



Rep. Elaine Nekritz

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LRB098 03417 MGM 42958 a

1 AMENDMENT TO HOUSE BILL 595

2 AMENDMENT NO. _____. Amend House Bill 595 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Community Association Manager Licensing
5 and Disciplinary Act is amended by changing Sections 5, 10, 15,
6 20, 25, 27, 32, 40, 50, 55, 60, 65, 70, 75, 85, 87, 92, 135,
7 155, 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9 (Section scheduled to be repealed on January 1, 2020)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

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

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

6 (225 ILCS 427/10)

7 (Section scheduled to be repealed on January 1, 2020)

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

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

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

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

24 "Community association" means an association in which
25 membership is a condition of ownership or shareholder interest

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

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

11 "Community association management firm" means a company,
12 corporation, limited liability company, or other entity that
13 engages in the community association management business.

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

17 ~~"Community Association Management Agency" means a company,~~
18 ~~firm, corporation, limited liability company, or other entity~~
19 ~~that engages in the community association management business~~
20 ~~and employs, in addition to the licensee in charge, at least~~
21 ~~one other person in conducting such business.~~

22 "Community association manager" means an individual who
23 administers for remuneration the financial, administrative,
24 maintenance, or other duties for the community association,
25 including the following services: (A) collecting, controlling
26 or disbursing funds of the community association or having the

1 authority to do so; (B) preparing budgets or other financial
2 documents for the community association; (C) assisting in the
3 conduct of community association meetings; (D) maintaining
4 association records; and (E) administrating association
5 contracts, as stated in the declaration, bylaws, proprietary
6 lease, declaration of covenants, or other governing document of
7 the community association. "Community association manager"
8 does not mean support staff, including, but not limited to
9 bookkeepers, administrative assistants, secretaries, property
10 inspectors, or customer service representatives.

11 "Department" means the Department of Financial and
12 Professional Regulation.

13 "License" means the license issued to a person,
14 corporation, partnership, limited liability company, or other
15 legal entity ~~to act as a community association manager~~ under
16 this Act to provide community association management services
17 ~~or other authority to practice issued under this Act.~~

18 "Person" means any individual, ~~firm,~~ corporation,
19 partnership, limited liability company, or other legal entity
20 ~~organization, or body politic.~~

21 ~~"Licensee in charge" means a person licensed as a~~
22 ~~community association manager who has been designated by a~~
23 ~~Community Association Management Agency as the full-time~~
24 ~~management employee or owner who assumes sole responsibility~~
25 ~~for maintaining all records required by this Act and who~~
26 ~~assumes sole responsibility for assuring the licensed agency's~~

1 ~~compliance with its responsibilities as stated in the Act.~~

2 "Secretary" means the Secretary of Financial and
3 Professional Regulation.

4 "Supervising community association manager" means an
5 individual licensed as a community association manager who
6 manages and supervises licensees in an office.

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

8 (225 ILCS 427/15)

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

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

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

23 (225 ILCS 427/20)

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

1 Sec. 20. Exemptions.

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

4 (1) Any director, officer, or member of a community
5 association providing one or more of the services of a
6 community association manager to a community association
7 without compensation for such services to the association.

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

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

14 (4) A person acting as a receiver, trustee in
15 bankruptcy, administrator, executor, or guardian acting
16 under a court order or under the authority of a will or of
17 a trust instrument.

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

20 (b) A licensed community association manager may not
21 perform or engage in any activities for which a real estate
22 managing broker or real estate broker's ~~salesperson's~~ license
23 is required under the Real Estate License Act of 2000, unless
24 he or she also possesses a current and valid license under the
25 Real Estate License Act of 2000 and is providing those services
26 as provided for in the Real Estate License Act of 2000 and the

1 applicable rules.

2 (c) A person may temporarily act as, or provide services
3 as, a community association manager without being licensed
4 under this Act if the person (i) is a community association
5 manager regulated under the laws of another state or territory
6 of the United States or another country and (ii) has applied in
7 writing to the Department, on forms prepared and furnished by
8 the Department, for licensure under this Act. This temporary
9 right to act as a community association manager shall expire ~~7~~
10 ~~but only until the expiration of~~ 6 months after the filing of
11 his or her written application to the Department; ~~7~~ his or upon
12 the ~~her~~ withdrawal of the application for licensure under this
13 Act; or upon delivery of, ~~he or she has received~~ a notice of
14 intent to deny the application from the Department; ~~7~~ or upon
15 the denial of the application by the Department, whichever
16 occurs first.

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

18 (225 ILCS 427/25)

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

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

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

1 at least 5 years immediately preceding the date of appointment.
2 Five members of the Board must be licensees under this Act, at
3 least two members of which shall be supervising community
4 association managers ~~except that, initially, these members~~
5 ~~must meet the qualifications for licensure and have obtained a~~
6 ~~license within 6 months after the effective date of this Act.~~
7 Two members of the Board shall be owners of, or hold a
8 shareholder's interest in, ~~shareholders of~~ a unit in a
9 community association at the time of appointment who are not
10 licensees under this Act and have no direct affiliation or work
11 experience with the community association's community
12 association manager. This Board shall act in an advisory
13 capacity to the Department.

14 (b) Board members shall serve for terms of 5 years, except
15 that, initially, 4 members shall serve for 5 years and 3
16 members shall serve for 4 years. All members shall serve until
17 his or her successor is appointed and qualified. All vacancies
18 shall be filled in like manner for the unexpired term. No
19 member shall serve for more than 2 successive terms. The
20 Secretary shall remove from the Board any member whose license
21 has become void or has been revoked or suspended and may remove
22 any member of the Board for neglect of duty, misconduct, or
23 incompetence. A member who is subject to formal disciplinary
24 proceedings shall disqualify himself or herself from all Board
25 business until the charge is resolved. A member also shall
26 disqualify himself or herself from any matter on which the

1 member cannot act objectively.

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

4 (d) The Board shall ~~may~~ elect annually a chairperson and
5 vice chairperson.

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

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

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

13 (225 ILCS 427/27)

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

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

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

1 (225 ILCS 427/32)

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

3 Sec. 32. Social Security Number or Federal Tax
4 Identification Number on license application. In addition to
5 any other information required to be contained in the
6 application, every application for an original license under
7 this Act shall include the applicant's Social Security Number
8 or Federal Tax Identification Number, which shall be retained
9 in the Department's ~~agency's~~ records pertaining to the license.
10 As soon as practical, the Department shall assign a customer's
11 identification number to each applicant for a license.

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

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

15 (225 ILCS 427/40)

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

17 Sec. 40. Qualifications for licensure as a community
18 association manager.

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

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

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

4 (3) He or she has passed an examination authorized by
5 the Department.

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

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

18 (6) He or she has not been declared by any court of
19 competent jurisdiction to be incompetent by reason of
20 mental or physical defect or disease, unless a court has
21 subsequently declared him or her to be competent.

22 (7) He or she complies with any additional
23 qualifications for licensure as determined by rule of the
24 Department.

25 (b) The education requirement set forth in item (2) of
26 subsection (a) of this Section shall not apply to persons

1 holding a real estate broker or real estate broker ~~salesperson~~
2 license in good standing issued under the Real Estate License
3 Act of 2000.

4 (c) The examination and initial education requirement of
5 items (2) and (3) of subsection (a) of this Section shall not
6 apply to any person who within 6 months from the effective date
7 of the requirement for licensure, as set forth in Section 170
8 of this Act, applies for a license by providing satisfactory
9 evidence to the Department of qualifying experience or
10 education, as may be set forth by rule, including without
11 limitation evidence that he or she has ~~(i)~~ practiced community
12 association management for a period of 5 years ~~or (ii) achieved~~
13 ~~a designation awarded by recognized community association~~
14 ~~management organizations in the State.~~

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

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

21 (225 ILCS 427/42 new)

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

23 Sec. 42. Qualifications for licensure as a supervising
24 community association manager.

25 (a) No person shall be qualified for licensure as a

1 supervising community association manager under this Act
2 unless he or she has applied in writing on the prescribed
3 forms, has paid the required nonrefundable fees, and meets all
4 of the following qualifications:

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

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

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

18 (4) He or she has passed an examination authorized by
19 the Department.

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

23 (6) He or she is of good moral character. In
24 determining moral character under this Section, the
25 Department may take into consideration whether the
26 applicant has engaged in conduct or activities that would

1 constitute grounds for discipline under this Act. Good
2 moral character is a continuing requirement of licensure.
3 Conviction of crimes may be used in determining moral
4 character, but shall not constitute an absolute bar to
5 licensure.

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

10 (8) He or she complies with any additional
11 qualifications for licensure as determined by rule of the
12 Department.

13 (b) The initial 20-hour education requirement set forth in
14 item (3) of subsection (a) of this Section shall not apply to
15 persons holding a real estate managing broker or real estate
16 broker license in good standing issued under the Real Estate
17 License Act of 2000. The 10 additional hours required for
18 licensure under this Section shall be completed as required.

19 (c) The examination and initial education requirement of
20 items (3) and (4) of subsection (a) of this Section shall not
21 apply to any person who, within 6 months after the effective
22 date of the requirement for licensure, as set forth in Section
23 170 of this Act, applies for a license by providing
24 satisfactory evidence to the Department of qualifying
25 experience or education, as may be set forth by rule, including
26 without limitation, evidence that he or she has practiced

1 community association management for a period of 7 years.

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

8 (225 ILCS 427/50)

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

10 Sec. 50. Community association management firm ~~Association~~
11 ~~Management Agency.~~

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

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

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

5 ~~(3) a natural person who is legally authorized to~~
6 ~~provide such services.~~

7 (b) Any ~~firm,~~ corporation, partnership, limited liability
8 company, or other legal entity that is providing, or offering
9 to provide, community association management services and is
10 not in compliance with Section 50 and other ~~the~~ provisions of
11 this Act shall be subject to the fines, injunctions, cease and
12 desist provisions, and penalties provided for in Sections 90,
13 92, and 155 of this Act.

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

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

18 (225 ILCS 427/55)

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

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

21 (a) The supervising community association manager or the
22 community association management firm ~~A community association~~
23 ~~manager or the Community Association Management Agency~~ with
24 which he or she is employed shall not have access to and
25 disburse community association funds ~~of a community~~

1 ~~association~~ unless each of the following conditions occur:

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

4 (2) The fidelity insurance is not less than all moneys
5 under the control of the supervising community association
6 manager ~~community association manager~~ or the employing
7 community association management firm ~~Community~~
8 ~~Association Management Agency~~ for the association.

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

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

23 (5) Unless an agreement between the community
24 association and the supervising community association
25 manager or the community association management firm
26 ~~Community Association Management Agency~~ provides to the

1 contrary, a community association may secure and pay ~~the~~
2 ~~Association secures and pays~~ for the fidelity insurance
3 required by this Section. The supervising community
4 association manager or the community association
5 management firm ~~community association manager and the~~
6 ~~Community Association Management Agency~~ must be named as
7 additional insured parties on the community association
8 policy.

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

24 (c) The supervising community association manager or
25 community association management firm ~~Community Association~~
26 ~~Management Agency~~ shall obtain the appropriate general

1 liability and errors and omissions insurance, as determined by
2 the Department, to cover any losses or claims against the
3 supervising community association manager or the community
4 association management firm ~~community association clients.~~

5 (d) The Department shall have authority to promulgate
6 additional rules regarding insurance, fidelity insurance and
7 all accounts maintained and to be maintained by a supervising
8 community association manager or community association
9 management firm ~~Community Association Management Agency.~~

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

11 (225 ILCS 427/60)

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

13 Sec. 60. Licenses; renewals; restoration; person in
14 military service.

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

21 (b) Any licensee who has permitted his, ~~or~~ her, or its
22 license to expire may have the license restored by making
23 application to the Department and filing proof acceptable to
24 the Department of fitness to have his, ~~or~~ her, or its license
25 restored, by which may include sworn evidence certifying to

1 active practice in another jurisdiction satisfactory to the
2 Department, complying with any continuing education
3 requirements, and paying the required restoration fee.

4 (c) If the person has not maintained an active practice in
5 another jurisdiction satisfactory to the Department, the
6 Department shall determine, by an evaluation program
7 established by rule, the person's fitness to resume active
8 status and may require the person to complete a period of
9 evaluated clinical experience and successful completion of a
10 practical examination. However, any person whose license
11 expired while (i) in federal service on active duty with the
12 Armed Forces of the United States or called into service or
13 training with the State Militia or (ii) in training or
14 education under the supervision of the United States
15 preliminary to induction into the military service may have his
16 or her license renewed or restored without paying any lapsed
17 renewal fees if, within 2 years after honorable termination of
18 the service, training or education, except under condition
19 other than honorable, he or she furnishes the Department with
20 satisfactory evidence to the effect that he or she has been so
21 engaged and that the service, training, or education has been
22 so terminated.

23 (d) A community association manager, community association
24 management firm or supervising community association manager
25 who notifies the Department, in writing on forms prescribed by
26 the Department, may place his, ~~or~~ her, or its license on

1 inactive status and shall be excused from the payment of
2 renewal fees until the person notifies the Department in
3 writing of the intention to resume active practice.

4 (e) A community association manager, community association
5 management firm, or supervising community association manager
6 requesting his, ~~or her,~~ or its license be changed from inactive
7 to active status shall be required to pay the current renewal
8 fee and shall also demonstrate compliance with the continuing
9 education requirements.

10 (f) Any licensee with a license nonrenewed or on inactive
11 license status shall not provide community association
12 management services ~~or provide services as community~~
13 ~~association manager~~ as set forth in this Act.

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

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

18 (225 ILCS 427/65)

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

20 Sec. 65. Fees; Community Association Manager Licensing and
21 Disciplinary Fund.

22 (a) The fees for the administration and enforcement of this
23 Act, including, but not limited to, initial licensure, renewal,
24 and restoration, shall be set by rule of the Department. The
25 fees shall be nonrefundable.

1 (b) In addition to the application fee, applicants for the
2 examination are required to pay, either to the Department or
3 the designated testing service, a fee covering the cost of
4 determining an applicant's eligibility and providing the
5 examination. Failure to appear for the examination on the
6 scheduled date, at the time and place specified, after the
7 applicant's application and fee for examination have been
8 received and acknowledged by the Department or the designated
9 testing service, shall result in the forfeiture of the fee.

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

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

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

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

6 (225 ILCS 427/70)

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

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

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

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

5 (225 ILCS 427/75)

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

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

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

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

24 (225 ILCS 427/85)

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

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

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

14 (1) Material misstatement in furnishing information to
15 the Department.

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

17 (3) Conviction of or entry of a plea of guilty or plea
18 of nolo contendere to any crime that is a felony or a
19 misdemeanor under the laws of the United States, ~~or~~ any
20 state, or any other jurisdiction territory thereof or entry
21 of an administrative sanction by a government agency in
22 this State or any other jurisdiction. Action taken under
23 this paragraph (3) for a misdemeanor or an administrative
24 sanction is limited to a misdemeanor or administrative
25 sanction that has as ~~of which~~ an essential element ~~is~~
26 dishonesty or fraud, that involves larceny, embezzlement,

1 or obtaining money, property, or credit by false pretenses
2 or by means of a confidence game, or that is directly
3 related to the practice of the profession.

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

7 (5) Professional incompetence.

8 (6) Gross negligence.

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

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

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

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

22 (11) Having been disciplined by another state, the
23 District of Columbia, a territory, a foreign nation, or a
24 governmental agency authorized to impose discipline
25 ~~Discipline by another state, territory, or country~~ if at
26 least one of the grounds for the discipline is the same or

1 substantially equivalent of one of the grounds for which a
2 licensee may be disciplined under this Act. A certified
3 copy of the record of the action by the other state or
4 jurisdiction shall be prima facie evidence thereof ~~to those~~
5 ~~set forth in this Act.~~

6 (12) Directly or indirectly giving to or receiving from
7 any person, firm, corporation, partnership or association
8 any fee, commission, rebate, or other form of compensation
9 for any professional services not actually or personally
10 rendered.

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

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

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

24 (16) Physical illness or mental illness or impairment,
25 including, but not limited to, deterioration through the
26 aging process or loss of motor skill that results in the

1 inability to practice the profession with reasonable
2 judgment, skill, or safety.

3 (17) Solicitation of professional services by using
4 false or misleading advertising.

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

7 (19) Practicing or attempting to practice under a name
8 other than the full name as shown on the license or any
9 other legally authorized name.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

26 (f) In enforcing this Section, the Department or Board upon

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

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

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

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

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

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

1 (225 ILCS 427/87)

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

3 Sec. 87. Suspension of license for failure to pay
4 restitution. The Department, without further process or
5 hearing, shall suspend the license or other authorization to
6 practice of any person issued under this Act who has been
7 certified by court order as not having paid restitution to a
8 person under Section 8A-3.5 of the Illinois Public Aid Code or
9 under Section 17-10.5 or 46-1 of the Criminal Code of 1961 or
10 the Criminal Code of 2012. A person whose license or other
11 authorization to practice is suspended under this Section is
12 prohibited from engaging in the practice of community
13 association management ~~practicing~~ until the restitution is
14 made in full.

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

16 (225 ILCS 427/92)

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

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

19 (a) Any person, entity or other business who practices,
20 offers to practice, attempts to practice, or holds himself,
21 herself or itself out to practice as a community association
22 manager or community association management firm ~~management~~
23 ~~service~~ or provide services as a community association manager
24 or community association management firm to any community

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

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

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

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

17 (225 ILCS 427/135)

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

19 Sec. 135. License surrender. Upon the revocation or
20 suspension of any license authorized under this Act, the
21 licensee shall immediately surrender the license or licenses to
22 the Department. If the licensee fails to do so, the Department
23 has the right to seize the license or licenses.

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

1 (225 ILCS 427/155)

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

3 Sec. 155. Violations; penalties.

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

8 (1) The practice of or attempted practice of or holding
9 out as available to practice as a community association
10 manager, or supervising community association manager
11 without a license.

12 (2) Operation of or attempt to operate a community
13 association management firm ~~Community Association~~
14 ~~Management Agency~~ without a firm ~~an agency~~ license or a
15 designated supervising community association manager.

16 (3) The obtaining of or the attempt to obtain any
17 license or authorization issued under this Act by
18 fraudulent misrepresentation.

19 (b) Whenever a licensee is convicted of a felony related to
20 the violations set forth in this Section, the clerk of the
21 court in any jurisdiction shall promptly report the conviction
22 to the Department and the Department shall immediately revoke
23 any license authorized under this Act ~~as a community~~
24 ~~association manager~~ held by that licensee. The licensee
25 ~~individual~~ shall not be eligible for licensure under this Act
26 until at least 10 years have elapsed since the time of full

1 discharge from any sentence imposed for a felony conviction. If
2 any person in making any oath or affidavit required by this Act
3 swears falsely, the person is guilty of perjury and may be
4 punished accordingly.

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

6 (225 ILCS 427/165)

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

8 Sec. 165. Home rule. The regulation and licensing of
9 community association managers, supervising community
10 association managers, and community association management
11 firms ~~Community Association Management Agencies~~ are exclusive
12 powers and functions of the State. A home rule unit may not
13 regulate or license community association managers, l
14 supervising community association managers, or community
15 association management firms ~~and Community Association~~
16 ~~Management Agencies~~. This Section is a denial and limitation of
17 home rule powers and functions under subsection (h) of Section
18 6 of Article VII of the Illinois Constitution.

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

20 Section 99. Effective date. This Act takes effect July 1,
21 2013."