Community Association Management Agency as the agent~~  
17 ~~for the association.~~

18 (c) The designated ~~supervising~~ community association  
19 manager or community association management firm shall obtain  
20 the appropriate general liability and errors and omissions  
21 insurance, as determined by the Department, to cover any losses  
22 or claims against a ~~the supervising~~ community association  
23 manager, the designated community association manager, or the  
24 community association management firm.

25 (d) The Department shall have authority to promulgate  
26 additional rules regarding insurance, fidelity insurance and

1 all accounts maintained and to be maintained by a community  
2 association manager, designated ~~supervising~~ community  
3 association manager, or community association management firm.  
4 (Source: P.A. 98-365, eff. 1-1-14.)

5 (225 ILCS 427/60)

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

7 Sec. 60. Licenses; renewals; restoration; person in  
8 military service.

9 (a) The expiration date, fees, and renewal period for each  
10 license issued under this Act shall be set by rule. The  
11 Department may promulgate rules requiring continuing education  
12 and set all necessary requirements for such, including but not  
13 limited to fees, approved coursework, number of hours, and  
14 waivers of continuing education.

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

23 (c) ~~Any If the person has not maintained an active practice~~  
24 ~~in another jurisdiction satisfactory to the Department, the~~  
25 ~~Department shall determine, by an evaluation program~~

1 ~~established by rule, the person's fitness to resume active~~  
2 ~~status and may require the person to complete a period of~~  
3 ~~evaluated clinical experience and successful completion of a~~  
4 ~~practical examination. However, any person whose license~~  
5 expired while (i) in federal service on active duty with the  
6 Armed Forces of the United States or called into service or  
7 training with the State Militia or (ii) in training or  
8 education under the supervision of the United States  
9 preliminary to induction into the military service may have his  
10 or her license renewed or restored without paying any lapsed  
11 renewal fees if, within 2 years after honorable termination of  
12 the service, training or education, except under condition  
13 other than honorable, he or she furnishes the Department with  
14 satisfactory evidence to the effect that he or she has been so  
15 engaged and that the service, training, or education has been  
16 so honorably terminated.

17 (d) A community association manager ~~or~~ community  
18 association management firm ~~or supervising community~~  
19 ~~association manager~~ who notifies the Department, in a manner  
20 ~~writing on forms~~ prescribed by the Department, may place his,  
21 her, or its license on inactive status for a period not to  
22 exceed 2 years and shall be excused from the payment of renewal  
23 fees until the person notifies the Department in writing of the  
24 intention to resume active practice.

25 (e) A community association manager ~~or~~ community  
26 association management firm, ~~or supervising community~~

1 ~~association manager~~ requesting that his, her, or its license be  
2 changed from inactive to active status shall be required to pay  
3 the current renewal fee and shall also demonstrate compliance  
4 with the continuing education requirements.

5 (f) No ~~Any~~ licensee with a nonrenewed or ~~on~~ inactive  
6 license status or community association management firm  
7 operation without a designated community association manager  
8 shall ~~not~~ provide community association management services as  
9 set forth in this Act.

10 (g) Any person violating subsection (f) of this Section  
11 shall be considered to be practicing without a license and will  
12 be subject to the disciplinary provisions of this Act.

13 (h) The Department shall not renew a license if the  
14 licensee has an unpaid fine from a disciplinary matter or an  
15 unpaid fee from a non-disciplinary action imposed by the  
16 Department until the fine or fee is paid to the Department or  
17 the licensee has entered into a payment plan and is current on  
18 the required payments.

19 (i) The Department shall not issue a license if the  
20 applicant has an unpaid fine imposed by the Department for  
21 unlicensed practice until the fine is paid to the Department or  
22 the applicant has entered into a payment plan and is current on  
23 the required payments.

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



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

2 Sec. 70. Penalty for insufficient funds; payments. Any  
3 person who:

4 (1) delivers a check or other payment to the Department  
5 that is returned to the Department unpaid by the financial  
6 institution upon which it is drawn; or

7 (2) presents a credit or debit card for payment that is  
8 invalid or expired or against which charges by the  
9 Department are declined or dishonored;

10 shall pay to the Department, in addition to the amount already  
11 owed to the Department, a fine of \$50. The Department shall  
12 notify the person that payment of fees and fines shall be paid  
13 to the Department by certified check or money order within 30  
14 calendar days after notification. If, after the expiration of  
15 30 days from the date of the notification, the person has  
16 failed to submit the necessary remittance, the Department shall  
17 automatically terminate the license or deny the application,  
18 without hearing. If, after termination or denial, the person  
19 seeks a license, he, she, or it shall apply to the Department  
20 for restoration or issuance of the license and pay all fees and  
21 fines due to the Department. The Department may establish a fee  
22 for the processing of an application for restoration of a  
23 license to pay all expenses of processing this application. The  
24 Secretary may waive the fines due under this Section in  
25 individual cases where the Secretary finds that the fines would  
26 be unreasonable or unnecessarily burdensome.

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

2 (225 ILCS 427/75)

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

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

15 All applicants under this Act ~~Applicants~~ have 2 ~~3~~ years  
16 from the date of application to complete the application  
17 process. If the process has not been completed within the 2 ~~3~~  
18 years, the application shall be denied, the fee shall be  
19 forfeited, and the applicant must reapply and meet the  
20 requirements in effect at the time of reapplication.

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

22 (225 ILCS 427/85)

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

24 Sec. 85. Grounds for discipline; refusal, revocation, or

1 suspension.

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

10 (1) Material misstatement in furnishing information to  
11 the Department.

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

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

25 (4) Making any misrepresentation for the purpose of  
26 obtaining a license or violating any provision of this Act

1 or its rules.

2 (5) Professional incompetence.

3 (6) Gross negligence.

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

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

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

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

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

25 (12) Directly or indirectly giving to or receiving from  
26 any person, firm, corporation, partnership or association

1 any fee, commission, rebate, or other form of compensation  
2 for any ~~professional~~ services not actually or personally  
3 rendered.

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

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

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

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

22 (17) Solicitation of professional services by using  
23 false or misleading advertising.

24 (18) A finding that licensure has been applied for or  
25 obtained by fraudulent means.

26 (19) Practicing or attempting to practice under a name

1 other than the full name as shown on the license or any  
2 other legally authorized name unless approved by the  
3 Department.

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

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

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

15 (23) Giving differential treatment to a person that is  
16 to that person's detriment on the basis ~~because~~ of race,  
17 color, ~~creed~~, sex, ancestry, age, order of protection  
18 status, marital status, physical or mental disability,  
19 military status, unfavorable discharge from military  
20 status, sexual orientation, pregnancy, religion, or  
21 national origin.

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

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

1 (26) Purporting to be a designated ~~supervising~~  
2 community association manager of a firm without active  
3 participation in the firm and having been designated as  
4 such.

5 (27) Failing to make available to the Department at the  
6 time of the request any indicia of licensure or  
7 registration issued under this Act.

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

11 (29) Violating the terms of a disciplinary order issued  
12 by the Department.

13 (30) Operating a community association management firm  
14 without a designated community association manager who  
15 holds an active community association manager license.

16 (31) For a designated community association manager,  
17 failing to meet the requirements for acting as a designated  
18 community association manager.

19 (32) Failing to disclose to a community association any  
20 compensation received by a licensee from a third party in  
21 connection with or related to a transaction entered into by  
22 the licensee on behalf of the community association.

23 (33) Failing to disclose to a community association, at  
24 the time of making the referral, that a licensee: (A) has  
25 greater than a 1% ownership interest in a third party to  
26 which it refers the community association or (B) receives

1       or may receive dividends or other profit sharing  
2       distributions from a third party, other than a publicly  
3       held or traded company, to which it refers the community  
4       association.

5       (b) (Blank).

6       (c) The determination by a circuit court that a licensee is  
7       subject to involuntary admission or judicial admission, as  
8       provided in the Mental Health and Developmental Disabilities  
9       Code, operates as an automatic suspension. The suspension will  
10      terminate only upon a finding by a court that the patient is no  
11      longer subject to involuntary admission or judicial admission  
12      and the issuance of an order so finding and discharging the  
13      patient, and upon the recommendation of the Board to the  
14      Secretary that the licensee be allowed to resume his or her  
15      practice as a licensed community association manager.

16      (d) In accordance with subsection (g) of Section 2105-15 of  
17      the Department of Professional Regulation Law of the Civil  
18      Administrative Code of Illinois (~~20 ILCS 2105/2105-15~~), the  
19      Department may refuse to issue or renew or may suspend the  
20      license of any person who fails to file a return, to pay the  
21      tax, penalty, or interest shown in a filed return, or to pay  
22      any final assessment of tax, penalty, or interest, as required  
23      by any tax Act administered by the Department of Revenue, until  
24      such time as the requirements of that tax Act are satisfied.

25      (e) In accordance with subdivision (a)(5) of Section  
26      2105-15 of the Department of Professional Regulation Law of the



1 Civil Administrative Code of Illinois ~~(20 ILCS 2105/2105-15)~~  
2 and in cases where the Department of Healthcare and Family  
3 Services (formerly Department of Public Aid) has previously  
4 determined that a licensee or a potential licensee is more than  
5 30 days delinquent in the payment of child support and has  
6 subsequently certified the delinquency to the Department, the  
7 Department may refuse to issue or renew or may revoke or  
8 suspend that person's license or may take other disciplinary  
9 action against that person based solely upon the certification  
10 of delinquency made by the Department of Healthcare and Family  
11 Services.

12 (f) (Blank). ~~In enforcing this Section, the Department or~~  
13 ~~Board upon a showing of a possible violation may compel a~~  
14 ~~licensee or an individual licensed to practice under this Act,~~  
15 ~~or who has applied for licensure under this Act, to submit to a~~  
16 ~~mental or physical examination, or both, as required by and at~~  
17 ~~the expense of the Department. The Department or Board may~~  
18 ~~order the examining physician to present testimony concerning~~  
19 ~~the mental or physical examination of the licensee or~~  
20 ~~applicant. No information shall be excluded by reason of any~~  
21 ~~common law or statutory privilege relating to communications~~  
22 ~~between the licensee or applicant and the examining physician.~~  
23 ~~The examining physicians shall be specifically designated by~~  
24 ~~the Board or Department. The individual to be examined may~~  
25 ~~have, at his or her own expense, another physician of his or~~  
26 ~~her choice present during all aspects of this examination.~~

1 ~~Failure of an individual to submit to a mental or physical~~  
2 ~~examination, when directed, shall be grounds for suspension of~~  
3 ~~his or her license or denial of his or her application or~~  
4 ~~renewal until the individual submits to the examination if the~~  
5 ~~Department finds, after notice and hearing, that the refusal to~~  
6 ~~submit to the examination was without reasonable cause.~~

7 ~~If the Department or Board finds an individual unable to~~  
8 ~~practice because of the reasons set forth in this Section, the~~  
9 ~~Department or Board may require that individual to submit to~~  
10 ~~care, counseling, or treatment by physicians approved or~~  
11 ~~designated by the Department or Board, as a condition, term, or~~  
12 ~~restriction for continued, reinstated, or renewed licensure to~~  
13 ~~practice; or, in lieu of care, counseling, or treatment, the~~  
14 ~~Department may file, or the Board may recommend to the~~  
15 ~~Department to file, a complaint to immediately suspend, revoke,~~  
16 ~~deny, or otherwise discipline the license of the individual. An~~  
17 ~~individual whose license was granted, continued, reinstated,~~  
18 ~~renewed, disciplined or supervised subject to such terms,~~  
19 ~~conditions, or restrictions, and who fails to comply with such~~  
20 ~~terms, conditions, or restrictions, shall be referred to the~~  
21 ~~Secretary for a determination as to whether the individual~~  
22 ~~shall have his or her license suspended immediately, pending a~~  
23 ~~hearing by the Department.~~

24 ~~In instances in which the Secretary immediately suspends a~~  
25 ~~person's license under this Section, a hearing on that person's~~  
26 ~~license must be convened by the Department within 30 days after~~

1 ~~the suspension and completed without appreciable delay. The~~  
2 ~~Department and Board shall have the authority to review the~~  
3 ~~subject individual's record of treatment and counseling~~  
4 ~~regarding the impairment to the extent permitted by applicable~~  
5 ~~federal statutes and regulations safeguarding the~~  
6 ~~confidentiality of medical records.~~

7 ~~An individual licensed under this Act and affected under~~  
8 ~~this Section shall be afforded an opportunity to demonstrate to~~  
9 ~~the Department or Board that he or she can resume practice in~~  
10 ~~compliance with acceptable and prevailing standards under the~~  
11 ~~provisions of his or her license.~~

12 (Source: P.A. 100-872, eff. 8-14-18.)

13 (225 ILCS 427/86 new)

14 Sec. 86. Illegal discrimination. When there has been an  
15 adjudication in a civil or criminal proceeding that a community  
16 association manager or community association management firm  
17 has illegally discriminated while engaged in any activity for  
18 which a license is required under this Act, the Department,  
19 upon the recommendation of the Board as to the extent of the  
20 suspension or revocation, shall suspend or revoke the license  
21 of that licensee in a timely manner, unless the adjudication is  
22 in the appeal process. When there has been an order in an  
23 administrative proceeding finding that a licensee has  
24 illegally discriminated while engaged in any activity for which  
25 a license is required under this Act, the Department, upon

1 recommendation of the Board as to the nature and extent of the  
2 discipline, shall take one or more of the disciplinary actions  
3 provided for in Section 85 of this Act in a timely manner,  
4 unless the administrative order is in the appeal process.

5 (225 ILCS 427/90)

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

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

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

21 (b) If any person provides, ~~entity or other business may~~  
22 ~~provide~~ community association management services or provides  
23 ~~provide~~ services as a community association manager to any  
24 community association in this State without having a valid  
25 license under this Act or, in the case of a community

1 association management firm, without a designated community  
2 association manager, then any licensee, any interested party or  
3 any person injured thereby may, in addition to the Secretary,  
4 petition for relief as provided in subsection (a) of this  
5 Section.

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

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

19 (225 ILCS 427/92)

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

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

22 (a) Any person, entity or other business who practices,  
23 offers to practice, attempts to practice, or holds himself,  
24 herself or itself out to practice as a community association  
25 manager or community association management firm or provides

1 ~~provide~~ services as a community association manager or  
2 community association management firm to any community  
3 association in this State without being licensed under this Act  
4 or, in the case of a community association management firm,  
5 without a designated community association manager shall, in  
6 addition to any other penalty provided by law, pay a civil  
7 penalty to the Department in an amount not to exceed \$10,000  
8 for each offense, as determined by the Department. The civil  
9 penalty shall be assessed by the Department after a hearing is  
10 held in accordance with the provisions set forth in this Act  
11 regarding the provision of a hearing for the discipline of a  
12 licensee.

13 (b) The Department may investigate any and all unlicensed  
14 activity.

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

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

21 (225 ILCS 427/95)

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

23 Sec. 95. Investigation; notice and hearing. The Department  
24 may investigate the actions or qualifications of a person,  
25 entity, or other business applying for, holding or claiming to

1 hold, or holding himself, herself, or itself out as having a  
2 license or rendering or offering to render services for which a  
3 license is required by this Act and may notify their designated  
4 community association manager, if any, of the pending  
5 investigation. Before suspending, revoking, placing on  
6 probationary status, or taking any other disciplinary action as  
7 the Department may deem proper with regard to any license, at  
8 least 30 days before the date set for the hearing, the  
9 Department shall (i) notify the accused and their designated  
10 community association manager, if any, in writing of any  
11 charges made and the time and place for a hearing on the  
12 charges before the Board, (ii) direct the accused individual or  
13 entity to file a written answer to the charges with the Board  
14 under oath within 20 days after the service on the accused him  
15 or her of such notice, and (iii) inform the accused person,  
16 entity or other business that if it the person, entity, or  
17 other business fails to file an answer, default will be taken  
18 against it such person, entity, or other business and the  
19 license of such person, entity, or other business may be  
20 suspended, revoked, placed on probationary status, or other  
21 disciplinary action taken with regard to the license, including  
22 limiting the scope, nature, or extent of his or her practice,  
23 as the Department may deem proper. The Department shall serve  
24 notice under this Section by regular or electronic ~~Written~~  
25 ~~notice may be served by personal delivery or by registered or~~  
26 ~~certified~~ mail to the applicant or licensee at his or her last

1 address of record or email address of record as provided to  
2 ~~with~~ the Department. If the accused ~~In case the person~~ fails to  
3 file an answer after receiving notice, his or her license may,  
4 in the discretion of the Department, be suspended, revoked, or  
5 placed on probationary status, or the Department may take  
6 whatever disciplinary action deemed proper, including limiting  
7 the scope, nature, or extent of the person's practice or the  
8 imposition of a fine, without a hearing, if the act or acts  
9 charged constitute sufficient grounds for such action under  
10 this Act. The ~~written~~ answer shall be served by personal  
11 delivery or regular, ~~certified delivery, or certified or~~  
12 ~~registered~~ mail to the Department. At the time and place fixed  
13 in the notice, the Department shall proceed to hear the charges  
14 and the parties or their counsel shall be accorded ample  
15 opportunity to present such statements, testimony, evidence,  
16 and argument as may be pertinent to the charges or to the  
17 defense thereto. The Department may continue such hearing from  
18 time to time. At the discretion of the Secretary after having  
19 first received the recommendation of the Board, the accused  
20 person's license may be suspended or revoked placed on  
21 probationary status or the Department may take whatever  
22 disciplinary action considered proper, including limiting the  
23 scope, nature, or extent of the person's practice or the  
24 imposition of a fine if the act or acts charged constitute  
25 sufficient grounds for that action under this Act. A copy of  
26 the Department's final order shall be delivered to the



1 accused's designated community association manager or, if the  
2 accused is directly employed by a community association, to the  
3 board of managers of that association if known to the  
4 Department, if the evidence constitutes sufficient grounds for  
5 ~~such action under this Act.~~

6 (Source: P.A. 96-726, eff. 7-1-10; 97-333, eff. 8-12-11.)

7 (225 ILCS 427/115)

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

9 Sec. 115. Rehearing. At the conclusion of a hearing and  
10 following deliberation by the Board, a copy of the Board's  
11 report shall be served upon the applicant, licensee, or  
12 unlicensed person by the Department, either personally or as  
13 provided in this Act for the service of a notice of hearing ~~In~~  
14 ~~any hearing involving disciplinary action against a licensee, a~~  
15 ~~copy of the Board's report shall be served upon the respondent~~  
16 ~~by the Department, either personally or as provided in this Act~~  
17 ~~for the service of the notice of hearing.~~ Within 20 calendar  
18 days after service, the respondent may present to the  
19 Department a motion in writing for a rehearing that shall  
20 specify the particular grounds for rehearing. If no motion for  
21 rehearing is filed, then upon the expiration of the time  
22 specified for filing a motion, or if a motion for rehearing is  
23 denied, then upon denial, the Secretary may enter an order in  
24 accordance with recommendations of the Board, except as  
25 provided in this Act. If the respondent orders from the

1 reporting service, and pays for, a transcript of the record  
2 within the time for filing a motion for rehearing, the 20  
3 calendar day period within which a motion may be filed shall  
4 commence upon the delivery of the transcript to the respondent.  
5 (Source: P.A. 96-726, eff. 7-1-10.)

6 (225 ILCS 427/120)

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

8 Sec. 120. Appointment of a hearing officer. The Secretary  
9 has the authority to appoint any attorney duly licensed to  
10 practice law in the State of Illinois to serve as the hearing  
11 officer in any action for refusal to issue or renew a license,  
12 or to discipline a licensee. The hearing officer has full  
13 authority to conduct the hearing. The hearing officer shall  
14 report his or her findings and recommendations to the Board and  
15 the Secretary. At its next meeting following ~~The Board has 60~~  
16 ~~calendar days from~~ receipt of the report, the Board shall ~~to~~  
17 review the report of the hearing officer and present its  
18 findings of fact, conclusions of law, and recommendations to  
19 the Secretary.

20 If the Board fails to present its report within 30 calendar  
21 days following its next meeting after receiving the report  
22 ~~within the 60 calendar day period~~, the respondent may request  
23 in writing a direct appeal to the Secretary, in which case the  
24 Secretary shall, within 7 calendar days after the request,  
25 issue an order directing the Board to issue its findings of

1 fact, conclusions of law, and recommendations to the Secretary  
2 within 30 calendar days after such order.

3 If the Board fails to issue its findings of fact,  
4 conclusions of law, and recommendations within that time frame  
5 to the Secretary after the entry of such order, the Secretary  
6 shall, within 30 calendar days thereafter, issue an order based  
7 upon the report of the hearing officer and the record of the  
8 proceedings or issue an order remanding the matter back to the  
9 hearing officer for additional proceedings in accordance with  
10 the order.

11 If (i) a direct appeal is requested, (ii) the Board fails  
12 to issue its findings of fact, conclusions of law, and  
13 recommendations within the 30-day mandate from the Secretary or  
14 the Secretary fails to order the Board to do so, and (iii) the  
15 Secretary fails to issue an order within 30 calendar days  
16 thereafter, then the hearing officer's report is deemed  
17 accepted and a final decision of the Secretary.

18 Notwithstanding any other provision of this Section, if the  
19 Secretary, upon review, determines that substantial justice  
20 has not been done in the revocation, suspension, or refusal to  
21 issue or renew a license or other disciplinary action taken as  
22 the result of the entry of the hearing officer's report, the  
23 Secretary may order a rehearing by the same or other examiners.  
24 If the Secretary disagrees with the recommendation of the Board  
25 or the hearing officer, the Secretary may issue an order in  
26 contravention of either recommendation.

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

2 (225 ILCS 427/145)

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

4 Sec. 145. Judicial review. All final administrative  
5 decisions of the Department are subject to judicial review  
6 under the Administrative Review Law and its rules. The term  
7 "administrative decision" is defined as in Section 3-101 of the  
8 Code of Civil Procedure. Proceedings for judicial review shall  
9 be commenced in the circuit court of the county in which the  
10 party applying for review resides; but if the party is not a  
11 resident of this State, the venue shall be in Cook ~~Sangamon~~  
12 County.

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

14 (225 ILCS 427/155)

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

16 Sec. 155. Violations; penalties.

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

21 (1) Practicing or attempting to ~~The practice of or~~  
22 ~~attempted~~ practice of or holding himself or herself out as  
23 available to practice as a community association manager ~~or~~  
24 ~~supervising community association manager~~ without a

1 license.

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

6 (3) Obtaining or attempting ~~The obtaining of or the~~  
7 ~~attempt~~ to obtain any license or authorization issued under  
8 this Act by 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 5 years have elapsed since a felony conviction  
16 or 3 years since release from confinement for the conviction,  
17 whichever is later, without a subsequent conviction ~~10 years~~  
18 ~~have elapsed since the time of full discharge from any sentence~~  
19 ~~imposed for a felony conviction.~~ If any person in making any  
20 oath or affidavit required by this Act swears falsely, the  
21 person is guilty of perjury and may be punished accordingly.

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

23 (225 ILCS 427/165)

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

25 Sec. 165. Home rule. The regulation and licensing of

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

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

11 (225 ILCS 427/42 rep.)

12 (225 ILCS 427/80 rep.)

13 (225 ILCS 427/135 rep.)

14 (225 ILCS 427/170 rep.)

15 Section 15. The Community Association Manager Licensing  
16 and Disciplinary Act is amended by repealing Sections 42, 80,  
17 135, and 170.

18 Section 99. Effective date. This Act takes effect upon  
19 becoming law.

1 INDEX

2 Statutes amended in order of appearance

- 3 5 ILCS 80/4.32
- 4 5 ILCS 80/4.41 new
- 5 225 ILCS 427/10
- 6 225 ILCS 427/12 new
- 7 225 ILCS 427/15
- 8 225 ILCS 427/20
- 9 225 ILCS 427/25
- 10 225 ILCS 427/30
- 11 225 ILCS 427/40
- 12 225 ILCS 427/41 new
- 13 225 ILCS 427/45
- 14 225 ILCS 427/50
- 15 225 ILCS 427/55
- 16 225 ILCS 427/60
- 17 225 ILCS 427/70
- 18 225 ILCS 427/75
- 19 225 ILCS 427/85
- 20 225 ILCS 427/86 new
- 21 225 ILCS 427/90
- 22 225 ILCS 427/92
- 23 225 ILCS 427/95
- 24 225 ILCS 427/115
- 25 225 ILCS 427/120

- 1 225 ILCS 427/145
- 2 225 ILCS 427/155
- 3 225 ILCS 427/165
- 4 225 ILCS 427/42 rep.
- 5 225 ILCS 427/80 rep.
- 6 225 ILCS 427/135 rep.
- 7 225 ILCS 427/170 rep.