



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB5348

by Rep. Marcus C. Evans, Jr.

SYNOPSIS AS INTRODUCED:

See Index

Amends the Community Association Manager Licensing and Disciplinary Act. Removes references to a "supervising community association manager" throughout the Act. Limits licensure of a community association manager to an individual instead of also a corporation, partnership, limited liability company, or other local entity. Makes conforming changes throughout the Act. Defines "designated community association manager". Makes changes to provisions concerning when a license is required, the Community Association Manager Licensing and Disciplinary Board, the powers and duties of the Department of Financial and Professional Regulation, a community association management firm, fidelity insurance, license renewal and restoration, and grounds for discipline. Repeals provisions concerning qualifications for licensure as a supervising community association manager. Makes other changes. Effective immediately.

LRB100 19701 XWW 34975 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning regulation.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Community Association Manager Licensing and
5 Disciplinary Act is amended by changing Sections 5, 10, 15, 25,
6 30, 50, 55, 60, 70, 75, 85, 90, 92, 155, and 165 as follows:

7 (225 ILCS 427/5)

8 (Section scheduled to be repealed on January 1, 2020)

9 Sec. 5. Legislative intent. It is the intent of the General
10 Assembly that this Act provide for the licensing and regulation
11 of community association managers ~~and community association~~
12 ~~management firms~~, ensure that those who hold themselves out as
13 possessing professional qualifications to engage in the
14 business of community association management are, in fact,
15 qualified to render management services of a professional
16 nature, and provide for the maintenance of high standards of
17 professional conduct by those licensed to provide community
18 association management services.

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

20 (225 ILCS 427/10)

21 (Section scheduled to be repealed on January 1, 2020)

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

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

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

14 "Board" means the Community Association Manager Licensing
15 and Disciplinary Board.

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

23 "Community association funds" means any assessments, fees,
24 fines, or other funds collected by the community association
25 manager from the community association, or its members, other
26 than the compensation paid to the community association manager

1 for performance of community association management services.

2 "Community association management firm" means a company,
3 corporation, limited liability company, or other entity that
4 engages in community association management services through a
5 designated community association manager.

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

9 "Community association manager" means an individual who
10 administers for remuneration the financial, administrative,
11 maintenance, or other duties for the community association,
12 including, but not limited to, any of the following services:

13 (A) collecting, controlling or disbursing funds of the
14 community association or having the authority to do so; (B)
15 preparing budgets or other financial documents for the
16 community association; (C) assisting in the conduct of
17 community association meetings; (D) maintaining association
18 records; or and (E) administrating association contracts, as
19 stated in the declaration, bylaws, proprietary lease,
20 declaration of covenants, or other governing document of the
21 community association. ~~"Community association manager" does~~
22 ~~not mean support staff, including, but not limited to~~
23 ~~bookkeepers, administrative assistants, secretaries, property~~
24 ~~inspectors, or customer service representatives.~~

25 "Department" means the Department of Financial and
26 Professional Regulation.

1 "Designated community association manager" means a
2 licensed community association manager who has an ownership
3 interest in or is otherwise employed by a community association
4 management firm to act as the controlling person and the
5 authorized signatory for the firm on community association
6 accounts and to otherwise supervise, manage, and be responsible
7 for the firm's community association manager activities
8 pursuant to Section 50 of this Act.

9 "License" means the license issued to a person,
10 ~~corporation, partnership, limited liability company, or other~~
11 ~~legal entity~~ under this Act to provide community association
12 management services.

13 "Person" means an ~~any~~ individual, ~~corporation,~~
14 ~~partnership, limited liability company, or other legal entity.~~

15 "Secretary" means the Secretary of Financial and
16 Professional Regulation.

17 ~~"Supervising community association manager" means an~~
18 ~~individual licensed as a community association manager who~~
19 ~~manages and supervises a firm.~~

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

21 (225 ILCS 427/15)

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

23 Sec. 15. License required. It shall be unlawful for any
24 person, corporation, partnership, limited liability company,
25 or other entity to provide community association management

1 services, provide services as a community association manager,
2 or hold himself, herself, or itself out as a community
3 association manager or community association management firm
4 to any community association in this State, unless he, she, or
5 it holds a current and valid license issued ~~licensed~~ by the
6 Department, employs a designated community association manager
7 with a current and valid license issued by the Department, or
8 is otherwise exempt from licensure under this Act.

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

10 (225 ILCS 427/25)

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

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

14 (a) There is hereby created the Community Association
15 Manager Licensing and Disciplinary Board, which shall consist
16 of 7 members appointed by the Secretary. All members must be
17 residents of the State and must have resided in the State for
18 at least 5 years immediately preceding the date of appointment.
19 Five members of the Board must be licensees under this Act, ~~at~~
20 ~~least two members of which shall be supervising community~~
21 ~~association managers.~~ Two members of the Board shall be owners
22 of, or hold a shareholder's interest in, a unit in a community
23 association at the time of appointment who are not licensees
24 under this Act and have no direct affiliation or work
25 experience with the community association's community

1 association manager. This Board shall act in an advisory
2 capacity to the Department.

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

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

19 (d) The Board shall elect annually a chairperson and vice
20 chairperson.

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

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

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

2 (225 ILCS 427/30)

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

4 Sec. 30. Powers and duties of the Department. The
5 Department may exercise the following functions, powers and
6 duties:

7 (a) formulate rules for the administration and
8 enforcement of this Act;

9 (b) prescribe forms to be issued for the administration
10 and enforcement of this Act;

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

15 (d) maintain a roster of the names and addresses of all
16 licensees and the community association management firms
17 that employ them in a manner as deemed appropriate by the
18 Department; and

19 (e) seek the advice and expert knowledge of the Board
20 on any matter relating to the administration and
21 enforcement of this Act.

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

23 (225 ILCS 427/50)

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

1 Sec. 50. Community association management firm.

2 (a) No corporation, partnership, limited liability
3 company, or other legal entity shall provide or offer to
4 provide community association management services, unless it
5 does so through a licensed community association manager that
6 ~~has applied in writing on the prescribed forms and has paid the~~
7 ~~required nonrefundable fees and~~ provided evidence to the
8 Department that he or she meets the requirements to be named as
9 a the firm has designated community association manager and
10 agrees a licensed supervising community association manager to
11 supervise and manage the firm's licensed activities firm. A
12 designated ~~supervising~~ community association manager shall be
13 a continuing requirement of firm operation. ~~licensure.~~ No
14 ~~supervising community association manager may be the~~
15 ~~supervising community association manager for more than one~~
16 ~~firm.~~

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

24 (c) No community association manager may be the designated
25 community association manager ~~licensee in charge~~ for more than
26 one firm, corporation, limited liability company, or other

1 legal entity.

2 (d) The Department is authorized to adopt rules and set all
3 necessary requirements for the implementation of this Section.

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

5 (225 ILCS 427/55)

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

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

8 (a) The designated ~~supervising~~ community association
9 manager or the community association management firm with which
10 he or she is employed shall not have access to and disburse
11 community association funds unless each of the following
12 conditions occur:

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

15 (2) The fidelity insurance is not less than all moneys
16 under the control of the designated ~~supervising~~ community
17 association manager ~~or the employing community association~~
18 ~~management firm~~ for the association.

19 (3) The fidelity insurance covers the designated
20 community association manager, all other licensees,
21 ~~supervising community association manager,~~ and all
22 partners, officers, and employees of the community
23 association management firm during the term of the
24 insurance coverage, which shall be at least for the same
25 term as the service agreement between the community

1 association management firm ~~or supervising community~~
2 ~~association manager~~ as well as the community association
3 officers, directors, and employees.

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

7 (5) Unless an agreement between the community
8 association and the ~~supervising~~ community association
9 manager or the community association management firm
10 provides to the contrary, a community association may
11 secure and pay for the fidelity insurance required by this
12 Section. The designated ~~supervising~~ community association
13 manager, all other licensees, and ~~or~~ the community
14 association management firm must be named as additional
15 insured parties on the community association policy.

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

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

4 (c) The ~~supervising~~ community association manager or
5 community association management firm shall obtain the
6 appropriate general liability and errors and omissions
7 insurance, as determined by the Department, to cover any losses
8 or claims against the ~~supervising~~ community association
9 manager or the community association management firm.

10 (d) The Department shall have authority to promulgate
11 additional rules regarding insurance, fidelity insurance and
12 all accounts maintained and to be maintained by a designated
13 ~~supervising~~ community association manager or community
14 association management firm.

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

16 (225 ILCS 427/60)

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

18 Sec. 60. Licenses; renewals; restoration; person in
19 military service.

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

1 (b) Any licensee who has permitted his or, her, ~~or its~~
2 license to expire may have the license restored by making
3 application to the Department and filing proof acceptable to
4 the Department of fitness to have his or, her, ~~or its~~ license
5 restored, by which may include sworn evidence certifying to
6 active practice in another jurisdiction satisfactory to the
7 Department, complying with any continuing education
8 requirements, and paying the required restoration fee.

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

1 so terminated.

2 (d) A community association manager, ~~community association~~
3 ~~management firm or supervising community association manager~~
4 who notifies the Department, in writing on forms prescribed by
5 the Department, may place his or, her, ~~or its~~ license on
6 inactive status and shall be excused from the payment of
7 renewal fees until the person notifies the Department in
8 writing of the intention to resume active practice.

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

15 (f) Any licensee with a nonrenewed or on inactive license
16 status or any community association firm operating without a
17 designated community association manager shall not provide
18 community association management services as set forth in this
19 Act.

20 (g) Any person or entity violating subsection (f) of this
21 Section shall be considered to be practicing without a license
22 and will be subject to the disciplinary provisions of this Act.

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

24 (225 ILCS 427/70)

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

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

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

23 (225 ILCS 427/75)

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

25 Sec. 75. Endorsement. The Department may issue a community

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

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

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

17 (225 ILCS 427/85)

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

19 Sec. 85. Grounds for discipline; refusal, revocation, or
20 suspension.

21 (a) The Department may refuse to issue or renew a license,
22 or may place on probation, reprimand, suspend, or revoke any
23 license, or take any other disciplinary or non-disciplinary
24 action as the Department may deem proper and impose a fine not
25 to exceed \$10,000 for each violation upon any licensee or

1 applicant under this Act or any person or entity who holds
2 himself, herself, or itself out as an applicant or licensee for
3 any one or combination of the following causes:

4 (1) Material misstatement in furnishing information to
5 the Department.

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

7 (3) Conviction of or entry of a plea of guilty or plea
8 of nolo contendere to a felony or a misdemeanor under the
9 laws of the United States, any state, or any other
10 jurisdiction or entry of an administrative sanction by a
11 government agency in this State or any other jurisdiction.
12 Action taken under this paragraph (3) for a misdemeanor or
13 an administrative sanction is limited to a misdemeanor or
14 administrative sanction that has as an essential element
15 dishonesty or fraud, that involves larceny, embezzlement,
16 or obtaining money, property, or credit by false pretenses
17 or by means of a confidence game, or that is directly
18 related to the practice of the profession.

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

22 (5) Professional incompetence.

23 (6) Gross negligence.

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

26 (8) Failing, within 30 days, to provide information in

1 response to a request made by the Department.

2 (9) Engaging in dishonorable, unethical, or
3 unprofessional conduct of a character likely to deceive,
4 defraud or harm the public as defined by the rules of the
5 Department, or violating the rules of professional conduct
6 adopted by the Department.

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

11 (11) Having been disciplined by another state, the
12 District of Columbia, a territory, a foreign nation, or a
13 governmental agency authorized to impose discipline if at
14 least one of the grounds for the discipline is the same or
15 substantially equivalent of one of the grounds for which a
16 licensee may be disciplined under this Act. A certified
17 copy of the record of the action by the other state or
18 jurisdiction shall be prima facie evidence thereof.

19 (12) Directly or indirectly giving to or receiving from
20 any person, firm, corporation, partnership or association
21 any fee, commission, rebate, or other form of compensation
22 for any professional services not actually or personally
23 rendered.

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

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

5 (15) Being named as a perpetrator in an indicated
6 report by the Department of Children and Family Services
7 under the Abused and Neglected Child Reporting Act and upon
8 proof by clear and convincing evidence that the licensee
9 has caused a child to be an abused child or neglected child
10 as defined in the Abused and Neglected Child Reporting Act.

11 (16) Physical illness or mental illness or impairment,
12 including, but not limited to, deterioration through the
13 aging process or loss of motor skill that results in the
14 inability to practice the profession with reasonable
15 judgment, skill, or safety.

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

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

20 (19) Practicing or attempting to practice under a name
21 other than the full name as shown on the license or any
22 other legally authorized name unless approved by the
23 Department.

24 (20) Gross overcharging for professional services
25 including, but not limited to, (i) collection of fees or
26 moneys for services that are not rendered; and (ii)

1 charging for services that are not in accordance with the
2 contract between the licensee and the community
3 association.

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

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

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

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

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

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

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

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

26 (29) Violating the terms of a disciplinary order issued

1 by the Department.

2 (30) Operating a community association management firm
3 without a licensed designated community association
4 manager.

5 (31) Failing to meet the requirements for acting as a
6 designated community association manager, if appropriate.

7 (b) In accordance with subdivision (a)(5) of Section
8 2105-15 of the Department of Professional Regulation Law of the
9 Civil Administrative Code of Illinois (20 ILCS 2105/2105-15),
10 the Department shall deny a license or renewal authorized by
11 this Act to a person who has defaulted on an educational loan
12 or scholarship provided or guaranteed by the Illinois Student
13 Assistance Commission or any governmental agency of this State.

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

24 (d) In accordance with subsection (g) of Section 2105-15 of
25 the Department of Professional Regulation Law of the Civil
26 Administrative Code of Illinois (20 ILCS 2105/2105-15), the

1 Department may refuse to issue or renew or may suspend the
2 license of any person who fails to file a return, to pay the
3 tax, penalty, or interest shown in a filed return, or to pay
4 any final assessment of tax, penalty, or interest, as required
5 by any tax Act administered by the Department of Revenue, until
6 such time as the requirements of that tax Act are satisfied.

7 (e) In accordance with subdivision (a)(5) of Section
8 2105-15 of the Department of Professional Regulation Law of the
9 Civil Administrative Code of Illinois (20 ILCS 2105/2105-15)
10 and in cases where the Department of Healthcare and Family
11 Services (formerly Department of Public Aid) has previously
12 determined that a licensee or a potential licensee is more than
13 30 days delinquent in the payment of child support and has
14 subsequently certified the delinquency to the Department may
15 refuse to issue or renew or may revoke or suspend that person's
16 license or may take other disciplinary action against that
17 person based solely upon the certification of delinquency made
18 by the Department of Healthcare and Family Services.

19 (f) In enforcing this Section, the Department or Board upon
20 a showing of a possible violation may compel a licensee or an
21 individual licensed to practice under this Act, or who has
22 applied for licensure under this Act, to submit to a mental or
23 physical examination, or both, as required by and at the
24 expense of the Department. The Department or Board may order
25 the examining physician to present testimony concerning the
26 mental or physical examination of the licensee or applicant. No

1 information shall be excluded by reason of any common law or
2 statutory privilege relating to communications between the
3 licensee or applicant and the examining physician. The
4 examining physicians shall be specifically designated by the
5 Board or Department. The individual to be examined may have, at
6 his or her own expense, another physician of his or her choice
7 present during all aspects of this examination. Failure of an
8 individual to submit to a mental or physical examination, when
9 directed, shall be grounds for suspension of his or her license
10 or denial of his or her application or renewal until the
11 individual submits to the examination if the Department finds,
12 after notice and hearing, that the refusal to submit to the
13 examination was without reasonable cause.

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

1 terms, conditions, or restrictions, shall be referred to the
2 Secretary for a determination as to whether the individual
3 shall have his or her license suspended immediately, pending a
4 hearing by the Department.

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

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

19 (Source: P.A. 97-333, eff. 8-12-11; 98-365, eff. 1-1-14;
20 98-756, eff. 7-16-14.)

21 (225 ILCS 427/90)

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

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

24 (a) If any person violates a provision of this Act, the
25 Secretary may, in the name of the People of the State of

1 Illinois, through the Attorney General of the State of
2 Illinois, petition for an order enjoining the violation or for
3 an order enforcing compliance with this Act. Upon the filing of
4 a verified petition in court, the court may issue a temporary
5 restraining order, without notice or bond, and may
6 preliminarily and permanently enjoin the violation. If it is
7 established that the person has violated or is violating the
8 injunction, the Court may punish the offender for contempt of
9 court. Proceedings under this Section are in addition to, and
10 not in lieu of, all other remedies and penalties provided by
11 this Act.

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

21 (c) Whenever in the opinion of the Department any person,
22 entity or other business violates any provision of this Act,
23 the Department may issue a rule to show cause why an order to
24 cease and desist should not be entered against such person,
25 firm or other entity. The rule shall clearly set forth the
26 grounds relied upon by the Department and shall provide a

1 period of at least 7 days from the date of the rule to file an
2 answer to the satisfaction of the Department. If the person,
3 firm or other entity fails to file an answer satisfactory to
4 the Department, the matter shall be considered as a default and
5 the Department may cause an order to cease and desist to be
6 issued immediately.

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

8 (225 ILCS 427/92)

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

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

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

1 (b) The Department may investigate any and all unlicensed
2 activity.

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

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

9 (225 ILCS 427/155)

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

11 Sec. 155. Violations; penalties.

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

16 (1) The practice of or attempted practice of or holding
17 out as available to practice as a community association
18 manager ~~or supervising community association manager~~
19 without a license.

20 (2) Operation of or attempt to operate a community
21 association management firm without ~~a firm license or a~~
22 designated ~~supervising~~ community association manager.

23 (3) The obtaining of or the attempt to obtain any
24 license or authorization issued under this Act by
25 fraudulent misrepresentation.

1 (b) Whenever a licensee is convicted of a felony related to
2 the violations set forth in this Section, the clerk of the
3 court in any jurisdiction shall promptly report the conviction
4 to the Department and the Department shall immediately revoke
5 any license authorized under this Act held by that licensee.
6 The licensee shall not be eligible for licensure under this Act
7 until at least 10 years have elapsed since the time of full
8 discharge from any sentence imposed for a felony conviction. If
9 any person in making any oath or affidavit required by this Act
10 swears falsely, the person is guilty of perjury and may be
11 punished accordingly.

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

13 (225 ILCS 427/165)

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

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

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

1 (225 ILCS 427/42 rep.)

2 Section 10. The Community Association Manager Licensing
3 and Disciplinary Act is amended by repealing Section 42.

4 Section 99. Effective date. This Act takes effect upon
5 becoming law.

1 INDEX

2 Statutes amended in order of appearance

3 225 ILCS 427/5

4 225 ILCS 427/10

5 225 ILCS 427/15

6 225 ILCS 427/25

7 225 ILCS 427/30

8 225 ILCS 427/50

9 225 ILCS 427/55

10 225 ILCS 427/60

11 225 ILCS 427/70

12 225 ILCS 427/75

13 225 ILCS 427/85

14 225 ILCS 427/90

15 225 ILCS 427/92

16 225 ILCS 427/155

17 225 ILCS 427/165

18 225 ILCS 427/42 rep.