



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

SB3202

Introduced 2/1/2012, by Sen. Edward D. Maloney

SYNOPSIS AS INTRODUCED:

225 ILCS 427/65

Amends the Community Association Manager Licensing and Disciplinary Act. Provides that all community associations that (i) have 10 or more units, (ii) retain an individual to provide services as a community association manager for compensation, (iii) are not master associations, or (iv) are registered in the State as a not-for-profit corporation, shall pay to the Department of Financial and Professional Regulation an annual fee of \$50 plus an additional \$1 per unit not to exceed an annual fee of \$1,000. Provides that 4 years after the date of the final adoption of rules under the Act, and every 2 years thereafter, the Secretary and the Board shall review the number of licenses and the amount collected from community associations and make any necessary adjustment of the fees for both licensees and community associations, as recommended by the Board, to equal the costs of administration for the licensing program. Provides that all monies received or collected pursuant to the Act shall be deposited in the Community Association Manager Licensing and Disciplinary Fund for the administration of the Community Association Manager Licensing Program and to protect the financial interests of community associations. Provides that the Department shall provide to the General Assembly on or before December 31, 2014, a report that examines all of the Department's costs to enforce the provisions of the Act. Effective immediately.

LRB097 16964 CEL 62154 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 Section 65 as follows:

6 (225 ILCS 427/65)

7 (Section scheduled to be repealed on January 1, 2020)

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

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

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

23 (c) To support the costs of administering this Act, all

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

13 Any not-for-profit corporation in this State that fails to
14 pay in full to the Department all fees owed under this
15 subsection (c) shall be subject to the penalties and procedures
16 provided for under Section 92 of this Act.

17 (d) All fees, fines, penalties, or other monies received or
18 collected pursuant to this Act shall be deposited in the
19 Community Association Manager Licensing and Disciplinary Fund
20 for the administration of the Community Association Manager
21 Licensing Program and to protect the financial interests of
22 community associations.

23 (e) Four years after the date of the final adoption of
24 rules under this Act, and every 2 years thereafter, the
25 Secretary and the Board shall review the number of licenses and
26 the amount collected from community associations and make any

1 necessary adjustment of the fees for both licensees and
2 community associations subject to this Act, as recommended by
3 the Board, to equal the costs of administration for the
4 licensing program. Following the completion of the initial and
5 all subsequent fee adjustments, prospective and current
6 community association manager licensees and community
7 associations subject to this Act shall share the administration
8 costs as recommended by the Board and determined by the
9 Department.

10 (f) On or before December 31, 2014, the Department shall
11 prepare a report that shall be filed with the General Assembly
12 and that shall be made publicly available. The report shall
13 examine all of the Department's costs to enforce the provisions
14 of this Act and shall include, but not be limited to, the
15 following information:

16 (1) the total number of licenses issued under this Act;

17 (2) a description of the fees that were generated by
18 the Department in enforcing this Act;

19 (3) a description of the Department's costs in
20 administering and enforcing this Act; and

21 (4) a description of the enforcement actions taken by
22 the Department under this Act.

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

24 Section 99. Effective date. This Act takes effect upon
25 becoming law.