



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB0731

Introduced 2/8/2021, by Rep. Marcus C. Evans, Jr.

SYNOPSIS AS INTRODUCED:

See Index

Amends the Community Association Manager Licensing and Disciplinary Act. Provides that all applicants and licensees under the Act shall provide a valid address and email address to the Department of Financial and Professional Regulation, which shall serve as the address of record and email address of record. Provides that except as otherwise expressly provided for in the Act, nothing in the Act shall be construed to grant to any person a private right of action for damages or to enforce the provisions of the Act or the rules adopted under the Act. Creates provisions concerning qualifications for licensure as a community association management firm; citations; illegal discrimination; and statute of limitations. Makes changes in provisions concerning license requirements; exemptions; the Community Association Manager Licensing and Disciplinary Board; powers and duties of the Department; qualifications for licensure as a community association manager; examinations; fidelity insurance and segregation of accounts; license renewals; the Community Association Manager Licensing and Disciplinary Fund; penalties for insufficient payments; endorsement; grounds for discipline; injunctions and cease and desist orders; unlicensed practice; investigation, notice, and hearings; appointment of a hearing officer; summary suspension, judicial review; violations and penalties; and home rule. Repeals provisions concerning qualifications for licensure as a supervising community association manager; roster; license surrender; and enforcement. Makes other changes. Amends the Regulatory Sunset Act. Extends the repeal date of the Community Association Manager Licensing and Disciplinary Act to January 1, 2032. Effective January 1, 2022, except provisions amending the Regulatory Sunset Act take effect immediately.

LRB102 14457 SPS 19809 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 Regulatory Sunset Act is amended by
5 changing Section 4.32 and by adding Section 4.41 as follows:

6 (5 ILCS 80/4.32)

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 Acts repealed on January 1, 2022.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8 Acts are repealed on January 1, 2022:

9 The Boxing and Full-contact Martial Arts Act.

10 The Cemetery Oversight Act.

11 The Collateral Recovery Act.

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

14 The Crematory Regulation Act.

15 The Detection of Deception Examiners Act.

16 The Home Inspector License Act.

17 The Illinois Health Information Exchange and Technology
18 Act.

19 The Medical Practice Act of 1987.

20 The Registered Interior Designers Act.

21 The Massage Licensing Act.

22 The Petroleum Equipment Contractors Licensing Act.

23 The Radiation Protection Act of 1990.

1 The Real Estate Appraiser Licensing Act of 2002.

2 The Water Well and Pump Installation Contractor's License
3 Act.

4 (Source: P.A. 100-920, eff. 8-17-18; 101-316, eff. 8-9-19;
5 101-614, eff. 12-20-19; 101-639, eff. 6-12-20.)

6 (5 ILCS 80/4.41 new)

7 Sec. 4.41. Act repealed on January 1, 2032. The following
8 Act is repealed on January 1, 2032:

9 The Community Association Manager Licensing and
10 Disciplinary Act.

11 Section 10. The Community Association Manager Licensing
12 and Disciplinary Act is amended by changing Sections 10, 15,
13 20, 25, 27, 30, 40, 45, 50, 55, 60, 65, 70, 75, 85, 90, 92, 95,
14 115, 120, 140, 145, 155, and 165 and by adding Sections 12, 41,
15 85.1, 86, 161, and 162 as follows:

16 (225 ILCS 427/10)

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

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

19 "Address of record" means the designated street address,
20 which may not be a post office box, recorded by the Department
21 in the applicant's or licensee's application file or license
22 file maintained by the Department ~~Department's licensure~~
23 ~~maintenance unit. It is the duty of the applicant or licensee~~

1 ~~to inform the Department of any change of address, and such~~
2 ~~changes must be made either through the Department's website~~
3 ~~or by contacting the Department's licensure maintenance unit.~~

4 "Advertise" means, but is not limited to, issuing or
5 causing to be distributed any card, sign or device to any
6 person; or causing, permitting or allowing any sign or marking
7 on or in any building, structure, newspaper, magazine or
8 directory, or on radio or television; or advertising by any
9 other means designed to secure public attention, including,
10 but not limited to, print, electronic, social media, and
11 digital forums.

12 "Board" means the Community Association Manager Licensing
13 and Disciplinary Board.

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

21 "Community association funds" means any assessments, fees,
22 fines, or other funds collected by the community association
23 manager from the community association, or its members, other
24 than the compensation paid to the community association
25 manager for performance of community association management
26 services.

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

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

8 "Community association manager" means an individual who:

9 (1) has an ownership interest in or is employed by a
10 community association management firm, or is directly
11 employed by or provides services as an independent
12 contractor to a community association; and

13 (2) administers for remuneration the financial,
14 administrative, maintenance, or other duties for the
15 community association, including the following services:

16 (A) collecting, controlling or disbursing funds of
17 the community association or having the authority to
18 do so;

19 (B) preparing budgets or other financial documents
20 for the community association;

21 (C) assisting in the conduct of community
22 association meetings;

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

24 (E) administering ~~administering~~ association
25 contracts or procuring goods and services in
26 accordance with, ~~as stated in~~ the declaration, bylaws,

1 proprietary lease, declaration of covenants, or other
2 governing document of the community association or at
3 the direction of the board of managers; and

4 (F) coordinating financial, administrative,
5 maintenance, or other duties called for in the
6 management contract, including individuals who are
7 direct employees of the community association.

8 "Community association manager" does not mean support
9 staff, including, but not limited to bookkeepers,
10 administrative assistants, secretaries, property inspectors,
11 or customer service representatives.

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

14 "Designated community association manager" means a
15 licensed community association manager who: (1) has an
16 ownership interest in or is employed by a community
17 association management firm to act as a controlling person;
18 and (2) is the authorized signatory or has delegated signing
19 authority for the firm on community association accounts; and
20 (3) supervises, manages, and is responsible for the firm's
21 community association manager activities pursuant to Section
22 50 of this Act.

23 "Email address of record" means the designated email
24 address recorded by the Department in the applicant's
25 application file or the licensee's license file, as maintained
26 by the Department.

1 "License" means the privilege conferred by the Department
2 to a person that has fulfilled all requirements prerequisite
3 to any type of licensure under this Act ~~license issued to a~~
4 ~~person, corporation, partnership, limited liability company,~~
5 ~~or other legal entity under this Act to provide community~~
6 ~~association management services.~~

7 "Licensee" means a community association manager or a
8 community association management firm.

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

11 "Secretary" means the Secretary of Financial and
12 Professional Regulation or the Secretary's designee.

13 ~~"Supervising community association manager" means an~~
14 ~~individual licensed as a community association manager who~~
15 ~~manages and supervises a firm.~~

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

17 (225 ILCS 427/12 new)

18 Sec. 12. Address of record; email address of record. All
19 applicants and licensees shall:

20 (1) provide a valid address and email address to the
21 Department, which shall serve as the address of record and
22 email address of record, respectively, at the time of
23 application for licensure or renewal of a license; and

24 (2) inform the Department of any change of address of
25 record or email address of record within 14 days after

1 such change through the Department's website or by
2 contacting the Department.

3 (225 ILCS 427/15)

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

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

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

16 (225 ILCS 427/20)

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

18 Sec. 20. Exemptions.

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

21 (1) Any director or, ~~officer, or member~~ of a community
22 association providing one or more of the services of a
23 community association manager to a community association
24 without compensation for such services to the association.

1 (2) Any person, ~~corporation, partnership, or limited~~
2 ~~liability company~~ providing one or more of the services of
3 a community association manager to a community association
4 of 10 units or less.

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

7 (4) An individual ~~A person~~ acting as a receiver,
8 trustee in bankruptcy, administrator, executor, or
9 guardian acting under a court order or under the authority
10 of a court will ~~or of a trust instrument~~.

11 (5) A person licensed in this State under any other
12 Act who engages in practices or activities specifically
13 authorized by the Act pursuant to which the license was
14 granted ~~from engaging the practice for which he or she is~~
15 ~~licensed~~.

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

25 (c) (Blank). ~~A person may temporarily act as, or provide~~
26 ~~services as, a community association manager without being~~

1 ~~licensed under this Act if the person (i) is a community~~
2 ~~association manager regulated under the laws of another state~~
3 ~~or territory of the United States or another country and (ii)~~
4 ~~has applied in writing to the Department, on forms prepared~~
5 ~~and furnished by the Department, for licensure under this Act.~~
6 ~~This temporary right to act as a community association manager~~
7 ~~shall expire 6 months after the filing of his or her written~~
8 ~~application to the Department; upon the withdrawal of the~~
9 ~~application for licensure under this Act; or upon delivery of~~
10 ~~a notice of intent to deny the application from the~~
11 ~~Department; or upon the denial of the application by the~~
12 ~~Department, whichever occurs first.~~

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

14 (225 ILCS 427/25)

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

16 Sec. 25. Community Association Manager Licensing and
17 Disciplinary Board.

18 (a) There is hereby created the Community Association
19 Manager Licensing and Disciplinary Board, which shall consist
20 of 7 members appointed by the Secretary. All members must be
21 residents of the State and must have resided in the State for
22 at least 5 years immediately preceding the date of
23 appointment. Five members of the Board must be licensees under
24 this Act, ~~at least two members of which shall be supervising~~
25 ~~community association managers.~~ Two members of the Board shall

1 be owners of, or hold a shareholder's interest in, a unit in a
2 community association at the time of appointment who are not
3 licensees under this Act and have no direct affiliation ~~or~~
4 ~~work experience~~ with the community association's community
5 association manager. This Board shall act in an advisory
6 capacity to the Department.

7 (b) The term of each member ~~Members serving on the Board on~~
8 ~~the effective date of this amendatory Act of the 100th General~~
9 ~~Assembly may serve the remainder of their unexpired terms.~~
10 ~~Thereafter, the members' terms~~ shall be for 4 years or until
11 that member's successor is appointed ~~and expire upon~~
12 ~~completion of the term~~. No member shall be reappointed to the
13 Board for a term that would cause the member's ~~his or her~~
14 cumulative service to the Board to exceed 10 years.
15 Appointments to fill vacancies shall be made by the Secretary
16 for the unexpired portion of the term. The Secretary shall
17 remove from the Board any member whose license has become void
18 or has been revoked or suspended and may remove any member of
19 the Board for neglect of duty, misconduct, or incompetence. A
20 member who is subject to formal disciplinary proceedings shall
21 be disqualified ~~disqualify himself or herself~~ from all Board
22 business until the charge is resolved. A member also shall be
23 disqualified ~~disqualify himself or herself~~ from any matter on
24 which the member cannot act objectively.

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

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

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

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

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

11 (225 ILCS 427/27)

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

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

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

24 (225 ILCS 427/30)

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

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

5 (a) formulate rules for the administration and
6 enforcement of this Act;

7 (b) prescribe forms to be issued for the
8 administration and enforcement of this Act and utilize
9 regular or electronic mail, at the discretion of the
10 Department, to send notices and other information to
11 applicants and licensees;

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

16 (d) (blank); ~~maintain a roster of the names and~~
17 ~~addresses of all licensees in a manner as deemed~~
18 ~~appropriate by the 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; and.

22 (f) exercise any and all general powers and duties set
23 forth in Section 2105-15 of the Department of Professional
24 Regulation Law of the Civil Administrative Code of
25 Illinois.

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

1 (225 ILCS 427/40)

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

3 Sec. 40. Qualifications for licensure as a community
4 association manager.

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

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

11 (1.5) Successfully completed a 4-year course of study
12 in a high school, secondary school, or an equivalent
13 course of study approved by the state in which the school
14 is located, or possess a high school equivalency
15 certificate, which shall be verified under oath by the
16 applicant.

17 (2) Provided ~~He or she provides~~ satisfactory evidence
18 of having completed at least 20 classroom hours in
19 community association management courses approved by the
20 Board.

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

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

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

10 (6) Has ~~He or she has~~ not been declared by any court of
11 competent jurisdiction to be incompetent by reason of
12 mental or physical defect or disease, unless ~~a court has~~
13 subsequently declared by a court ~~him or her~~ to be
14 competent.

15 (7) Complies ~~He or she complies~~ with any additional
16 qualifications for licensure as determined by rule of the
17 Department.

18 (b) The education requirement set forth in item (2) of
19 subsection (a) of this Section shall not apply to persons
20 holding a real estate managing broker or real estate broker
21 license in good standing issued under the Real Estate License
22 Act of 2000.

23 (c) (Blank). ~~The examination and initial education~~
24 ~~requirement of items (2) and (3) of subsection (a) of this~~
25 ~~Section shall not apply to any person who within 6 months from~~
26 ~~the effective date of the requirement for licensure, as set~~

~~forth in Section 170 of this Act, applies for a license by providing satisfactory evidence to the Department of qualifying experience or education, as may be set forth by rule, including without limitation evidence that he or she has practiced community association management for a period of 5 years.~~

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

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

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

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

(3) records of arrest not followed by a charge or

1 conviction;

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

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

9 (6) convictions or arrests that have been sealed or
10 expunged.

11 (f) A licensee shall report to the Department, in a manner
12 prescribed by the Department, any plea of guilty, or nolo
13 contendere to forgery, embezzlement, obtaining money under
14 false pretenses, larceny, extortion, conspiracy to defraud, or
15 any similar offense or offenses or any conviction of a felony
16 involving moral turpitude that occurs during the licensee's
17 term of licensure.

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

19 (225 ILCS 427/41 new)

20 Sec. 41. Qualifications for licensure as a community
21 association management firm. Any person who desires to obtain
22 a community association management firm license must:

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

25 (2) provide evidence to the Department that the

1 community association management firm has a licensed and
2 designated community association manager;

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

6 (4) comply with all requirements as may be set forth
7 by rule.

8 (225 ILCS 427/45)

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

10 Sec. 45. Examinations.

11 (a) The Department shall authorize examinations of
12 applicants for licensure as a community association manager at
13 such times and places as it may determine. The examination of
14 applicants shall be of a character to give a fair test of the
15 qualifications of the applicant to practice as a community
16 association manager.

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

20 (c) The Department may employ consultants to prepare and
21 conduct ~~for the purpose of preparing and conducting~~
22 examinations.

23 (d) An applicant shall be eligible to take the examination
24 only after successfully completing the education requirements
25 set forth in this Act and attaining the minimum education and

1 age required under this Act.

2 (e) (Blank). ~~The examination approved by the Department~~
3 ~~should utilize the basic principles of professional testing~~
4 ~~standards utilizing psychometric measurement. The examination~~
5 ~~shall use standards set forth by the National Organization for~~
6 ~~Competency Assurances and shall be approved by the Department.~~

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

8 (225 ILCS 427/50)

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

10 Sec. 50. Community association management firm.

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

23 (b) Any corporation, partnership, limited liability
24 company, or other legal entity that is providing, or offering
25 to provide, community association management services and is

1 not in compliance with this Section ~~50~~ and other provisions of
2 this Act shall be subject to the civil penalties ~~finer,~~
3 injunctions, cease and desist provisions, and penalties
4 provided for in Sections 90, 92, and 155 of this Act.

5 (c) No community association manager may be the designated
6 community association manager ~~licensee in charge~~ for more than
7 one firm, corporation, limited liability company, partnership,
8 or other legal entity. The designated community association
9 manager shall supervise and manage all licensed and unlicensed
10 employees and independent contractors acting on behalf of the
11 community association management firm. The community
12 association management firm and the designated community
13 association manager shall be responsible for all actions of
14 which they had knowledge taken on behalf of the community
15 association management firm.

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

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

19 (225 ILCS 427/55)

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

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

22 (a) The designated ~~supervising~~ community association
23 manager or the community association management firm that
24 employs the designated community association manager ~~with~~
25 ~~which he or she is employed~~ shall not have access to and

1 disburse community association funds unless each of the
2 following conditions occur:

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

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

9 (3) During the term and coverage period of the
10 insurance, the ~~The~~ fidelity insurance shall cover ~~covers~~
11 ~~the:~~

12 (A) the designated community association manager; ~~and~~
13 ~~supervising community association manager, and~~

14 (B) the community association management firm;

15 (C) all community association managers;

16 (D) all ~~all~~ partners, officers, and employees of
17 the community association management firm; and during
18 ~~the term of the insurance coverage, which shall be at~~
19 ~~least for the same term as the service agreement~~
20 ~~between the community association management firm or~~
21 ~~supervising community association manager as well as~~

22 (E) the community association officers, directors,
23 and employees.

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

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

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

1 ~~agent for the association.~~

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

9 (d) The Department shall have authority to promulgate
10 additional rules regarding insurance, fidelity insurance and
11 all accounts maintained and to be maintained by a community
12 association manager, designated ~~supervising~~ community
13 association manager, or community association management firm.
14 (Source: P.A. 98-365, eff. 1-1-14.)

15 (225 ILCS 427/60)

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

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

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

25 (b) Any licensee who has an expired ~~permitted his, her, or~~

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

9 (c) Any ~~If the person has not maintained an active~~
10 ~~practice in another jurisdiction satisfactory to the~~
11 ~~Department, the Department shall determine, by an evaluation~~
12 ~~program established by rule, the person's fitness to resume~~
13 ~~active status and may require the person to complete a period~~
14 ~~of evaluated clinical experience and successful completion of~~
15 ~~a 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
21 the ~~his or her~~ license renewed or restored without paying any
22 lapsed renewal fees if, within 2 years after honorable
23 termination of the service, training or education, except
24 under condition other than honorable, the licensee ~~he or she~~
25 furnishes the Department with satisfactory evidence of
26 engagement ~~to the effect that he or she has been so engaged and~~

1 that the service, training, or education has been so honorably
2 terminated.

3 (d) A community association manager ~~or~~ community
4 association management firm that ~~or supervising community~~
5 ~~association manager who~~ notifies the Department, in a manner
6 ~~writing on forms~~ prescribed by the Department, may place the
7 ~~his, her, or its~~ license on inactive status for a period not to
8 exceed 2 years and shall be excused from the payment of renewal
9 fees until the person notifies the Department in writing of
10 the intention to resume active practice.

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

17 (f) No ~~Any~~ licensee with a nonrenewed or ~~an~~ inactive
18 license status or community association management firm
19 operation without a designated community association manager
20 shall ~~not~~ provide community association management services as
21 set forth in this Act.

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

25 (h) The Department shall not renew a license if the
26 licensee has an unpaid fine from a disciplinary matter or an

1 unpaid fee from a non-disciplinary action imposed by the
2 Department until the fine or fee is paid to the Department or
3 the licensee has entered into a payment plan and is current on
4 the required payments.

5 (i) The Department shall not issue a license if the
6 applicant has an unpaid fine imposed by the Department for
7 unlicensed practice until the fine is paid to the Department
8 or the applicant has entered into a payment plan and is current
9 on the required payments.

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

11 (225 ILCS 427/65)

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

13 Sec. 65. Fees; Community Association Manager Licensing and
14 Disciplinary Fund.

15 (a) The fees for the administration and enforcement of
16 this Act, including, but not limited to, initial licensure,
17 renewal, and restoration, shall be set by rule of the
18 Department. The fees shall be nonrefundable.

19 (b) In addition to the application fee, applicants for the
20 examination are required to pay, either to the Department or
21 the designated testing service, a fee covering the cost of
22 determining an applicant's eligibility and providing the
23 examination. Failure to appear for the examination on the
24 scheduled date, at the time and place specified, after the
25 applicant's application and fee for examination have been

1 received and acknowledged by the Department or the designated
2 testing service, shall result in the forfeiture of the fee.

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

6 (d) Moneys in the Community Association Manager Licensing
7 and Disciplinary Fund may be transferred to the Professions
8 Indirect Cost Fund, as authorized under Section 2105-300 of
9 the Department of Professional Regulation Law of the Civil
10 Administrative Code of Illinois.

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

12 (225 ILCS 427/70)

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

14 Sec. 70. Penalty for insufficient funds; payments. Any
15 person who:

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

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

22 shall pay to the Department, in addition to the amount already
23 owed to the Department, a fine of \$50. The Department shall
24 notify the person that payment of fees and fines shall be paid
25 to the Department by certified check or money order within 30

1 calendar days after notification. If, after the expiration of
2 30 days from the date of the notification, the person has
3 failed to submit the necessary remittance, the Department
4 shall automatically terminate the license or deny the
5 application, without hearing. After ~~If, after~~ termination or
6 denial, the person seeking ~~seeks~~ a license, ~~he, she, or it~~
7 shall apply to the Department for restoration or issuance of
8 the license and pay all fees and fines due to the Department.
9 The Department may establish a fee for the processing of an
10 application for restoration of a license to pay all expenses
11 of processing this application. The Secretary may waive the
12 fines due under this Section in individual cases where the
13 Secretary finds that the fines would be unreasonable or
14 unnecessarily burdensome.

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

16 (225 ILCS 427/75)

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

18 Sec. 75. Endorsement. The Department may issue a
19 community association manager ~~or supervising community~~
20 ~~association manager~~ license, without the required examination,
21 to an applicant licensed under the laws of another state if the
22 requirements for licensure in that state are, on the date of
23 licensure, substantially equal to the requirements of this Act
24 or to a person who, at the time of ~~his or her~~ application for
25 licensure, possessed individual qualifications that were

1 substantially equivalent to the requirements then in force in
2 this State. An applicant under this Section shall pay all of
3 the required fees.

4 All applicants under this Act ~~Applicants~~ have 3 years from
5 the date of application to complete the application process.
6 If the process has not been completed within the 3 years, the
7 application shall be denied, the fee shall be forfeited, and
8 the applicant must reapply and meet the requirements in effect
9 at the time of reapplication.

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

11 (225 ILCS 427/85)

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

13 Sec. 85. Grounds for discipline; refusal, revocation, or
14 suspension.

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

23 (1) Material misstatement in furnishing information to
24 the Department.

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

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

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

16 (5) Professional incompetence.

17 (6) Gross negligence.

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

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

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

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

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

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

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

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

25 (15) Being named as a perpetrator in an indicated
26 report by the Department of Children and Family Services

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 (29) Violating the terms of a disciplinary order
2 issued by the Department.

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

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

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

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

22 (b) (Blank).

23 (c) The determination by a circuit court that a licensee
24 is 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 2105-15
8 of the 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,
15 until such time as the requirements of that tax Act are
16 satisfied.

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

1 disciplinary action against that person based solely upon the
2 certification of delinquency made by the Department of
3 Healthcare and Family Services.

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

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

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

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

25 ~~An individual licensed under this Act and affected under~~
26 ~~this Section shall be afforded an opportunity to demonstrate~~

1 ~~to the Department or Board that he or she can resume practice~~
2 ~~in compliance with acceptable and prevailing standards under~~
3 ~~the provisions of his or her license.~~

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

5 (225 ILCS 427/85.1 new)

6 Sec. 85.1. Citations.

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

20 (b) Service of a citation shall be made in person,
21 electronically, or by mail to the licensee at the licensee's
22 address of record or email address of record, and the citation
23 must clearly state that if the cited licensee wishes to
24 dispute the citation, the cited licensee may make a written
25 request, within 30 days after the citation is served, for a

1 hearing before the Department. If the cited licensee does not
2 request a hearing within 30 days after the citation is served,
3 then the citation shall become a final, non-disciplinary
4 order, and any fine imposed is due and payable within 60 days
5 after that final order. If the cited licensee requests a
6 hearing within 30 days after the citation is served, the
7 Department shall afford the cited licensee a hearing conducted
8 in the same manner as a hearing provided for in this Act for
9 any violation of this Act and shall determine whether the
10 cited licensee committed the violation as charged and whether
11 the fine as levied is warranted. If the violation is found, any
12 fine shall constitute non-public discipline and be due and
13 payable within 30 days after the order of the Secretary, which
14 shall constitute a final order of the Department. No change in
15 license status may be made by the Department until a final
16 order of the Department has been issued.

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

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

1 Sec. 86. Illegal discrimination. When there has been an
2 adjudication in a civil or criminal proceeding that a
3 community association manager or community association
4 management firm has illegally discriminated while engaged in
5 any activity for which a license is required under this Act,
6 the Department, upon the recommendation of the Board as to the
7 extent of the suspension or revocation, shall suspend or
8 revoke the license of that licensee in a timely manner, unless
9 the adjudication is in the appeal process. When there has been
10 an order in an administrative proceeding finding that a
11 licensee has illegally discriminated while engaged in any
12 activity for which a license is required under this Act, the
13 Department, upon recommendation of the Board as to the nature
14 and extent of the discipline, shall take one or more of the
15 disciplinary actions provided for in Section 85 in a timely
16 manner, unless the administrative order is in the appeal
17 process.

18 (225 ILCS 427/90)

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

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

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

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

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

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

1 firm or other entity fails to file an answer satisfactory to
2 the Department, the matter shall be considered as a default
3 and the Department may cause an order to cease and desist to be
4 issued immediately.

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

6 (225 ILCS 427/92)

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

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

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

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

1 activity.

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

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

8 (225 ILCS 427/95)

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

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

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

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

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

21 (225 ILCS 427/115)

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

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

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

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

21 (225 ILCS 427/120)

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

23 Sec. 120. Appointment of a hearing officer. The Secretary
24 has the authority to appoint any attorney duly licensed to
25 practice law in the State of Illinois to serve as the hearing

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

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

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

26 If (i) a direct appeal is requested, (ii) the Board fails

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

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

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

18 (225 ILCS 427/140)

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

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

1 the Secretary summarily suspends a license without a hearing,
2 a hearing by the Department must be held within 30 calendar
3 days after the suspension has occurred.

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

5 (225 ILCS 427/145)

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

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

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

17 (225 ILCS 427/155)

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

19 Sec. 155. Violations; penalties.

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

24 (1) Practicing or attempting to ~~The practice of or~~

1 ~~attempted~~ practice ~~of~~ or holding oneself out as available
2 to practice as a community association manager ~~or~~
3 ~~supervising community association manager~~ without a
4 license.

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

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

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

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

1 (225 ILCS 427/161 new)

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

9 (225 ILCS 427/162 new)

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

15 (225 ILCS 427/165)

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

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

1 denial and limitation of home rule powers and functions under
2 subsection (h) of Section 6 of Article VII of the Illinois
3 Constitution.

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

5 (225 ILCS 427/42 rep.)

6 (225 ILCS 427/80 rep.)

7 (225 ILCS 427/135 rep.)

8 (225 ILCS 427/170 rep.)

9 Section 15. The Community Association Manager Licensing
10 and Disciplinary Act is amended by repealing Sections 42, 80,
11 135, and 170.

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

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2	Statutes amended in order of appearance
3	5 ILCS 80/4.32
4	5 ILCS 80/4.41 new
5	225 ILCS 427/10
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8	225 ILCS 427/20
9	225 ILCS 427/25
10	225 ILCS 427/27
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- 1 225 ILCS 427/95
- 2 225 ILCS 427/115
- 3 225 ILCS 427/120
- 4 225 ILCS 427/140
- 5 225 ILCS 427/145
- 6 225 ILCS 427/155
- 7 225 ILCS 427/161 new
- 8 225 ILCS 427/162 new
- 9 225 ILCS 427/165
- 10 225 ILCS 427/42 rep.
- 11 225 ILCS 427/80 rep.
- 12 225 ILCS 427/135 rep.
- 13 225 ILCS 427/170 rep.