



Sen. Sue Rezin

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10300SB1460sam001

LRB103 29037 MXP 57822 a

1 AMENDMENT TO SENATE BILL 1460

2 AMENDMENT NO. _____. Amend Senate Bill 1460 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Highway Code is amended by
5 changing Section 6-201.10-1 as follows:

6 (605 ILCS 5/6-201.10-1) (from Ch. 121, par. 6-201.10-1)

7 Sec. 6-201.10-1. The highway commissioner of each road
8 district has authority to contract with the highway
9 commissioner of any other road district or with the corporate
10 authorities of any municipality or county to furnish or to
11 obtain services and materials related to construction,
12 maintenance, or repair of roads. The highway commissioner may
13 contract with a common interest community association, as
14 defined by the Common Interest Community Association Act, if
15 such association makes up 50% of the population or greater of
16 the township or road district in which the association is

1 located, to furnish materials related to the maintenance or
2 repair of roads.

3 (Source: P.A. 81-22.)

4 Section 10. The Common Interest Community Association Act
5 is amended by changing Section 1-30 as follows:

6 (765 ILCS 160/1-30)

7 Sec. 1-30. Board duties and obligations; records.

8 (a) The board shall meet at least 4 times annually.

9 (b) A common interest community association may not enter
10 into a contract with a current board member, or with a
11 corporation, limited liability company, or partnership in
12 which a board member or a member of his or her immediate family
13 has 25% or more interest, unless notice of intent to enter into
14 the contract is given to members within 20 days after a
15 decision is made to enter into the contract and the members are
16 afforded an opportunity by filing a petition, signed by 20% of
17 the membership, for an election to approve or disapprove the
18 contract; such petition shall be filed within 20 days after
19 such notice and such election shall be held within 30 days
20 after filing the petition. For purposes of this subsection, a
21 board member's immediate family means the board member's
22 spouse, parents, siblings, and children.

23 (c) The bylaws or operating agreement shall provide for
24 the maintenance, repair, and replacement of the common areas

1 and payments therefor, including the method of approving
2 payment vouchers.

3 (d) (Blank).

4 (e) The association may engage the services of a manager
5 or management company.

6 (f) The association shall have one class of membership
7 unless the declaration, bylaws, or operating agreement provide
8 otherwise; however, this subsection (f) shall not be construed
9 to limit the operation of subsection (c) of Section 1-20 of
10 this Act.

11 (g) The board shall have the power, after notice and an
12 opportunity to be heard, to levy and collect reasonable fines
13 from members or unit owners for violations of the declaration,
14 bylaws, operating agreement, and rules and regulations of the
15 common interest community association.

16 (h) Other than attorney's fees and court or arbitration
17 costs, no fees pertaining to the collection of a member's or
18 unit owner's financial obligation to the association,
19 including fees charged by a manager or managing agent, shall
20 be added to and deemed a part of a member's or unit owner's
21 respective share of the common expenses unless: (i) the
22 managing agent fees relate to the costs to collect common
23 expenses for the association; (ii) the fees are set forth in a
24 contract between the managing agent and the association; and
25 (iii) the authority to add the management fees to a member's or
26 unit owner's respective share of the common expenses is

1 specifically stated in the declaration, bylaws, or operating
2 agreement of the association.

3 (i) Board records.

4 (1) The board shall maintain the following records of
5 the association and make them available for examination
6 and copying at convenient hours of weekdays by any member
7 or unit owner in a common interest community subject to
8 the authority of the board, their mortgagees, and their
9 duly authorized agents or attorneys:

10 (i) Copies of the recorded declaration, other
11 community instruments, other duly recorded covenants
12 and bylaws and any amendments, articles of
13 incorporation, articles of organization, annual
14 reports, and any rules and regulations adopted by the
15 board shall be available. Prior to the organization of
16 the board, the developer shall maintain and make
17 available the records set forth in this paragraph (i)
18 for examination and copying.

19 (ii) Detailed and accurate records in
20 chronological order of the receipts and expenditures
21 affecting the common areas, specifying and itemizing
22 the maintenance and repair expenses of the common
23 areas and any other expenses incurred, and copies of
24 all contracts, leases, or other agreements entered
25 into by the board shall be maintained.

26 (iii) The minutes of all meetings of the board

1 which shall be maintained for not less than 7 years.

2 (iv) With a written statement of a proper purpose,
3 ballots and proxies related thereto, if any, for any
4 election held for the board and for any other matters
5 voted on by the members, which shall be maintained for
6 not less than one year.

7 (v) With a written statement of a proper purpose,
8 such other records of the board as are available for
9 inspection by members of a not-for-profit corporation
10 pursuant to Section 107.75 of the General Not For
11 Profit Corporation Act of 1986 shall be maintained.

12 (vi) With respect to units owned by a land trust, a
13 living trust, or other legal entity, the trustee,
14 officer, or manager of the entity may designate, in
15 writing, a person to cast votes on behalf of the member
16 or unit owner and a designation shall remain in effect
17 until a subsequent document is filed with the
18 association.

19 (vii) Any reserve study.

20 (2) Where a request for records under this subsection
21 is made in writing to the board or its agent, failure to
22 provide the requested record or to respond within 30 days
23 shall be deemed a denial by the board.

24 (3) A reasonable fee may be charged by the board for
25 the cost of retrieving and copying records properly
26 requested.

1 (4) If the board fails to provide records properly
2 requested under paragraph (1) of this subsection (i)
3 within the time period provided in that paragraph (1), the
4 member may seek appropriate relief and shall be entitled
5 to an award of reasonable attorney's fees and costs if the
6 member prevails and the court finds that such failure is
7 due to the acts or omissions of the board of managers or
8 the board of directors.

9 (j) The board shall have standing and capacity to act in a
10 representative capacity in relation to matters involving the
11 common areas or more than one unit, on behalf of the members or
12 unit owners as their interests may appear.

13 (k) The board may contract with the highway commissioner
14 of a road district in which the association is located, if the
15 association comprises 50% of the population or greater of the
16 township or road district, to furnish materials related to the
17 maintenance or repair of roads. Any such purchases shall be
18 included in the board's finance report as outlined in Section
19 1-45.

20 (Source: P.A. 102-921, eff. 5-27-22.)".