

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 5, 10, 15, 20,
6 25, 27, 32, 40, 50, 55, 60, 65, 70, 75, 85, 87, 92, 135, 155,
7 and 165 and by adding Section 42 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9 (Section scheduled to be repealed on January 1, 2020)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 ~~managers of~~ community association managers and community
13 association management firms associations, ensure that those
14 who hold themselves out as possessing professional
15 qualifications to engage in the business provision of community
16 association management ~~services~~ are, in fact, qualified to
17 render management services of a professional nature, and
18 provide for the maintenance of high standards of professional
19 conduct by those licensed to provide ~~as~~ community association
20 management services managers.

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

22 (225 ILCS 427/10)

1 (Section scheduled to be repealed on January 1, 2020)

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

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

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

16 "Board" means the Illinois Community Association Manager
17 Licensing and Disciplinary Board.

18 "Community association" means an association in which
19 membership is a condition of ownership or shareholder interest
20 of a unit in a condominium, cooperative, townhouse, villa, or
21 other residential unit which is part of a residential
22 development plan and that is authorized to impose an
23 assessment, rents, or other costs that may become a lien on the
24 unit or lot.

25 "Community association funds" means any assessments, fees,
26 finances, or other funds collected by the community association

1 manager from the community association, or its members, other
2 than the compensation paid to the community association manager
3 for performance of community association management services.

4 "Community association management firm" means a company,
5 corporation, limited liability company, or other entity that
6 engages in community association management services.

7 "Community association management services" means those
8 services listed in the definition of community association
9 manager in this Section.

10 ~~"Community Association Management Agency" means a company,~~
11 ~~firm, corporation, limited liability company, or other entity~~
12 ~~that engages in the community association management business~~
13 ~~and employs, in addition to the licensee in charge, at least~~
14 ~~one other person in conducting such business.~~

15 "Community association manager" means an individual who
16 administers for remuneration the financial, administrative,
17 maintenance, or other duties for the community association,
18 including the following services: (A) collecting, controlling
19 or disbursing funds of the community association or having the
20 authority to do so; (B) preparing budgets or other financial
21 documents for the community association; (C) assisting in the
22 conduct of community association meetings; (D) maintaining
23 association records; and (E) administrating association
24 contracts, as stated in the declaration, bylaws, proprietary
25 lease, declaration of covenants, or other governing document of
26 the community association. "Community association manager"

1 does not mean support staff, including, but not limited to
2 bookkeepers, administrative assistants, secretaries, property
3 inspectors, or customer service representatives.

4 "Department" means the Department of Financial and
5 Professional Regulation.

6 "License" means the license issued to a person,
7 corporation, partnership, limited liability company, or other
8 legal entity ~~to act as a community association manager~~ under
9 this Act to provide community association management services
10 ~~or other authority to practice issued under this Act.~~

11 "Person" means any individual, ~~firm,~~ corporation,
12 partnership, limited liability company, or other legal entity
13 ~~organization, or body politic.~~

14 ~~"Licensee in charge" means a person licensed as a~~
15 ~~community association manager who has been designated by a~~
16 ~~Community Association Management Agency as the full time~~
17 ~~management employee or owner who assumes sole responsibility~~
18 ~~for maintaining all records required by this Act and who~~
19 ~~assumes sole responsibility for assuring the licensed agency's~~
20 ~~compliance with its responsibilities as stated in the Act.~~

21 "Secretary" means the Secretary of Financial and
22 Professional Regulation.

23 "Supervising community association manager" means an
24 individual licensed as a community association manager who
25 manages and supervises a firm.

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

1 (225 ILCS 427/15)

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

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

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

16 (225 ILCS 427/20)

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

18 Sec. 20. Exemptions.

19 (a) The requirement for holding a license under this ~~This~~
20 Act shall ~~does~~ not apply to any of the following:

21 (1) Any director, officer, or member of a community
22 association providing one or more of the services of a
23 community association manager to a community association
24 without compensation for such services to the association.

1 (2) Any person, corporation, partnership, or limited
2 liability company providing one or more of the services of
3 a community association manager to a community association
4 of 10 units or less.

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

7 (4) A person acting as a receiver, trustee in
8 bankruptcy, administrator, executor, or guardian acting
9 under a court order or under the authority of a will or of
10 a trust instrument.

11 (5) A person licensed in this State under any other Act
12 from engaging the practice for which he or she is licensed.

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

21 (c) A person may temporarily act as, or provide services
22 as, a community association manager without being licensed
23 under this Act if the person (i) is a community association
24 manager regulated under the laws of another state or territory
25 of the United States or another country and (ii) has applied in
26 writing to the Department, on forms prepared and furnished by

1 the Department, for licensure under this Act. This temporary
2 right to act as a community association manager shall expire,
3 ~~but only until the expiration of 6 months after the filing of~~
4 ~~his or her written application to the Department;~~ or upon
5 the ~~her~~ withdrawal of the application for licensure under this
6 Act; or upon delivery of, ~~he or she has received~~ a notice of
7 intent to deny the application from the Department; or upon
8 the denial of the application by the Department, whichever
9 occurs first.

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

11 (225 ILCS 427/25)

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

13 Sec. 25. Community Association Manager Licensing and
14 Disciplinary Board.

15 (a) There is hereby created the Community Association
16 Manager Licensing and Disciplinary Board, which shall consist
17 of 7 members appointed by the Secretary. All members must be
18 residents of the State and must have resided in the State for
19 at least 5 years immediately preceding the date of appointment.
20 Five members of the Board must be licensees under this Act, at
21 least two members of which shall be supervising community
22 association managers ~~except that, initially, these members~~
23 ~~must meet the qualifications for licensure and have obtained a~~
24 ~~license within 6 months after the effective date of this Act.~~
25 Two members of the Board shall be owners of, or hold a

1 shareholder's interest in, shareholders of a unit in a
2 community association at the time of appointment who are not
3 licensees under this Act and have no direct affiliation or work
4 experience with the community association's community
5 association manager. This Board shall act in an advisory
6 capacity to the Department.

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

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

23 (d) The Board shall ~~may~~ elect annually a chairperson and
24 vice chairperson.

25 (e) Each member shall receive reimbursement as set by the
26 Governor's Travel Control Board for expenses incurred in

1 carrying out the duties as a Board member. The Board shall be
2 compensated as determined by the Secretary.

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

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

6 (225 ILCS 427/27)

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

8 Sec. 27. Immunity from Liability. Any member of the Board,
9 any attorney providing advice to the Board or Department, any
10 person acting as a consultant to the Board or Department, and
11 any witness testifying in a proceeding authorized under this
12 Act, excluding the party making the complaint, shall be immune
13 from liability in any civil action brought against him or her
14 for acts occurring while acting in his or her capacity as a
15 Board member, attorney, consultant, or witness, respectively,
16 unless the conduct that gave rise to the action was willful or
17 wanton misconduct.

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

19 (225 ILCS 427/32)

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

21 Sec. 32. Social Security Number or Federal Tax
22 Identification Number on license application. In addition to
23 any other information required to be contained in the
24 application, every application for an original license under

1 this Act shall include the applicant's Social Security Number
2 or Federal Tax Identification Number, which shall be retained
3 in the Department's ~~agency's~~ records pertaining to the license.
4 As soon as practical, the Department shall assign a customer's
5 identification number to each applicant for a license.

6 Every application for a renewal or restored license shall
7 require the applicant's customer identification number.

8 (Source: P.A. 96-726, eff. 7-1-10; 97-400, eff. 1-1-12.)

9 (225 ILCS 427/40)

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

11 Sec. 40. Qualifications for licensure as a community
12 association manager.

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

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

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

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

24 (4) He or she has not committed an act or acts, in this
25 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 ~~salesperson~~ license in good standing issued under the Real
22 Estate License 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 ~~(i)~~ practiced community
5 association management for a period of 5 years ~~or (ii) achieved~~
6 ~~a designation awarded by recognized community association~~
7 ~~management organizations in the State.~~

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

13 (Source: P.A. 96-726, eff. 7-1-10; 96-993, eff. 7-2-10.)

14 (225 ILCS 427/42 new)

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

16 Sec. 42. Qualifications for licensure as a supervising
17 community association manager.

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

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

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

1 (3) He or she provides satisfactory evidence of having
2 completed at least 30 classroom hours in community
3 association management courses approved by the Board, 20
4 hours of which shall be those pre-license hours required to
5 obtain a community association manager license, and 10
6 additional hours completed the year immediately preceding
7 the filing of the application for a supervising community
8 association manager license, which shall focus on
9 community association administration, management, and
10 supervision.

11 (4) He or she has passed an examination authorized by
12 the Department.

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

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

25 (7) He or she has not been declared by any court of
26 competent jurisdiction to be incompetent by reason of

1 mental or physical defect or disease, unless a court has
2 subsequently declared him or her to be competent.

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

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

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

23 (d) Applicants have 3 years after the date of application
24 to complete the application process. If the process has not
25 been completed within the 3 years, the application shall be
26 denied, the fee shall be forfeited, and the applicant must

1 reapply and meet the requirements in effect at the time of
2 re-application.

3 (225 ILCS 427/50)

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

5 Sec. 50. Community association management firm ~~Association~~
6 ~~Management Agency.~~

7 (a) No ~~firm,~~ corporation, partnership, limited liability
8 company, or other legal entity shall provide or offer to
9 provide community association management services, unless it
10 has applied in writing on the prescribed forms and has paid the
11 required nonrefundable fees and provided evidence to the
12 Department that the firm has designated a licensed supervising
13 community association manager to supervise and manage the firm.
14 A designated supervising community association manager shall
15 be a continuing requirement of firm licensure. No supervising
16 community association manager may be the supervising community
17 association manager for more than one firm. ~~such services are~~
18 ~~provided through:~~

19 ~~(1) an employee or independent contractor who is~~
20 ~~licensed under this Act;~~

21 ~~(2) a natural person who is acting under the direct~~
22 ~~supervision of an employee of such firm, corporation,~~
23 ~~limited liability company, or other legal entity that is~~
24 ~~licensed under this Act; or~~

25 ~~(3) a natural person who is legally authorized to~~

1 ~~provide such services.~~

2 (b) Any ~~firm,~~ corporation, partnership, limited liability
3 company, or other legal entity that is providing, or offering
4 to provide, community association management services and is
5 not in compliance with Section 50 and other ~~the~~ provisions of
6 this Act shall be subject to the fines, injunctions, cease and
7 desist provisions, and penalties provided for in Sections 90,
8 92, and 155 of this Act.

9 (c) No community association manager may be the
10 licensee-in-charge for more than one firm, corporation,
11 limited liability company, or other legal entity.

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

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 supervising community association manager or the
17 community association management firm ~~A community association~~
18 ~~manager or the Community Association Management Agency~~ with
19 which he or she is employed shall not have access to and
20 disburse community association funds ~~of a community~~
21 ~~association~~ unless each of the following conditions occur:

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

24 (2) The fidelity insurance is not less than all moneys
25 under the control of the supervising community association

1 ~~manager~~ ~~community association manager~~ or the employing
2 community association management firm ~~Community~~
3 ~~Association Management Agency~~ for the association.

4 (3) The fidelity insurance covers the community
5 association manager, supervising community association
6 manager, and all partners, officers, and employees of the
7 community association management firm ~~Community~~
8 ~~Association Management Agency with whom he or she is~~
9 ~~employed~~ during the term of the insurance coverage, which
10 shall be at least for the same term as the service
11 agreement between the community association management
12 firm or supervising community association manager as well
13 as the community association officers, directors, and
14 employees.

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

18 (5) Unless an agreement between the community
19 association and the supervising community association
20 manager or the community association management firm
21 ~~Community Association Management Agency~~ provides to the
22 contrary, a community association may secure and pay ~~the~~
23 ~~Association secures and pays~~ for the fidelity insurance
24 required by this Section. The supervising community
25 association manager or the community association
26 management firm ~~community association manager and the~~

1 ~~Community Association Management Agency~~ must be named as
2 additional insured parties on the community association
3 policy.

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

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

26 (d) The Department shall have authority to promulgate

1 additional rules regarding insurance, fidelity insurance and
2 all accounts maintained and to be maintained by a supervising
3 community association manager or community association
4 management firm ~~Community Association Management Agency~~.

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

6 (225 ILCS 427/60)

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

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

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

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

24 (c) If the person has not maintained an active practice in
25 another jurisdiction satisfactory to the Department, the

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

18 (d) A community association manager, community association
19 management firm or supervising community association manager
20 who notifies the Department, in writing on forms prescribed by
21 the Department, may place his, ~~or~~ her, or its license on
22 inactive status and shall be excused from the payment of
23 renewal fees until the person notifies the Department in
24 writing of the intention to resume active practice.

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

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

5 (f) Any licensee with a license nonrenewed or on inactive
6 license status shall not provide community association
7 management services ~~or provide services as community~~
8 ~~association manager~~ as set forth in this Act.

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

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

13 (225 ILCS 427/65)

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

15 Sec. 65. Fees; Community Association Manager Licensing and
16 Disciplinary Fund.

17 (a) The fees for the administration and enforcement of this
18 Act, including, but not limited to, initial licensure, renewal,
19 and restoration, shall be set by rule of the Department. The
20 fees shall be nonrefundable.

21 (b) In addition to the application fee, applicants for the
22 examination are required to pay, either to the Department or
23 the designated testing service, a fee covering the cost of
24 determining an applicant's eligibility and providing the
25 examination. Failure to appear for the examination on the

1 scheduled date, at the time and place specified, after the
2 applicant's application and fee for examination have been
3 received and acknowledged by the Department or the designated
4 testing service, shall result in the forfeiture of the fee.

5 ~~(c) To support the costs of administering this Act, all~~
6 ~~community associations that (i) are subject to this Act by~~
7 ~~having 10 or more units, (ii) retain an individual to provide~~
8 ~~services as a community association manager for compensation,~~
9 ~~(iii) are not master associations under Section 18.5 of the~~
10 ~~Condominium Property Act or the Common Interest Community~~
11 ~~Association Act, and (iv) are registered in this State as~~
12 ~~not-for-profit corporations shall pay to the Department an~~
13 ~~annual fee of \$50 plus an additional \$1 per unit, but shall not~~
14 ~~exceed an annual fee of \$1,000 for any community association.~~
15 ~~The Department may establish forms and promulgate any rules for~~
16 ~~the effective collection of such fees under this subsection~~
17 ~~(c).~~

18 ~~Any not for profit corporation in this State that fails to~~
19 ~~pay in full to the Department all fees owed under this~~
20 ~~subsection (c) shall be subject to the penalties and procedures~~
21 ~~provided for under Section 92 of this Act.~~

22 (c) ~~(d)~~ All fees, fines, penalties, or other monies
23 received or collected pursuant to this Act shall be deposited
24 in the Community Association Manager Licensing and
25 Disciplinary Fund.

26 (Source: P.A. 96-726, eff. 7-1-10; 97-1021, eff. 8-17-12.)

1 (225 ILCS 427/70)

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

3 Sec. 70. Penalty for insufficient funds; payments. Any
4 person who 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 shall pay to the Department,
7 in addition to the amount already owed to the Department, a
8 fine of \$50. The Department shall notify the person that
9 payment of fees and fines shall be paid to the Department by
10 certified check or money order within 30 calendar days after
11 notification. If, after the expiration of 30 days from the date
12 of the notification, the person has failed to submit the
13 necessary remittance, the Department shall automatically
14 terminate the license or deny the application, without hearing.
15 If, after termination or denial, the person seeks a license,
16 he, ~~or~~ she, or it shall apply to the Department for restoration
17 or issuance of the license and pay all fees and fines due to
18 the Department. The Department may establish a fee for the
19 processing of an application for restoration of a license to
20 pay all expenses of processing this application. The Secretary
21 may waive the fines due under this Section in individual cases
22 where the Secretary finds that the fines would be unreasonable
23 or unnecessarily burdensome.

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

1 (225 ILCS 427/75)

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

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

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

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

20 (225 ILCS 427/85)

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

22 Sec. 85. Grounds for discipline; refusal, revocation, or
23 suspension.

24 (a) The Department may refuse to issue or renew a license,
25 or may ~~revoke a license, or may suspend,~~ place on probation,

1 reprimand, suspend, or revoke any license ~~fine~~, or take any
2 other disciplinary or non-disciplinary action as the
3 Department may deem proper and impose a fine, ~~including fines~~
4 not to exceed \$10,000 for each violation upon, ~~with regard to~~
5 any licensee or applicant under this Act or any person or
6 entity who holds himself, herself, or itself out as an
7 applicant or licensee for any one or combination of the
8 following causes:

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

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

12 (3) Conviction of or entry of a plea of guilty or plea
13 of nolo contendere to ~~any crime that is~~ a felony or a
14 misdemeanor under the laws of the United States, ~~or~~ any
15 state, or any other jurisdiction territory thereof or entry
16 of an administrative sanction by a government agency in
17 this State or any other jurisdiction. Action taken under
18 this paragraph (3) for a misdemeanor or an administrative
19 sanction is limited to a misdemeanor or administrative
20 sanction that has as ~~of which~~ an essential element ~~is~~
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
20 Discipline by another state, territory, or country if at
21 least one of the grounds for the discipline is the same or
22 substantially equivalent of one of the grounds for which a
23 licensee may be disciplined under this Act. A certified
24 copy of the record of the action by the other state or
25 jurisdiction shall be prima facie evidence thereof ~~to those~~
26 ~~set forth in this Act.~~

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.

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

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

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

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

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

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

24 (26) Purporting to be a supervising community
25 association manager ~~licensee in charge of a firm~~ ~~an agency~~
26 without active participation in the firm ~~agency~~.

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

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

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

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

16 (c) The determination by a circuit court that a licensee is
17 subject to involuntary admission or judicial admission, as
18 provided in the Mental Health and Developmental Disabilities
19 Code, operates as an automatic suspension. The suspension will
20 terminate only upon a finding by a court that the patient is no
21 longer subject to involuntary admission or judicial admission
22 and the issuance of an order so finding and discharging the
23 patient, and upon the recommendation of the Board to the
24 Secretary that the licensee be allowed to resume his or her
25 practice as a licensed community association manager.

26 (d) In accordance with subsection (g) of Section 15 of the

1 Department of Professional Regulation Law of the Civil
2 Administrative Code of Illinois (20 ILCS 2105/2105-15), the
3 Department may refuse to issue or renew or may suspend the
4 license of any person who fails to file a return, to pay the
5 tax, penalty, or interest shown in a filed return, or to pay
6 any final assessment of tax, penalty, or interest, as required
7 by any tax Act administered by the Department of Revenue, until
8 such time as the requirements of that tax Act are satisfied.

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

21 (f) In enforcing this Section, the Department or Board upon
22 a showing of a possible violation may compel a licensee or an
23 individual licensed to practice under this Act, or who has
24 applied for licensure under this Act, to submit to a mental or
25 physical examination, or both, as required by and at the
26 expense of the Department. The Department or Board may order

1 the examining physician to present testimony concerning the
2 mental or physical examination of the licensee or applicant. No
3 information shall be excluded by reason of any common law or
4 statutory privilege relating to communications between the
5 licensee or applicant and the examining physician. The
6 examining physicians shall be specifically designated by the
7 Board or Department. The individual to be examined may have, at
8 his or her own expense, another physician of his or her choice
9 present during all aspects of this examination. Failure of an
10 individual to submit to a mental or physical examination, when
11 directed, shall be grounds for suspension of his or her license
12 or denial of his or her application or renewal until the
13 individual submits to the examination if the Department finds,
14 after notice and hearing, that the refusal to submit to the
15 examination was without reasonable cause.

16 If the Department or Board finds an individual unable to
17 practice because of the reasons set forth in this Section, the
18 Department or Board may require that individual to submit to
19 care, counseling, or treatment by physicians approved or
20 designated by the Department or Board, as a condition, term, or
21 restriction for continued, reinstated, or renewed licensure to
22 practice; or, in lieu of care, counseling, or treatment, the
23 Department may file, or the Board may recommend to the
24 Department to file, a complaint to immediately suspend, revoke,
25 deny, or otherwise discipline the license of the individual. An
26 individual whose license was granted, continued, reinstated,

1 renewed, disciplined or supervised subject to such terms,
2 conditions, or restrictions, and who fails to comply with such
3 terms, conditions, or restrictions, shall be referred to the
4 Secretary for a determination as to whether the individual
5 shall have his or her license suspended immediately, pending a
6 hearing by the Department.

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

16 An individual licensed under this Act and affected under
17 this Section shall be afforded an opportunity to demonstrate to
18 the Department or Board that he or she can resume practice in
19 compliance with acceptable and prevailing standards under the
20 provisions of his or her license.

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

22 (225 ILCS 427/87)

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

24 Sec. 87. Suspension of license for failure to pay
25 restitution. The Department, without further process or

1 hearing, shall suspend the license or other authorization to
2 practice of any person issued under this Act who has been
3 certified by court order as not having paid restitution to a
4 person under Section 8A-3.5 of the Illinois Public Aid Code or
5 under Section 17-10.5 or 46-1 of the Criminal Code of 1961 or
6 the Criminal Code of 2012. A person whose license or other
7 authorization to practice is suspended under this Section is
8 prohibited from engaging in the practice of community
9 association management ~~practicing~~ until the restitution is
10 made in full.

11 (Source: P.A. 96-726, eff. 7-1-10; 97-1150, eff. 1-25-13.)

12 (225 ILCS 427/92)

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

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

15 (a) Any person, entity or other business who practices,
16 offers to practice, attempts to practice, or holds himself,
17 herself or itself out to practice as a community association
18 manager or community association management firm ~~management~~
19 ~~service~~ or provide services as a community association manager
20 or community association management firm to any community
21 association in this State without being licensed under this Act
22 shall, in addition to any other penalty provided by law, pay a
23 civil penalty to the Department in an amount not to exceed
24 \$10,000 for each offense, as determined by the Department. The
25 civil penalty shall be assessed by the Department after a

1 hearing is held in accordance with the provisions set forth in
2 this Act regarding the provision of a hearing for the
3 discipline of a licensee.

4 (b) The Department may investigate any and all unlicensed
5 activity.

6 (c) The civil penalty shall be paid within 60 days after
7 the effective date of the order imposing the civil penalty. The
8 order shall constitute a judgment and may be filed and
9 execution had thereon in the same manner as any judgment from
10 any court of record.

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

12 (225 ILCS 427/135)

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

14 Sec. 135. License surrender. Upon the revocation or
15 suspension of any license authorized under this Act, the
16 licensee shall immediately surrender the license or licenses to
17 the Department. If the licensee fails to do so, the Department
18 has the right to seize the license or licenses.

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

20 (225 ILCS 427/155)

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

22 Sec. 155. Violations; penalties.

23 (a) A person who violates any of the following provisions
24 shall be guilty of a Class A misdemeanor; a person who commits

1 a second or subsequent violation of these provisions is guilty
2 of a Class 4 felony:

3 (1) The practice of or attempted practice of or holding
4 out as available to practice as a community association
5 manager, or supervising community association manager
6 without a license.

7 (2) Operation of or attempt to operate a community
8 association management firm ~~Community Association~~
9 ~~Management Agency~~ without a firm ~~an agency~~ license or a
10 designated supervising community association manager.

11 (3) The obtaining of or the attempt to obtain any
12 license or authorization issued under this Act by
13 fraudulent misrepresentation.

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

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

1 (225 ILCS 427/165)

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

3 Sec. 165. Home rule. The regulation and licensing of
4 community association managers, supervising community
5 association managers, and community association management
6 firms ~~Community Association Management Agencies~~ are exclusive
7 powers and functions of the State. A home rule unit may not
8 regulate or license community association managers,
9 supervising community association managers, or community
10 association management firms and ~~Community Association~~
11 ~~Management Agencies~~. This Section is a denial and limitation of
12 home rule powers and functions under subsection (h) of Section
13 6 of Article VII of the Illinois Constitution.

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

15 Section 99. Effective date. This Act takes effect January
16 1, 2014.