



Rep. Marcus C. Evans, Jr.

Filed: 4/12/2021

10200HB0731ham001

LRB102 14457 SPS 24746 a

1 AMENDMENT TO HOUSE BILL 731

2 AMENDMENT NO. _____. Amend House Bill 731 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Regulatory Sunset Act is amended by
5 changing Section 4.32 and by adding Section 4.41 as follows:

6 (5 ILCS 80/4.32)

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 Acts repealed on January 1, 2022.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8 Acts are repealed on January 1, 2022:

9 The Boxing and Full-contact Martial Arts Act.

10 The Cemetery Oversight Act.

11 The Collateral Recovery Act.

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

14 The Crematory Regulation Act.

15 The Detection of Deception Examiners Act.

16 The Home Inspector License Act.

1 The Illinois Health Information Exchange and Technology
2 Act.

3 The Medical Practice Act of 1987.

4 The Registered Interior Designers Act.

5 The Massage Licensing Act.

6 The Petroleum Equipment Contractors Licensing Act.

7 The Radiation Protection Act of 1990.

8 The Real Estate Appraiser Licensing Act of 2002.

9 The Water Well and Pump Installation Contractor's License
10 Act.

11 (Source: P.A. 100-920, eff. 8-17-18; 101-316, eff. 8-9-19;
12 101-614, eff. 12-20-19; 101-639, eff. 6-12-20.)

13 (5 ILCS 80/4.41 new)

14 Sec. 4.41. Act repealed on January 1, 2032. The following
15 Act is repealed on January 1, 2032:

16 The Community Association Manager Licensing and
17 Disciplinary Act.

18 Section 10. The Community Association Manager Licensing
19 and Disciplinary Act is amended by changing Sections 10, 15,
20 20, 25, 27, 30, 40, 45, 50, 55, 60, 65, 70, 75, 85, 90, 92, 95,
21 115, 120, 140, 145, 155, and 165 and by adding Sections 12, 41,
22 85.1, 86, 161, and 162 as follows:

23 (225 ILCS 427/10)

1 (Section scheduled to be repealed on January 1, 2022)

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

3 "Address of record" means the designated street address,
4 which may not be a post office box, recorded by the Department
5 in the applicant's or licensee's application file or license
6 file maintained by the Department ~~Department's licensure~~
7 ~~maintenance unit. It is the duty of the applicant or licensee~~
8 ~~to inform the Department of any change of address, and such~~
9 ~~changes must be made either through the Department's website~~
10 ~~or by contacting the Department's licensure maintenance unit.~~

11 "Advertise" means, but is not limited to, issuing or
12 causing to be distributed any card, sign or device to any
13 person; or causing, permitting or allowing any sign or marking
14 on or in any building, structure, newspaper, magazine or
15 directory, or on radio or television; or advertising by any
16 other means designed to secure public attention, including,
17 but not limited to, print, electronic, social media, and
18 digital forums.

19 "Board" means the Community Association Manager Licensing
20 and Disciplinary Board.

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

1 unit or lot.

2 "Community association funds" means any assessments, fees,
3 fines, or other funds collected by the community association
4 manager from the community association, or its members, other
5 than the compensation paid to the community association
6 manager for performance of community association management
7 services.

8 "Community association management firm" means a company,
9 corporation, limited liability company, partnership, or other
10 entity that engages in community association management
11 services.

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

15 "Community association manager" means an individual who:

16 (1) has an ownership interest in or is employed by a
17 community association management firm, or is directly
18 employed by or provides services as an independent
19 contractor to a community association; and

20 (2) administers for remuneration the financial,
21 administrative, maintenance, or other duties for the
22 community association, including the following services:

23 (A) collecting, controlling or disbursing funds of
24 the community association or having the authority to
25 do so;

26 (B) preparing budgets or other financial documents

1 for the community association;

2 (C) assisting in the conduct of community
3 association meetings;

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

5 (E) administering ~~administrating~~ association
6 contracts or procuring goods and services in
7 accordance with, ~~as stated in~~ the declaration, bylaws,
8 proprietary lease, declaration of covenants, or other
9 governing document of the community association or at
10 the direction of the board of managers; and

11 (F) coordinating financial, administrative,
12 maintenance, or other duties called for in the
13 management contract, including individuals who are
14 direct employees of the community association.

15 "Community association manager" does not mean support
16 staff, including, but not limited to bookkeepers,
17 administrative assistants, secretaries, property inspectors,
18 or customer service representatives.

19 "Department" means the Department of Financial and
20 Professional Regulation.

21 "Designated community association manager" means a
22 licensed community association manager who: (1) has an
23 ownership interest in or is employed by a community
24 association management firm to act as a controlling person;
25 and (2) is the authorized signatory or has delegated signing
26 authority for the firm on community association accounts; and

1 (3) supervises, manages, and is responsible for the firm's
2 community association manager activities pursuant to Section
3 50 of this Act.

4 "Email address of record" means the designated email
5 address recorded by the Department in the applicant's
6 application file or the licensee's license file, as maintained
7 by the Department.

8 "License" means the privilege conferred by the Department
9 to a person that has fulfilled all requirements prerequisite
10 to any type of licensure under this Act ~~license issued to a~~
11 ~~person, corporation, partnership, limited liability company,~~
12 ~~or other legal entity under this Act to provide community~~
13 ~~association management services.~~

14 "Licensee" means a community association manager or a
15 community association management firm.

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

18 "Secretary" means the Secretary of Financial and
19 Professional Regulation or the Secretary's designee.

20 ~~"Supervising community association manager" means an~~
21 ~~individual licensed as a community association manager who~~
22 ~~manages and supervises a firm.~~

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

24 (225 ILCS 427/12 new)

25 Sec. 12. Address of record; email address of record. All

1 applicants and licensees shall:

2 (1) provide a valid address and email address to the
3 Department, which shall serve as the address of record and
4 email address of record, respectively, at the time of
5 application for licensure or renewal of a license; and

6 (2) inform the Department of any change of address of
7 record or email address of record within 14 days after
8 such change through the Department's website or in a
9 manner prescribed by the Department.

10 (225 ILCS 427/15)

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

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

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

23 (225 ILCS 427/20)

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

1 Sec. 20. Exemptions.

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

4 (1) Any director or, ~~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
13 to the practice of law.

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

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

23 (b) A licensed community association manager may not
24 perform or engage in any activities for which a real estate
25 managing broker, ~~or~~ real estate broker, or residential leasing
26 agent ~~broker's~~ license is required under the Real Estate

1 License Act of 2000, unless the licensee ~~he or she~~ also
2 possesses a current and valid license under the Real Estate
3 License Act of 2000 and is providing those services as
4 provided for in the Real Estate License Act of 2000 and the
5 applicable rules.

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

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

21 (225 ILCS 427/25)

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

23 Sec. 25. Community Association Manager Licensing and
24 Disciplinary Board.

25 (a) There is hereby created the Community Association

1 Manager Licensing and Disciplinary Board, which shall consist
2 of 7 members appointed by the Secretary. All members must be
3 residents of the State and must have resided in the State for
4 at least 5 years immediately preceding the date of
5 appointment. Five members of the Board must be licensees under
6 this Act, ~~at least two members of which shall be supervising~~
7 ~~community association managers.~~ Two members of the Board shall
8 be owners of, or hold a shareholder's interest in, 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~~
11 ~~work experience~~ with the community association's community
12 association manager. This Board shall act in an advisory
13 capacity to the Department.

14 (b) The term of each member ~~Members serving on the Board on~~
15 ~~the effective date of this amendatory Act of the 100th General~~
16 ~~Assembly may serve the remainder of their unexpired terms.~~
17 ~~Thereafter, the members' terms~~ shall be for 4 years or until
18 that member's successor is appointed ~~and expire upon~~
19 ~~completion of the term.~~ No member shall be reappointed to the
20 Board for a term that would cause the member's ~~his or her~~
21 cumulative service to the Board to exceed 10 years.
22 Appointments to fill vacancies shall be made by the Secretary
23 for the unexpired portion of the term. The Secretary shall
24 remove from the Board any member whose license has become void
25 or has been revoked or suspended and may remove any member of
26 the Board for neglect of duty, misconduct, or incompetence. A

1 member who is subject to formal disciplinary proceedings shall
2 be disqualified ~~disqualify himself or herself~~ from all Board
3 business until the charge is resolved. A member also shall be
4 disqualified ~~disqualify himself or herself~~ from any matter on
5 which the member cannot act objectively.

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

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

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

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

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

18 (225 ILCS 427/27)

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

20 Sec. 27. Immunity from liability. Any member of the Board,
21 any attorney providing advice to the Board or Department, any
22 person acting as a consultant to the Board or Department, and
23 any witness testifying in a proceeding authorized under this
24 Act, excluding the party making the complaint, shall be immune
25 from liability in any civil action brought ~~against him or her~~

1 for acts occurring while acting in one's ~~his or her~~ capacity as
2 a Board member, attorney, consultant, or witness,
3 respectively, unless the conduct that gave rise to the action
4 was willful or wanton misconduct.

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

6 (225 ILCS 427/30)

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

8 Sec. 30. Powers and duties of the Department. The
9 Department may exercise the following functions, powers and
10 duties:

11 (a) formulate rules for the administration and
12 enforcement of this Act;

13 (b) prescribe forms to be issued for the
14 administration and enforcement of this Act and utilize
15 regular or electronic mail, at the discretion of the
16 Department, to send notices and other information to
17 applicants and licensees;

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

22 (d) (blank); ~~maintain a roster of the names and~~
23 ~~addresses of all licensees in a manner as deemed~~
24 ~~appropriate by the Department; and~~

25 (e) seek the advice and expert knowledge of the Board

1 on any matter relating to the administration and
2 enforcement of this Act; ~~and-~~

3 (f) exercise any and all general powers and duties set
4 forth in Section 2105-15 of the Department of Professional
5 Regulation Law of the Civil Administrative Code of
6 Illinois.

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

8 (225 ILCS 427/40)

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

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

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

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

18 (1.5) Successfully completed a 4-year course of study
19 in a high school, secondary school, or an equivalent
20 course of study approved by the state in which the school
21 is located, or possess a high school equivalency
22 certificate, which shall be verified under oath by the
23 applicant.

24 (2) Provided ~~He or she provides~~ satisfactory evidence
25 of having completed at least 20 classroom hours in

1 community association management courses approved by the
2 Board.

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

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

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

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

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

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

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

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

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

20 (e) The Department shall not require applicants to report
21 the following information and shall not consider the following
22 criminal history records in connection with an application for
23 licensure:

24 (1) juvenile adjudications of delinquent minors as
25 defined in Section 5-105 of the Juvenile Court Act of 1987
26 subject to the restrictions set forth in Section 5-130 of

1 that Act;

2 (2) law enforcement records, court records, and
3 conviction records of an individual who was 17 years old
4 at the time of the offense and before January 1, 2014,
5 unless the nature of the offense required the individual
6 to be tried as an adult;

7 (3) records of arrest not followed by a charge or
8 conviction;

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

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

16 (6) convictions or arrests that have been sealed or
17 expunged.

18 (f) An applicant or licensee shall report to the
19 Department, in a manner prescribed by the Department, and
20 within 30 days after the occurrence if during the term of
21 licensure: (i) any conviction of or plea of guilty or nolo
22 contendere to forgery, embezzlement, obtaining money under
23 false pretenses, larceny, extortion, conspiracy to defraud, or
24 any similar offense or offenses or any conviction of a felony
25 involving moral turpitude; (ii) the entry of an administrative
26 sanction by a government agency in this State or any other

1 jurisdiction that has as an essential element dishonesty or
2 fraud or involves larceny, embezzlement, or obtaining money,
3 property, or credit by false pretenses; or (iii) any
4 conviction of or plea of guilty or nolo contendere to a crime
5 that subjects the licensee to compliance with the requirements
6 of the Sex Offender Registration Act.

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

8 (225 ILCS 427/41 new)

9 Sec. 41. Qualifications for licensure as a community
10 association management firm. Any person who desires to obtain
11 a community association management firm license must:

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

14 (2) provide evidence to the Department that the
15 community association management firm has a licensed and
16 designated community association manager;

17 (3) be authorized to conduct business in the State of
18 Illinois and provide proof of such authorization to the
19 Department; and

20 (4) comply with all requirements as may be set forth
21 by rule.

22 (225 ILCS 427/45)

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

24 Sec. 45. Examinations.

1 (a) The Department shall authorize examinations of
2 applicants for licensure as a community association manager at
3 such times and places as it may determine. The examination of
4 applicants shall be of a character to give a fair test of the
5 qualifications of the applicant to practice as a community
6 association manager.

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

10 (c) The Department may employ consultants to prepare and
11 conduct ~~for the purpose of preparing and conducting~~
12 examinations.

13 (d) An applicant shall be eligible to take the examination
14 only after successfully completing the education requirements
15 set forth in this Act and attaining the minimum education and
16 age required under this Act.

17 (e) (Blank). ~~The examination approved by the Department~~
18 ~~should utilize the basic principles of professional testing~~
19 ~~standards utilizing psychometric measurement. The examination~~
20 ~~shall use standards set forth by the National Organization for~~
21 ~~Competency Assurances and shall be approved by the Department.~~

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

23 (225 ILCS 427/50)

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

25 Sec. 50. Community association management firm.

1 (a) No corporation, partnership, limited liability
2 company, or other legal entity shall provide or offer to
3 provide community association management services, unless it
4 has applied in writing on the prescribed forms and has paid the
5 required nonrefundable fees and provided evidence to the
6 Department that the firm has designated a licensed ~~supervising~~
7 community association manager to supervise and manage the
8 firm. Having a ~~A~~ designated ~~supervising~~ community association
9 manager shall be a continuing requirement of firm licensure.
10 ~~No supervising community association manager may be the~~
11 ~~supervising community association manager for more than one~~
12 ~~firm.~~

13 (b) Any corporation, partnership, limited liability
14 company, or other legal entity that is providing, or offering
15 to provide, community association management services and is
16 not in compliance with this Section ~~50~~ and other provisions of
17 this Act shall be subject to the civil penalties ~~fines~~,
18 injunctions, cease and desist provisions, and penalties
19 provided for in Sections 90, 92, and 155 of this Act.

20 (c) No community association manager may be the designated
21 community association manager ~~licensee in charge~~ for more than
22 one firm, corporation, limited liability company, partnership,
23 or other legal entity. The designated community association
24 manager shall supervise and manage all licensed and unlicensed
25 employees acting on behalf of the community association
26 management firm. The designated community association manager

1 shall supervise and manage all independent contractors
2 providing community association management services on behalf
3 of the community association management firm. The community
4 association management firm and the designated community
5 association manager shall be responsible for all actions of
6 which they had knowledge taken on behalf of the community
7 association management firm.

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

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

11 (225 ILCS 427/55)

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

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

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

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

22 (2) The fidelity insurance is in the maximum amount of
23 coverage available to protect funds in the custody or ~~not~~
24 ~~less than all moneys under the~~ control of the designated
25 ~~supervising~~ community association manager or ~~the employing~~

1 community association management firm providing service to
2 ~~for~~ the association.

3 (3) During the term and coverage period of the
4 insurance, the ~~The~~ fidelity insurance shall cover ~~eovers~~
5 ~~the:~~

6 (A) the designated community association manager;~~;~~
7 ~~supervising community association manager, and~~

8 (B) the community association management firm;

9 (C) all community association managers;

10 (D) all ~~all~~ partners, officers, and employees of
11 the community association management firm; and ~~during~~
12 ~~the term of the insurance coverage, which shall be at~~
13 ~~least for the same term as the service agreement~~
14 ~~between the community association management firm or~~
15 ~~supervising community association manager as well as~~

16 (E) the community association officers, directors,
17 and employees.

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

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

1 community association manager, all other licensees, and ~~or~~
2 the community association management firm must be named as
3 additional insured parties on the community association
4 policy.

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

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

1 association manager, the designated community association
2 manager, or the community association management firm.

3 (d) The Department shall have authority to promulgate
4 additional rules regarding insurance, fidelity insurance and
5 all accounts maintained and to be maintained by a community
6 association manager, designated ~~supervising~~ community
7 association manager, or community association management firm.
8 (Source: P.A. 98-365, eff. 1-1-14.)

9 (225 ILCS 427/60)

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

11 Sec. 60. Licenses; renewals; restoration; person in
12 military service.

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

19 (b) Any licensee who has an expired ~~permitted his, her, or~~
20 ~~its~~ license ~~to expire~~ may have the license restored by
21 applying ~~making application~~ to the Department and filing proof
22 acceptable to the Department of fitness to have the expired
23 ~~his, her, or its~~ license restored, by which may include sworn
24 evidence certifying to active practice in another jurisdiction
25 satisfactory to the Department, complying with any continuing

1 education requirements, and paying the required restoration
2 fee.

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

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

1 ~~his, her, or its~~ license on inactive status for a period not to
2 exceed 2 years and shall be excused from the payment of renewal
3 fees until the person notifies the Department in writing of
4 the intention to resume active practice.

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

11 (f) No ~~Any~~ licensee with a nonrenewed or ~~an~~ inactive
12 license status or community association management firm
13 operation without a designated community association manager
14 shall ~~not~~ provide community association management services as
15 set forth in this Act.

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

19 (h) The Department shall not renew a license if the
20 licensee has an unpaid fine from a disciplinary matter or an
21 unpaid fee from a non-disciplinary action imposed by the
22 Department until the fine or fee is paid to the Department or
23 the licensee has entered into a payment plan and is current on
24 the required payments.

25 (i) The Department shall not issue a license if the
26 applicant has an unpaid fine imposed by the Department for

1 unlicensed practice until the fine is paid to the Department
2 or the applicant has entered into a payment plan and is current
3 on the required payments.

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

5 (225 ILCS 427/65)

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

7 Sec. 65. Fees; Community Association Manager Licensing and
8 Disciplinary Fund.

9 (a) The fees for the administration and enforcement of
10 this Act, including, but not limited to, initial licensure,
11 renewal, and restoration, shall be set by rule of the
12 Department. The fees shall be nonrefundable.

13 (b) In addition to the application fee, applicants for the
14 examination are required to pay, either to the Department or
15 the designated testing service, a fee covering the cost of
16 determining an applicant's eligibility and providing the
17 examination. Failure to appear for the examination on the
18 scheduled date, at the time and place specified, after the
19 applicant's application and fee for examination have been
20 received and acknowledged by the Department or the designated
21 testing service, shall result in the forfeiture of the fee.

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

25 (d) Moneys in the Community Association Manager Licensing

1 and Disciplinary Fund may be transferred to the Professions
2 Indirect Cost Fund, as authorized under Section 2105-300 of
3 the Department of Professional Regulation Law of the Civil
4 Administrative Code of Illinois.

5 (Source: P.A. 97-1021, eff. 8-17-12; 98-365, eff. 1-1-14.)

6 (225 ILCS 427/70)

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

8 Sec. 70. Penalty for insufficient funds; payments. Any
9 person who:

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

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

16 shall pay to the Department, in addition to the amount already
17 owed to the Department, a fine of \$50. The Department shall
18 notify the person that payment of fees and fines shall be paid
19 to the Department by certified check or money order within 30
20 calendar days after notification. If, after the expiration of
21 30 days from the date of the notification, the person has
22 failed to submit the necessary remittance, the Department
23 shall automatically terminate the license or deny the
24 application, without hearing. After ~~If, after~~ termination or
25 denial, the person seeking ~~seeks~~ a license, ~~he, she, or it~~

1 shall apply to the Department for restoration or issuance of
2 the license and pay all fees and fines due to the Department.
3 The Department may establish a fee for the processing of an
4 application for restoration of a license to pay all expenses
5 of processing this application. The Secretary may waive the
6 fines due under this Section in individual cases where the
7 Secretary finds that the fines would be unreasonable or
8 unnecessarily burdensome.

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

10 (225 ILCS 427/75)

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

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

23 All applicants under this Act ~~Applicants~~ have 3 years from
24 the date of application to complete the application process.
25 If the process has not been completed within the 3 years, the

1 application shall be denied, the fee shall be forfeited, and
2 the applicant must reapply and meet the requirements in effect
3 at the time of reapplication.

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

5 (225 ILCS 427/85)

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

7 Sec. 85. Grounds for discipline; refusal, revocation, or
8 suspension.

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

17 (1) Material misstatement in furnishing information to
18 the Department.

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

20 (3) Conviction of or entry of a plea of guilty or plea
21 of nolo contendere, as set forth in subsection (f) of
22 Section 40, to (i) a felony or a misdemeanor under the laws
23 of the United States, any state, or any other jurisdiction
24 or entry of an administrative sanction by a government
25 agency in this State or any other jurisdiction or (ii) a

1 crime that subjects the licensee to compliance with the
2 requirements of the Sex Offender Registration Act; or the
3 entry of an administrative sanction by a government agency
4 in this State or any other jurisdiction. Action taken
5 under this paragraph (3) for a misdemeanor or an
6 administrative sanction is limited to a misdemeanor or
7 administrative sanction that has as an essential element
8 dishonesty or fraud, that involves larceny, embezzlement,
9 or obtaining money, property, or credit by false pretenses
10 or by means of a confidence game, or that is directly
11 related to the practice of the profession.

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

15 (5) Professional incompetence.

16 (6) Gross negligence.

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

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

21 (9) Engaging in dishonorable, unethical, or
22 unprofessional conduct of a character likely to deceive,
23 defraud or harm the public as defined by the rules of the
24 Department, or violating the rules of professional conduct
25 adopted by the Department.

26 (10) Habitual or excessive use or addiction to

1 alcohol, narcotics, stimulants, or any other chemical
2 agent or drug that results in the inability to practice
3 with reasonable judgment, skill, or safety.

4 (11) Having been disciplined by another state, the
5 District of Columbia, a territory, a foreign nation, or a
6 governmental agency authorized to impose discipline if at
7 least one of the grounds for the discipline is the same or
8 substantially equivalent of one of the grounds for which a
9 licensee may be disciplined under this Act. A certified
10 copy of the record of the action by the other state or
11 jurisdiction shall be prima facie evidence thereof.

12 (12) Directly or indirectly giving to or receiving
13 from any person, firm, corporation, partnership or
14 association any fee, commission, rebate, or other form of
15 compensation for any ~~professional~~ services not actually or
16 personally rendered.

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

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

24 (15) Being named as a perpetrator in an indicated
25 report by the Department of Children and Family Services
26 under the Abused and Neglected Child Reporting Act and

1 upon proof by clear and convincing evidence that the
2 licensee has caused a child to be an abused child or
3 neglected child as defined in the Abused and Neglected
4 Child Reporting Act.

5 (16) Physical illness or mental illness or impairment,
6 ~~including, but not limited to, deterioration through the~~
7 ~~aging process or loss of motor skill~~ that results in the
8 inability to practice the profession with reasonable
9 judgment, skill, or safety.

10 (17) Solicitation of professional services by using
11 false or misleading advertising.

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

14 (19) Practicing or attempting to practice under a name
15 other than the full name as shown on the license or any
16 other legally authorized name unless approved by the
17 Department.

18 (20) Gross overcharging for professional services
19 including, but not limited to, (i) collection of fees or
20 moneys for services that are not rendered; and (ii)
21 charging for services that are not in accordance with the
22 contract between the licensee and the community
23 association.

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

26 (22) Failing to account for or remit any moneys or

1 documents coming into the licensee's possession that
2 belong to another person or entity.

3 (23) Giving differential treatment to a person that is
4 to that person's detriment on the basis ~~because~~ of race,
5 color, ~~creed,~~ sex, ancestry, age, order of protection
6 status, marital status, physical or mental disability,
7 military status, unfavorable discharge from military
8 status, sexual orientation, pregnancy, religion, or
9 national origin.

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

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

16 (26) Purporting to be a designated ~~supervising~~
17 community association manager of a firm without active
18 participation in the firm and having been designated as
19 such.

20 (27) Failing to make available to the Department at
21 the time of the request any indicia of licensure ~~or~~
22 ~~registration~~ issued under this Act.

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

26 (29) Violating the terms of a disciplinary order

1 issued by the Department.

2 (30) Operating a community association management firm
3 without a designated community association manager who
4 holds an active community association manager license.

5 (31) For a designated community association manager,
6 failing to meet the requirements for acting as a
7 designated community association manager.

8 (32) Failing to disclose to a community association
9 any compensation received by a licensee from a third party
10 in connection with or related to a transaction entered
11 into by the licensee on behalf of the community
12 association.

13 (33) Failing to disclose to a community association,
14 at the time of making the referral, that a licensee (A) has
15 greater than a 1% ownership interest in a third party to
16 which it refers the community association; or (B) receives
17 or may receive dividends or other profit sharing
18 distributions from a third party, other than a publicly
19 held or traded company, to which it refers the community
20 association.

21 (b) (Blank).

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

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

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

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

1 certification of delinquency made by the Department of
2 Healthcare and Family Services.

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

24 ~~If the Department or Board finds an individual unable to~~
25 ~~practice because of the reasons set forth in this Section, the~~
26 ~~Department or Board may require that individual to submit to~~

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

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

24 ~~An individual licensed under this Act and affected under~~
25 ~~this Section shall be afforded an opportunity to demonstrate~~
26 ~~to the Department or Board that he or she can resume practice~~

1 ~~in compliance with acceptable and prevailing standards under~~
2 ~~the provisions of his or her license.~~

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

4 (225 ILCS 427/85.1 new)

5 Sec. 85.1. Citations.

6 (a) The Department may adopt rules to permit the issuance
7 of citations to any licensee for failure to comply with the
8 continuing education requirements set forth in this Act or as
9 established by rule. The citation shall be issued to the
10 licensee and a copy sent to the licensee's designated
11 community association manager, and shall contain the
12 licensee's name, the licensee's address, the licensee's
13 license number, the number of required hours of continuing
14 education that have not been successfully completed by the
15 licensee within the renewal period, and the penalty imposed,
16 which shall not exceed \$2,000. The issuance of any such
17 citation shall not excuse the licensee from completing all
18 continuing education required for that renewal period.

19 (b) Service of a citation shall be made in person,
20 electronically, or by mail to the licensee at the licensee's
21 address of record or email address of record, and the citation
22 must clearly state that if the cited licensee wishes to
23 dispute the citation, the cited licensee may make a written
24 request, within 30 days after the citation is served, for a
25 hearing before the Department. If the cited licensee does not

1 request a hearing within 30 days after the citation is served,
2 then the citation shall become a final, non-disciplinary
3 order, and any fine imposed is due and payable within 60 days
4 after that final order. If the cited licensee requests a
5 hearing within 30 days after the citation is served, the
6 Department shall afford the cited licensee a hearing conducted
7 in the same manner as a hearing provided for in this Act for
8 any violation of this Act and shall determine whether the
9 cited licensee committed the violation as charged and whether
10 the fine as levied is warranted. If the violation is found, any
11 fine shall constitute non-public discipline and be due and
12 payable within 30 days after the order of the Secretary, which
13 shall constitute a final order of the Department. No change in
14 license status may be made by the Department until a final
15 order of the Department has been issued.

16 (c) Payment of a fine that has been assessed pursuant to
17 this Section shall not constitute disciplinary action
18 reportable on the Department's website or elsewhere unless a
19 licensee has previously received 2 or more citations and been
20 assessed 2 or more fines.

21 (d) Nothing in this Section shall prohibit or limit the
22 Department from taking further action pursuant to this Act and
23 rules for additional, repeated, or continuing violations.

24 (225 ILCS 427/86 new)

25 Sec. 86. Illegal discrimination. When there has been an

1 adjudication in a civil or criminal proceeding that a
2 community association manager or community association
3 management firm has illegally discriminated while engaged in
4 any activity for which a license is required under this Act,
5 the Department, upon the recommendation of the Board as to the
6 extent of the suspension or revocation, shall suspend or
7 revoke the license of that licensee in a timely manner, unless
8 the adjudication is in the appeal process. When there has been
9 an order in an administrative proceeding finding that a
10 licensee has illegally discriminated while engaged in any
11 activity for which a license is required under this Act, the
12 Department, upon recommendation of the Board as to the nature
13 and extent of the discipline, shall take one or more of the
14 disciplinary actions provided for in Section 85 in a timely
15 manner, unless the administrative order is in the appeal
16 process.

17 (225 ILCS 427/90)

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

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

20 (a) If any person violates a provision of this Act, the
21 Secretary may, in the name of the People of the State of
22 Illinois, through the Attorney General of the State of
23 Illinois, petition for an order enjoining the violation or for
24 an order enforcing compliance with this Act. Upon the filing
25 of a verified petition in court, the court may issue a

1 temporary restraining order, without notice or bond, and may
2 preliminarily and permanently enjoin the violation. If it is
3 established that the person has violated or is violating the
4 injunction, the Court may punish the offender for contempt of
5 court. Proceedings under this Section are in addition to, and
6 not in lieu of, all other remedies and penalties provided by
7 this Act.

8 (b) If any person provides, ~~entity or other business may~~
9 ~~provide~~ community association management services or provides
10 ~~provide~~ services as a community association manager to any
11 community association in this State without having a valid
12 license under this Act or, in the case of a community
13 association management firm, without a designated community
14 association manager, then any licensee, any interested party,
15 or any person injured thereby may, in addition to the
16 Secretary, petition for relief as provided in subsection (a)
17 of this Section.

18 (c) Whenever in the opinion of the Department any person,
19 entity or other business violates any provision of this Act,
20 the Department may issue a rule to show cause why an order to
21 cease and desist should not be entered against such person,
22 firm or other entity. The rule shall clearly set forth the
23 grounds relied upon by the Department and shall provide a
24 period of at least 7 days from the date of the rule to file an
25 answer to the satisfaction of the Department. If the person,
26 firm or other entity fails to file an answer satisfactory to

1 the Department, the matter shall be considered as a default
2 and the Department may cause an order to cease and desist to be
3 issued immediately.

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

5 (225 ILCS 427/92)

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

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

8 (a) Any person, entity or other business who practices,
9 offers to practice, attempts to practice, or holds oneself
10 ~~himself, herself or itself~~ out to practice as a community
11 association manager or community association management firm
12 or provides ~~provide~~ services as a community association
13 manager or community association management firm to any
14 community association in this State without being licensed
15 under this Act or, in the case of a community association
16 management firm, without a designated community association
17 manager shall, in addition to any other penalty provided by
18 law, pay a civil penalty to the Department in an amount not to
19 exceed \$10,000 for each offense, as determined by the
20 Department. The civil penalty shall be assessed by the
21 Department after a hearing is held in accordance with the
22 provisions set forth in this Act regarding the provision of a
23 hearing for the discipline of a licensee.

24 (b) The Department may investigate any and all unlicensed
25 activity.

1 (c) The civil penalty shall be paid within 60 days after
2 the effective date of the order imposing the civil penalty.
3 The order shall constitute a judgment and may be filed and
4 execution had thereon in the same manner as any judgment from
5 any court of record.

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

7 (225 ILCS 427/95)

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

9 Sec. 95. Investigation; notice and hearing. The
10 Department may investigate the actions or qualifications of a
11 person, entity or other business applying for, holding or
12 claiming to hold, or holding oneself out as having a license or
13 rendering or offering to render services for which a license
14 is required by this Act and may notify their designated
15 community association manager, if any, of the pending
16 investigation. Before suspending, revoking, placing on
17 probationary status, or taking any other disciplinary action
18 as the Department may deem proper with regard to any license,
19 at least 30 days before the date set for the hearing, the
20 Department shall (i) notify the accused and their designated
21 community association manager, if any, in writing of any
22 charges made and the time and place for a hearing on the
23 charges before the Board, (ii) direct the accused ~~individual~~
24 ~~or entity~~ to file a written answer to the charges with the
25 Board under oath within 20 days after the service on the

1 accused ~~him or her~~ of such notice, and (iii) inform the accused
2 ~~person, entity or other business~~ that if the accused ~~the~~
3 ~~person, entity, or other business~~ fails to file an answer,
4 default will be taken against the accused ~~such person, entity,~~
5 ~~or other business~~ and the license of the accused ~~such person,~~
6 ~~entity, or other business~~ may be suspended, revoked, placed on
7 probationary status, or other disciplinary action taken with
8 regard to the license, including limiting the scope, nature,
9 or extent of related ~~his or her~~ practice, as the Department may
10 deem proper. The Department shall serve notice under this
11 Section by regular or electronic ~~Written notice may be served~~
12 ~~by personal delivery or by registered or certified~~ mail to the
13 applicant's or licensee's ~~applicant or licensee at his or her~~
14 last address of record or email address of record as provided
15 to ~~with~~ the Department. If the accused ~~In case the person~~ fails
16 to file an answer after receiving notice, the ~~his or her~~
17 license may, in the discretion of the Department, be
18 suspended, revoked, or placed on probationary status, or the
19 Department may take whatever disciplinary action deemed
20 proper, including limiting the scope, nature, or extent of the
21 person's practice or the imposition of a fine, without a
22 hearing, if the act or acts charged constitute sufficient
23 grounds for such action under this Act. The ~~written~~ answer
24 shall be served by personal delivery or regular, ~~certified~~
25 ~~delivery, or certified or registered~~ mail to the Department.
26 At the time and place fixed in the notice, the Department shall

1 proceed to hear the charges and the parties or their counsel
2 shall be accorded ample opportunity to present such
3 statements, testimony, evidence, and argument as may be
4 pertinent to the charges or to the defense thereto. The
5 Department may continue such hearing from time to time. At the
6 discretion of the Secretary after having first received the
7 recommendation of the Board, the accused person's license may
8 be suspended, ~~or~~ revoked, or placed on probationary status or
9 the Department may take whatever disciplinary action
10 considered proper, including limiting the scope, nature, or
11 extent of the person's practice or the imposition of a fine if
12 the act or acts charged constitute sufficient grounds for that
13 action under this Act. A copy of the Department's final order
14 shall be delivered to the accused's designated community
15 association manager or, if the accused is directly employed by
16 a community association, to the board of managers of that
17 association if known to the Department, ~~if the evidence~~
18 ~~constitutes sufficient grounds for such action under this Act.~~

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

20 (225 ILCS 427/115)

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

22 Sec. 115. Rehearing. At the conclusion of a hearing and
23 following deliberation by the Board, a copy of the Board's
24 report shall be served upon the applicant, licensee, or
25 unlicensed person by the Department, either personally or as

1 provided in this Act for the service of a notice of hearing. ~~In~~
2 ~~any hearing involving disciplinary action against a licensee,~~
3 ~~a copy of the Board's report shall be served upon the~~
4 ~~respondent by the Department, either personally or as provided~~
5 ~~in this Act for the service of the notice of hearing.~~ Within 20
6 calendar days after service, the respondent may present to the
7 Department a motion in writing for a rehearing that shall
8 specify the particular grounds for rehearing. If no motion for
9 rehearing is filed, then upon the expiration of the time
10 specified for filing a motion, or if a motion for rehearing is
11 denied, then upon denial, the Secretary may enter an order in
12 accordance with recommendations of the Board, except as
13 provided in this Act. If the respondent orders from the
14 reporting service, and pays for, a transcript of the record
15 within the time for filing a motion for rehearing, the 20
16 calendar day period within which a motion may be filed shall
17 commence upon the delivery of the transcript to the
18 respondent.

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

20 (225 ILCS 427/120)

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

22 Sec. 120. Appointment of a hearing officer. The Secretary
23 has the authority to appoint any attorney duly licensed to
24 practice law in the State of Illinois to serve as the hearing
25 officer in any action for refusal to issue or renew a license,

1 or to discipline a licensee. The hearing officer has full
2 authority to conduct the hearing. The hearing officer shall
3 report the ~~his~~ findings and recommendations to the Board and
4 the Secretary. At its next meeting following ~~The Board has 60~~
5 ~~calendar days from~~ receipt of the report, the Board shall ~~to~~
6 review the report of the hearing officer and present its
7 findings of fact, conclusions of law, and recommendations to
8 the Secretary.

9 If the Board fails to present its report within 30
10 calendar days following its next meeting after receiving the
11 report ~~within the 60 calendar day period~~, the respondent may
12 request in writing a direct appeal to the Secretary, in which
13 case the Secretary shall, within 7 calendar days after the
14 request, issue an order directing the Board to issue its
15 findings of fact, conclusions of law, and recommendations to
16 the Secretary within 30 calendar days after such order.

17 If the Board fails to issue its findings of fact,
18 conclusions of law, and recommendations within that time frame
19 to the Secretary after the entry of such order, the Secretary
20 shall, within 30 calendar days thereafter, issue an order
21 based upon the report of the hearing officer and the record of
22 the proceedings or issue an order remanding the matter back to
23 the hearing officer for additional proceedings in accordance
24 with the order.

25 If (i) a direct appeal is requested, (ii) the Board fails
26 to issue its findings of fact, conclusions of law, and

1 recommendations within the 30-day mandate from the Secretary
2 or the Secretary fails to order the Board to do so, and (iii)
3 the Secretary fails to issue an order within 30 calendar days
4 thereafter, then the hearing officer's report is deemed
5 accepted and a final decision of the Secretary.

6 Notwithstanding any other provision of this Section, if
7 the Secretary, upon review, determines that substantial
8 justice has not been done in the revocation, suspension, or
9 refusal to issue or renew a license or other disciplinary
10 action taken as the result of the entry of the hearing
11 officer's report, the Secretary may order a rehearing by the
12 same or other examiners. If the Secretary disagrees with the
13 recommendation of the Board or the hearing officer, the
14 Secretary may issue an order in contravention of either
15 recommendation.

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

17 (225 ILCS 427/140)

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

19 Sec. 140. Summary suspension. The Secretary may summarily
20 suspend a license without a hearing, simultaneously with the
21 institution of proceedings for a hearing provided for in this
22 Act, if the Secretary finds ~~that~~ evidence indicating ~~in his or~~
23 ~~her possession indicates~~ that a continuation in practice would
24 constitute an imminent danger to the public. In the event that
25 the Secretary summarily suspends a license without a hearing,

1 a hearing by the Department must be held within 30 calendar
2 days after the suspension has occurred.

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

4 (225 ILCS 427/145)

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

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

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

16 (225 ILCS 427/155)

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

18 Sec. 155. Violations; penalties.

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

23 (1) Practicing or attempting to ~~The practice of or~~
24 ~~attempted practice of~~ or holding oneself out as available

1 to practice as a community association manager ~~or~~
2 ~~supervising community association manager~~ without a
3 license.

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

8 (3) Obtaining or attempting ~~The obtaining of or the~~
9 ~~attempt~~ to obtain any license or authorization issued
10 under this Act by fraudulent misrepresentation.

11 (b) Whenever a licensee is convicted of a felony related
12 to the violations set forth in this Section, ~~the clerk of the~~
13 ~~court in any jurisdiction shall promptly report the conviction~~
14 ~~to the Department and~~ the Department shall immediately revoke
15 any license authorized under this Act held by that licensee.
16 The licensee shall not be eligible for licensure under this
17 Act until at least 5 years have elapsed since a felony
18 conviction or 3 years since release from confinement for the
19 conviction, whichever is later, without a subsequent 10 years
20 ~~have elapsed since the time of full discharge from any~~
21 ~~sentence imposed for a felony conviction. If any person in~~
22 ~~making any oath or affidavit required by this Act swears~~
23 ~~falsely, the person is guilty of perjury and may be punished~~
24 ~~accordingly.~~

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

1 (225 ILCS 427/161 new)

2 Sec. 161. Statute of limitations. No action may be taken
3 under this Act against a person or entity licensed under this
4 Act unless the action is commenced within 5 years after the
5 occurrence of the alleged violation. A continuing violation is
6 deemed to have occurred on the date when the circumstances
7 last existed that gave rise to the alleged continuing
8 violation.

9 (225 ILCS 427/162 new)

10 Sec. 162. No private right of action. Except as otherwise
11 expressly provided for in this Act, nothing in this Act shall
12 be construed to grant to any person a private right of action
13 to enforce the provisions of this Act or the rules adopted
14 under this Act.

15 (225 ILCS 427/165)

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

17 Sec. 165. Home rule. The regulation and licensing of
18 community association managers, ~~supervising community~~
19 ~~association managers,~~ and community association management
20 firms are exclusive powers and functions of the State. A home
21 rule unit may not regulate or license community association
22 managers, ~~supervising community association managers,~~ or
23 community association management firms. This Section is a
24 denial and limitation of home rule powers and functions under

1 subsection (h) of Section 6 of Article VII of the Illinois
2 Constitution.

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

4 (225 ILCS 427/42 rep.)

5 (225 ILCS 427/80 rep.)

6 (225 ILCS 427/135 rep.)

7 (225 ILCS 427/170 rep.)

8 Section 15. The Community Association Manager Licensing
9 and Disciplinary Act is amended by repealing Sections 42, 80,
10 135, and 170.

11 Section 99. Effective date. This Act takes effect January
12 1, 2022, except that this Section and Section 5 take effect
13 upon becoming law.".