



Sen. Kwame Raoul

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LRB098 03417 MGM 45384 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9 (Section scheduled to be repealed on January 1, 2020)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7 (Section scheduled to be repealed on January 1, 2020)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 community association management services.

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 a firm.

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,  
10 ~~but only until the expiration of 6 months after the filing of~~  
11 ~~his or her written application to the Department;~~ 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; ~~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 managing broker or real estate broker  
2 ~~salesperson~~ license in good standing issued under the Real  
3 Estate License 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 not apply to persons holding  
19 a real estate managing broker license in good standing issued  
20 under the Real Estate License Act of 2000.

21 (c) The examination and initial education requirement of  
22 items (3) and (4) of subsection (a) of this Section shall not  
23 apply to any person who, within 6 months after the effective  
24 date of the requirement for licensure, as set forth in Section  
25 170 of this Act, applies for a license by providing  
26 satisfactory evidence to the Department of qualifying

1 experience or education, as may be set forth by rule, including  
2 without limitation, evidence that he or she has practiced  
3 community association management for a period of 7 years.

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

10 (225 ILCS 427/50)

11 (Section scheduled to be repealed on January 1, 2020)

12 Sec. 50. Community association management firm ~~Association~~  
13 ~~Management Agency.~~

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

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

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

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

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

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

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

20               (225 ILCS 427/55)

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

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

23           (a) The supervising community association manager or the  
24           community association management firm ~~A community association~~  
25           ~~manager or the Community Association Management Agency~~ with



1 which he or she is employed shall not have access to and  
2 disburse community association funds ~~of a community~~  
3 ~~association~~ unless each of the following conditions occur:

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

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

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

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

25 (5) Unless an agreement between the community  
26 association and the supervising community association

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

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

26 (c) The supervising community association manager or

1 community association management firm ~~Community Association~~  
2 ~~Management Agency~~ shall obtain the appropriate general  
3 liability and errors and omissions insurance, as determined by  
4 the Department, to cover any losses or claims against the  
5 supervising community association manager or the community  
6 association management firm ~~community association clients~~.

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

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

13 (225 ILCS 427/60)

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

15 Sec. 60. Licenses; renewals; restoration; person in  
16 military service.

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

23 (b) Any licensee who has permitted his, ~~or~~ her, or its  
24 license to expire may have the license restored by making  
25 application to the Department and filing proof acceptable to

1 the Department of fitness to have his, ~~or~~ her, or its license  
2 restored, by which may include sworn evidence certifying to  
3 active practice in another jurisdiction satisfactory to the  
4 Department, complying with any continuing education  
5 requirements, and paying the required restoration fee.

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

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

1 who notifies the Department, in writing on forms prescribed by  
2 the Department, may place his, ~~or~~ her, or its license on  
3 inactive status and shall be excused from the payment of  
4 renewal fees until the person notifies the Department in  
5 writing of the intention to resume active practice.

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

12 (f) Any licensee with a license nonrenewed or on inactive  
13 license status shall not provide community association  
14 management services ~~or provide services as community~~  
15 ~~association manager~~ as 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 will  
18 be subject to the disciplinary provisions of this Act.

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

20 (225 ILCS 427/65)

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

22 Sec. 65. Fees; Community Association Manager Licensing and  
23 Disciplinary Fund.

24 (a) The fees for the administration and enforcement of this  
25 Act, including, but not limited to, initial licensure, renewal,

1 and restoration, shall be set by rule of the Department. The  
2 fees shall be nonrefundable.

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

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

25 ~~Any not for profit corporation in this State that fails to~~  
26 ~~pay in full to the Department all fees owed under this~~

1 ~~subsection (c) shall be subject to the penalties and procedures~~  
2 ~~provided for under Section 92 of this Act.~~

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

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

8 (225 ILCS 427/70)

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

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

1 processing of an application for restoration of a license to  
2 pay all expenses of processing this application. The Secretary  
3 may waive the fines due under this Section in individual cases  
4 where the Secretary finds that the fines would be unreasonable  
5 or unnecessarily burdensome.

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

7 (225 ILCS 427/75)

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

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

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

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



1 (225 ILCS 427/85)

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

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

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

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

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

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

1        sanction that has as ~~of which~~ an essential element ~~is~~  
2        dishonesty or fraud, that involves larceny, embezzlement,  
3        or obtaining money, property, or credit by false pretenses  
4        or by means of a confidence game, or that is directly  
5        related to the practice of the profession.

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

9            (5) Professional incompetence.

10          (6) Gross negligence.

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

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

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

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

24          (11) Having been disciplined by another state, the  
25        District of Columbia, a territory, a foreign nation, or a  
26        governmental agency authorized to impose discipline

1 ~~Discipline by another state, territory, or country~~ if at  
2 least one of the grounds for the discipline is the same or  
3 substantially equivalent of one of the grounds for which a  
4 licensee may be disciplined under this Act. A certified  
5 copy of the record of the action by the other state or  
6 jurisdiction shall be prima facie evidence thereof ~~to those~~  
7 ~~set forth in this Act.~~

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

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

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

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

26 (16) Physical illness or mental illness or impairment,

1 including, but not limited to, deterioration through the  
2 aging process or loss of motor skill that results in the  
3 inability to practice the profession with reasonable  
4 judgment, skill, or safety.

5 (17) Solicitation of professional services by using  
6 false or misleading advertising.

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

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

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

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

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

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

26 (24) Performing and charging for services without

1 reasonable authorization to do so from the person or entity  
2 for whom service is being provided.

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

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

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

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

14 (29) Violating the terms of a disciplinary order issued  
15 by the Department.

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

23 (c) The determination by a circuit court that a licensee is  
24 subject to involuntary admission or judicial admission, as  
25 provided in the Mental Health and Developmental Disabilities  
26 Code, operates as an automatic suspension. The suspension will

1 terminate only upon a finding by a court that the patient is no  
2 longer subject to involuntary admission or judicial admission  
3 and the issuance of an order so finding and discharging the  
4 patient, and upon the recommendation of the Board to the  
5 Secretary that the licensee be allowed to resume his or her  
6 practice as a licensed community association manager.

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

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

1 Healthcare and Family Services.

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

23 If the Department or Board finds an individual unable to  
24 practice because of the reasons set forth in this Section, the  
25 Department or Board may require that individual to submit to  
26 care, counseling, or treatment by physicians approved or

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

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

23 An individual licensed under this Act and affected under  
24 this Section shall be afforded an opportunity to demonstrate to  
25 the Department or Board that he or she can resume practice in  
26 compliance with acceptable and prevailing standards under the



1 provisions of his or her license.

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

3 (225 ILCS 427/87)

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

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

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

18 (225 ILCS 427/92)

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

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

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

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

11 (b) The Department may investigate any and all unlicensed  
12 activity.

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

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

19 (225 ILCS 427/135)

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

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

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

2 (225 ILCS 427/155)

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

4 Sec. 155. Violations; penalties.

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

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

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

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

20 (b) Whenever a licensee is convicted of a felony related to  
21 the violations set forth in this Section, the clerk of the  
22 court in any jurisdiction shall promptly report the conviction  
23 to the Department and the Department shall immediately revoke  
24 any license authorized under this Act ~~as a community~~  
25 ~~association manager~~ held by that licensee. The licensee

1 ~~individual~~ shall not be eligible for licensure under this Act  
2 until at least 10 years have elapsed since the time of full  
3 discharge from any sentence imposed for a felony conviction. If  
4 any person in making any oath or affidavit required by this Act  
5 swears falsely, the person is guilty of perjury and may be  
6 punished accordingly.

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

8 (225 ILCS 427/165)

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

10 Sec. 165. Home rule. The regulation and licensing of  
11 community association managers, supervising community  
12 association managers, and community association management  
13 firms ~~Community Association Management Agencies~~ are exclusive  
14 powers and functions of the State. A home rule unit may not  
15 regulate or license community association managers,  
16 supervising community association managers, or community  
17 association management firms ~~and Community Association~~  
18 ~~Management Agencies~~. This Section is a denial and limitation of  
19 home rule powers and functions under subsection (h) of Section  
20 6 of Article VII of the Illinois Constitution.

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

22 Section 99. Effective date. This Act takes effect January  
23 1, 2014."