

**First Regular Session  
Seventieth General Assembly  
STATE OF COLORADO**

**PREAMENDED**

*This Unofficial Version Includes Committee  
Amendments Not Yet Adopted on Second Reading*

LLS NO. 15-1006.01 Jennifer Berman x3286

**HOUSE BILL 15-1343**

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**HOUSE SPONSORSHIP**

**Williams and Thurlow**, Nordberg

**SENATE SPONSORSHIP**

**Todd and Balmer**,

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**House Committees**

Business Affairs and Labor  
Appropriations

**Senate Committees**

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**A BILL FOR AN ACT**

101      **CONCERNING A STREAMLINED PROCESS TO SIMPLIFY THE LICENSURE**  
102                    **OF PERSONS WHO MANAGE THE AFFAIRS OF COMMON INTEREST**  
103                    **COMMUNITIES UNDER THE "COLORADO COMMON INTEREST**  
104                    **OWNERSHIP ACT", AND, IN CONNECTION THEREWITH, MAKING**  
105                    **AN APPROPRIATION.**

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**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)*

In 2013, the General Assembly enacted House Bill 13-1277, which requires a person who, for compensation, manages the affairs of a

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
*Capital letters indicate new material to be added to existing statute.*  
*Dashes through the words indicate deletions from existing statute.*

common interest community on behalf of a unit owners' association (HOA) to meet minimum qualifications and obtain a license from the director of the division of real estate in the department of regulatory agencies. The bill modifies the regulation of these community association managers by:

- ! Requiring a license for a community association management apprentice;
- ! Amending the definition of "community association management";
- ! Exempting executives who employ or supervise an individual who performs community association management and independent contractors from being licensed as community association managers;
- ! Adding the definition of a "designated manager" and providing that an entity may obtain a license by designating a manager who qualifies for a community association manager's license to manage and supervise all of the entity's licensed activity;
- ! Modifying the examination requirement by conditioning the grant of a community association manager's license on an applicant passing two separate portions of an examination, referred to as the "general portion" and the "Colorado law portion"; and
- ! Changing the fund used for implementation of the regulation of community association managers from the community association manager licensing cash fund to the division of real estate cash fund and repealing the former.

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1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, **amend** 12-61-1001  
3 as follows:

4 **12-61-1001. Definitions.** As used in this part 10, unless the  
5 context otherwise requires:

6 (1) "APPRENTICE" MEANS A PERSON WHO:

7 (a) HAS NOT COMPLETED THE EDUCATION AND EXAMINATION  
8 REQUIREMENTS FOR OBTAINING A COMMUNITY ASSOCIATION MANAGER  
9 LICENSE;

10 (b) IS UNDER THE CONTROL AND DIRECT SUPERVISION OF A

1 LICENSED COMMUNITY ASSOCIATION MANAGER; AND

2 (c) IS LICENSED WITH THE DIRECTOR FOR PURPOSES OF LEARNING  
3 AND PERFORMING ANY PRACTICES THAT REQUIRE A COMMUNITY  
4 ASSOCIATION MANAGER LICENSE.

5 ~~(1)~~ (2) "CCIOA" means the "Colorado Common Interest  
6 Ownership Act", article 33.3 of title 38, C.R.S.

7 ~~(2)~~ (3) "Common interest community" has the meaning set forth  
8 in section 38-33.3-103 (8), C.R.S.

9 ~~(3)~~ (4) "Community association management" means any of the  
10 following practices relating to the management of a common interest  
11 community, at the direction OR ON BEHALF of its executive board:

12 (a) ~~Receiving, depositing, controlling, or disbursing funds of the~~  
13 ~~common interest community, preparing budgets, or preparing other~~  
14 ~~financial documents~~ IN INTERACTIONS WITH MEMBERS OR NONMEMBERS  
15 OF THE COMMON INTEREST COMMUNITY, ACTING WITH THE AUTHORITY OF  
16 THE COMMON INTEREST COMMUNITY WITH RESPECT TO ITS BUSINESS,  
17 LEGAL, FINANCIAL, OR OTHER TRANSACTIONS;

18 (b) ~~Assisting in the creation and implementation of a reserve~~  
19 ~~program for the replacement of capital assets~~ EXECUTING THE  
20 RESOLUTIONS AND DECISIONS OF THE EXECUTIVE BOARD;

21 (c) ~~Assisting in the provision of notice or conduct of meetings of~~  
22 ~~board members or unit owners~~ ENFORCING THE RIGHTS OF THE COMMON  
23 INTEREST COMMUNITY SECURED BY STATUTE, CONTRACT, COVENANT,  
24 RULE, OR BYLAW;

25 (d) ~~Contracting for~~ ADMINISTERING or coordinating maintenance  
26 of property and OR facilities of the common interest community;

27 (e) ~~Conducting property inspections;~~ Administering applications

1 for architectural review; ~~and keeping records of violations of the~~  
2 ~~governing documents of the common interest community; and~~

3 (f) ~~Performing other services relating to the day-to-day operation~~  
4 ~~of the common interest community~~ ARRANGING, CONDUCTING, OR  
5 COORDINATING MEETINGS OF THE COMMON INTEREST COMMUNITY'S  
6 MEMBERSHIP OR EXECUTIVE BOARD;

7 (g) MAINTAINING THE COMMON INTEREST COMMUNITY'S RECORDS  
8 PURSUANT TO ITS GOVERNING DOCUMENTS AND APPLICABLE PROVISIONS  
9 OF THE CCIOA; OR

10 (h) ADMINISTERING, OR OTHERWISE EXERCISING CONTROL OF, A  
11 COMMON INTEREST COMMUNITY'S FUNDS, INCLUDING THE  
12 ADMINISTRATION OF A RESERVE PROGRAM FOR THE MAJOR REPAIR OR  
13 REPLACEMENT OF CAPITAL ASSETS.

14 ~~(4)~~(5) (a) "Community association manager" or "manager" means  
15 any person, firm, partnership, limited liability company, association, or  
16 corporation that, in consideration of compensation by fee, commission,  
17 salary, or anything else of value or with the intention of receiving or  
18 collecting such compensation, WHETHER OR NOT THE COMPENSATION IS  
19 RECEIVED BY THE LICENSED MANAGER DIRECTLY OR BY THE LICENSED  
20 ENTITY THAT EMPLOYS THE LICENSED MANAGER, engages in or offers or  
21 attempts to engage in community ASSOCIATION management in Colorado.  
22 ~~The term includes:~~

23 ~~(I) The chief executive officer of a business entity that employs~~  
24 ~~individuals or contracts with other business entities to perform~~  
25 ~~community association management services; and~~

26 ~~(II) Any executive of a business entity who has direct supervision~~  
27 ~~or oversight of an individual who performs community association~~

1 ~~management services.~~

2 (b) "Community association manager" or "manager" does not  
3 include:

4 (I) A person who, UNDER THE DIRECT SUPERVISION OF A  
5 MANAGER, performs ~~not more than one of the practices listed in~~  
6 ~~paragraphs (a) to (g) of subsection (3) of this section, or any clerical,~~  
7 ~~ministerial, accounting, or maintenance function; not requiring~~  
8 ~~substantially specialized knowledge, judgment, or managerial skill, under~~  
9 ~~the direct supervision and control of a licensed community association~~  
10 ~~manager or of a contractor employed by a licensed community association~~  
11 ~~manager or by the common interest community's executive board;~~

12 (II) Any public official in the conduct of his or her official duties;

13 (III) A receiver, trustee, administrator, conservator, executor, or  
14 guardian acting under proper authorization;

15 (IV) A person, firm, partnership, limited liability company, or  
16 association acting personally or a corporation acting through its officers  
17 or regular salaried employees, on behalf of that person or on its own  
18 behalf as principal in acquiring or in negotiating to acquire any interest  
19 in real estate;

20 (V) An attorney-at-law in connection with his or her  
21 representation of clients in the practice of law;

22 (VI) A corporation with respect to property owned or leased by it,  
23 acting through its officers or regular salaried employees, when such acts  
24 are incidental and necessary in the ordinary course of the corporation's  
25 business activities of a non-property management nature. For the  
26 purposes of this paragraph (b), the term "officers or regular salaried  
27 employees" means persons regularly employed who derive not less than

1 seventy-five percent of their compensation from the corporation in the  
2 form of salaries;

3 (VII) AN INDEPENDENT CONTRACTOR WHO IS NOT ENGAGED IN THE  
4 PERFORMANCE OF COMMUNITY ASSOCIATION MANAGEMENT; OR

5 (VIII) AN APPRENTICE WORKING UNDER THE DIRECT SUPERVISION  
6 OF A LICENSED MANAGER.

7 (5.5) "DESIGNATED MANAGER" MEANS A PERSON WHO IS  
8 CURRENTLY LICENSED AS A MANAGER AND WHO, ON BEHALF OF A  
9 LICENSED ENTITY, IS RESPONSIBLE FOR PERFORMING COMMUNITY  
10 ASSOCIATION MANAGEMENT PRACTICES AND SUPERVISING COMMUNITY  
11 ASSOCIATION MANAGEMENT PRACTICES PERFORMED BY PERSONS  
12 EMPLOYED BY, OR ACTING ON BEHALF OF, THE LICENSED ENTITY.

13 ~~(5)~~ (6) "Director" means the director of the division.

14 ~~(6)~~ (7) "Division" means the division of real estate in the  
15 department of regulatory agencies.

16 ~~(7)~~ (8) "Executive board" has the meaning set forth in section  
17 38-33.3-103 (16), C.R.S.

18 ~~(8)~~ (9) "HOA" or "homeowners' association" means an association  
19 or unit owners' association, as defined in section 38-33.3-103 (3), C.R.S.,  
20 whether organized before, on, or after July 1, 1992.

21 ~~(9)~~ (10) "Limited liability company" has the meaning set forth in  
22 section 7-80-102 (7), C.R.S.

23 **SECTION 2.** In Colorado Revised Statutes, 12-61-1003, **amend**  
24 (1) (a), (3) (a), (4), (5) (a), (5) (b), and (6) (b); and **add** (9) and (10) as  
25 follows:

26 **12-61-1003. Application for license - criminal history record**  
27 **check - examination - rules.** (1) (a) A person desiring to become a

1 community association manager OR APPRENTICE must apply to the  
2 director for a license in the form and manner prescribed by the director.

3 (3) (a) The director may require and procure any proof necessary  
4 in reference to the truthfulness, honesty, and good moral character of any  
5 applicant for a ~~community association manager's~~ license or, if the  
6 applicant is a partnership, limited liability company, or corporation, of  
7 any partner, manager, director, officer, member, or stockholder if such  
8 person has, either directly or indirectly, a substantial interest in the  
9 applicant prior to the issuance of the license.

10 (4) An applicant for a ~~manager's~~ license must be at least eighteen  
11 years of age and must furnish proof satisfactory to the director that the  
12 applicant has received either a high school diploma or the equivalent  
13 general education development certification.

14 (5) (a) An applicant for a manager's license must:

15 (I) Hold one or more of the following credentials:

16 (A) The "certified manager of community associations" or  
17 "CMCA" ~~designation~~ CERTIFICATION awarded by the COMMUNITY  
18 ASSOCIATION MANAGERS INTERNATIONAL CERTIFICATION BOARD,  
19 PREVIOUSLY KNOWN AS THE national board of certification for community  
20 association managers;

21 (B) The "association management specialist" or "AMS"  
22 designation awarded by the community associations institute;

23 (C) The "professional community association manager" or  
24 "PCAM" designation awarded by the community associations institute;

25 or

26 (D) Another credential identified by the director in rules; ~~and~~

27 (II) Certify completion of any educational or continuing

1 educational requirements as determined by the director in rules and  
2 published on the division's web site; and

3 (III) Submit to and pass an examination ~~designed to determine~~  
4 WITH TWO SEPARATE PORTIONS, WHICH MAY BE ADMINISTERED  
5 SEPARATELY. THE EXAMINATION MUST MEASURE the competency of the  
6 applicant and IN CARRYING OUT THE CORE FUNCTIONS OF COMMUNITY  
7 ASSOCIATION MANAGEMENT, REFERRED TO AS THE "GENERAL PORTION" OF  
8 THE EXAMINATION, AND IN UNDERSTANDING THE BASIC PROVISIONS OF  
9 LEGAL DOCUMENTS AND COLORADO LAW WITH WHICH MANAGERS ARE  
10 REQUIRED TO COMPLY, REFERRED TO AS THE "COLORADO LAW PORTION"  
11 OF THE EXAMINATION. THE EXAMINATION SHALL BE prepared by or under  
12 the supervision of the director or the director's designated contractor OR  
13 CONTRACTORS. The director may contract with ~~an~~ ONE OR MORE  
14 independent testing ~~service~~ SERVICES to develop, administer, or grade  
15 examinations or to administer licensee records. The ~~contract~~ CONTRACTS  
16 may allow the testing service to recover from the applicant the costs of  
17 the examination and the costs of administering the examination and  
18 license records. The director may contract separately for these functions  
19 and allow recovered costs to be collected and retained by a single  
20 contractor for distribution to other contractors. The director ~~shall have the~~  
21 ~~authority to~~ MAY set the SEPARATE minimum passing ~~score that an~~  
22 ~~applicant must receive on the examination, which score must reflect the~~  
23 ~~minimum level of competency required to be a community association~~  
24 ~~manager~~ SCORES FOR THE GENERAL PORTION AND THE COLORADO LAW  
25 PORTION OF THE EXAMINATION. The director shall prescribe the times and  
26 places at which the examination AS A WHOLE is given OR AT WHICH THE  
27 SEPARATE PORTIONS OF THE EXAMINATION ARE GIVEN.



1 (IV) AN APPLICANT WHO IS CREDENTIALLED PURSUANT TO  
2 SUB-SUBPARAGRAPH (A), (B), OR (C) OF SUBPARAGRAPH (I) OF THIS  
3 PARAGRAPH (a) AND HAS MAINTAINED THE CREDENTIAL IN GOOD  
4 STANDING, INCLUDING HAVING COMPLETED ALL ONGOING EDUCATION  
5 REQUIRED TO MAINTAIN THE CREDENTIAL, MUST COMPLETE THE  
6 COLORADO LAW PORTION, BUT NEED NOT COMPLETE THE GENERAL  
7 PORTION, OF THE EXAMINATION DESCRIBED IN SUBPARAGRAPH (III) OF  
8 THIS PARAGRAPH (a).

9 (b) The SEPARATE PORTIONS OF THE examination developed under  
10 subparagraph (III) of paragraph (a) of this subsection (5) must assess an  
11 applicant's competency in the following subject matter areas:

12 (I) ~~The~~ FOR THE COLORADO LAW PORTION OF THE EXAMINATION,  
13 legal documents; ~~and~~ statutes, ~~that enable a community association to~~  
14 ~~operate~~, including the "Colorado Common Interest Ownership Act"; and  
15 other applicable provisions of Colorado law; and

16 (II) FOR THE GENERAL PORTION OF THE EXAMINATION, other core  
17 competencies OF COMMUNITY ASSOCIATION MANAGEMENT, as specified  
18 by the director.

19 (6) (b) A partnership, limited liability company, or corporation, in  
20 its application for a license, shall designate a qualified, active manager to  
21 be responsible for management and supervision of the licensed actions of  
22 the entity and all persons employed by, or acting at any time on behalf of,  
23 the entity. A license may not be issued to the entity unless the manager so  
24 designated ~~and all persons that the entity employs to perform community~~  
25 ~~association management duties on behalf of the entity, take~~ TAKES and  
26 ~~pass~~ PASSES the examination required by this part 10. Upon ~~these persons'~~  
27 THE MANAGER successfully passing the examination and upon compliance

1 with all other requirements of law by the entity as well as by the  
2 ~~designated~~ manager, the director shall issue a designated manager's  
3 license to the ~~designated~~ manager.

4 (9) THE DIRECTOR MAY GRANT A PROVISIONAL LICENSE TO AN  
5 APPLICANT FOR A COMMUNITY ASSOCIATION MANAGER LICENSE IF THE  
6 APPLICANT HAS NOT PASSED THE EXAMINATION DESCRIBED IN PARAGRAPH  
7 (b) OF SUBSECTION (5) OF THIS SECTION. A PROVISIONAL LICENSE EXPIRES  
8 ON DECEMBER 31, 2015.

9 (10) AN APPRENTICE SHALL NOT PERFORM AN ACT THAT  
10 OTHERWISE REQUIRES A COMMUNITY ASSOCIATION MANAGER LICENSE  
11 EXCEPT WHEN UNDER THE DIRECT SUPERVISION OF A LICENSED  
12 COMMUNITY ASSOCIATION MANAGER.

13 **SECTION 3.** In Colorado Revised Statutes, **amend** 12-61-1004  
14 as follows:

15 **12-61-1004. Insurance required - rules.** Every licensee under  
16 this part 10, except an inactive manager or an attorney licensee who  
17 maintains a policy of professional malpractice insurance that provides  
18 coverage for his or her activities under this part 10, ~~shall maintain~~ MUST  
19 BE INSURED UNDER insurance necessary to cover all activities  
20 contemplated under this part 10 in an amount and under terms and  
21 conditions specified by the director by rule. In promulgating rules under  
22 this section, the director shall solicit and consider information and  
23 comments from interested persons.

24 **SECTION 4.** In Colorado Revised Statutes, 12-61-1006, **amend**  
25 (1) as follows:

26 **12-61-1006. Resident licensee - nonresident licensee - consent**  
27 **to service.** (1) A nonresident of the state may become a community

1 association manager OR APPRENTICE in this state by conforming to all the  
2 conditions of this part 10; except that THE nonresident manager ~~shall~~ IS  
3 not ~~be~~ required to maintain a place of business within this state if that  
4 manager maintains a definite place of business in another state.

5 **SECTION 5.** In Colorado Revised Statutes, **amend** 12-61-1009  
6 as follows:

7 **12-61-1009. License fees - partnership, limited liability**  
8 **company, and corporation licenses - rules.** (1) The director shall  
9 establish, collect, and periodically adjust, in accordance with section  
10 12-61-111.5, fees for:

- 11 (a) Each ~~manager's~~ examination;
- 12 (b) Each manager's OR ENTITY'S original application and license;
- 13 (c) Each renewal or reinstatement of a manager's license; ~~and~~
- 14 (d) Any change of name, address, or employment status requiring  
15 a change in director records;
- 16 (e) EACH PROVISIONAL LICENSE APPLICATION; AND
- 17 (f) EACH APPRENTICE'S ORIGINAL APPLICATION AND LICENSE.

18 (2) The director shall transmit all fees to the state treasurer, who  
19 shall credit them to the ~~community association manager licensing~~  
20 DIVISION OF REAL ESTATE cash fund, created in section ~~12-61-1012~~  
21 12-61-111.5 (2) (b). Fees collected under paragraphs (b), (c), ~~and~~ (d), (e),  
22 AND (f) of subsection (1) of this section are nonrefundable.

23 (3) EXCEPT AS PROVIDED IN SUBSECTION (4) OF THIS SECTION,  
24 licenses are valid for up to three years, subject to expiration and renewal  
25 on a schedule determined by the director. The director shall establish, by  
26 rule, the requirements for continuing education, reexamination, and  
27 subsequent criminal history record checks; except that these requirements

1 must not be more stringent than the equivalent requirements for real  
2 estate brokers under part 1 of this article.

3 (4) AN APPRENTICE LICENSE IS VALID FOR ONE YEAR AND IS NOT  
4 SUBJECT TO RENEWAL.

5 **SECTION 6.** In Colorado Revised Statutes, 12-61-1010, **amend**  
6 (1) introductory portion, (1) (f), (1) (m), (1) (o), (1) (p) (IX), and (6); and  
7 **add** (1) (p.5) as follows:

8 **12-61-1010. Investigation - revocation - actions against**  
9 **licensee.** (1) The director, upon the director's own motion, may, and,  
10 upon the complaint in writing of any person, shall, investigate the  
11 activities of any ~~community association manager~~ LICENSEE or any person  
12 who assumes to act in ~~such~~ THE capacity OF A LICENSEE within the state.  
13 The director, after holding a hearing in accordance with the "State  
14 Administrative Procedure Act", article 4 of title 24, C.R.S., may impose  
15 an administrative fine not to exceed two thousand five hundred dollars for  
16 each separate offense, censure a licensee, place the licensee on probation  
17 and set the terms of probation, or temporarily suspend or permanently  
18 revoke a license when the licensee has performed, is performing, or is  
19 attempting to perform any of the following acts and is guilty of:

20 (f) Failing to account for or to remit, within a reasonable time, any  
21 moneys coming into the licensee's possession that belong to others,  
22 whether acting as a community association manager, APPRENTICE, or  
23 otherwise, and failing to keep records relative to said moneys, which  
24 records must contain any information required by rules of the director and  
25 are subject to audit by the director;

26 (m) Procuring, or attempting to procure, a ~~community association~~  
27 ~~manager's~~ license or renewing, reinstating, or reactivating, or attempting

1 to renew, reinstate, or reactivate, a ~~community association manager's~~  
2 license by fraud, misrepresentation, or deceit or by making a material  
3 misstatement of fact in an application for ~~such~~ A license;

4 (o) Having had a ~~community association manager's~~ LICENSE or a  
5 subdivision developer's ~~license~~ REGISTRATION suspended or revoked in  
6 any jurisdiction, or having had any disciplinary action taken against the  
7 manager or subdivision developer in any other jurisdiction if the  
8 ~~manager's~~ LICENSEE'S or subdivision developer's action would constitute  
9 a violation of this subsection (1). A certified copy of the order of  
10 disciplinary action is prima facie evidence of such disciplinary action.

11 (p) Within the last five years, having a license, registration, or  
12 certification issued by Colorado or another state revoked or suspended for  
13 fraud, deceit, material misrepresentation, theft, or breach of a fiduciary  
14 duty, and such discipline denied the person authorization to practice as:

15 (IX) An investment advisor representative, as defined by section  
16 11-51-201 (9.6), C.R.S.; or

17 (p.5) ACTING OUTSIDE THE SCOPE OF AUTHORITY GRANTED BY THE  
18 ISSUANCE OF A LICENSE; OR

19 (6) All administrative fines collected pursuant to this section shall  
20 be transmitted to the state treasurer, who shall credit the same to the  
21 ~~community association manager licensing~~ DIVISION OF REAL ESTATE cash  
22 fund, created in section ~~12-61-1012~~ 12-61-111.5 (2) (b).

23 **SECTION 7.** In Colorado Revised Statutes, **amend** 12-61-1012  
24 as follows:

25 **12-61-1012. Community association manager licensing cash**  
26 **fund - creation - repeal.** (1) (a) The direct and indirect costs incurred by  
27 the director in administering this part 10 are payable from the community

1 association manager licensing cash fund, which fund is hereby created in  
2 the state treasury. The fund consists of fees paid by community  
3 association managers and applicants for licensure under section  
4 12-61-1009. Interest earned on moneys in the fund remain in the fund,  
5 and any unexpended and unencumbered moneys in the fund at the end of  
6 any fiscal year do not revert to the general fund or any other fund.  
7 Payments from the fund are subject to annual appropriation by the general  
8 assembly.

9 (b) THIS SUBSECTION (1) IS REPEALED, EFFECTIVE JULY 1, 2015.

10 (2) ON JULY 1, 2015, THE STATE TREASURER SHALL TRANSFER ANY  
11 MONEY REMAINING IN THE COMMUNITY ASSOCIATION MANAGER  
12 LICENSING CASH FUND TO THE DIVISION OF REAL ESTATE CASH FUND  
13 CREATED IN SECTION 12-61-111.5 (2) (b).

14 **SECTION 8.** In Colorado Revised Statutes, 12-61-1013, **amend**  
15 (1) introductory portion as follows:

16 **12-61-1013. Review and report by director - report - repeal.**

17 (1) The director shall review the operation of this part 10 during the first  
18 year of its implementation and shall report to the COMMITTEES IN THE  
19 senate ~~committee on business, labor, and technology~~ and the house  
20 ~~committee on~~ OF REPRESENTATIVES THAT HEAR MATTERS PERTAINING TO  
21 business, ~~labor, and economic and workforce development, or their~~  
22 ~~successor committees~~, on or before February 15, 2016, concerning the  
23 director's findings and recommendations for legislative changes, if any.

24 The matters included in the director's report may include:

25 **SECTION 9.** In Colorado Revised Statutes, 24-34-104, **amend**  
26 (49.5) (g) as follows:

27 **24-34-104. General assembly review of regulatory agencies**

1 **and functions for termination, continuation, or reestablishment.**

2 (49.5) The following agencies, functions, or both, terminate on  
3 September 1, 2018:

4 (g) The licensing of community association managers AND  
5 APPRENTICES by the director of the division of real estate in accordance  
6 with part 10 of article 61 of title 12, C.R.S.;

7 **SECTION 10.** In Colorado Revised Statutes, **amend** 38-33.3-402  
8 as follows:

9 **38-33.3-402. Manager licensing - condition precedent for**  
10 **enforcement of contract terms.** A person that is subject to licensure as  
11 ~~a community association manager~~ under part 10 of article 61 of title 12,  
12 C.R.S., shall at all times have and maintain a valid license when acting or  
13 purporting to act on behalf of the association. The association's agreement  
14 to pay a fee for the services of a community manager or to hold harmless  
15 or indemnify the community manager for any act or omission in the  
16 course of providing those services is void and unenforceable for any  
17 period in which the MANAGER'S license is expired, suspended, or revoked.

18 **SECTION 11. Appropriation.** For the 2015-16 state fiscal year,  
19 \$47,250 is appropriated to the department of regulatory agencies for use  
20 by the division of real estate. This appropriation is from the division of  
21 real estate cash fund created in section 12-61-111.5 (2) (b), C.R.S. To  
22 implement this act, the division may use this appropriation for operating  
23 expenses.

24 **SECTION 12. Safety clause.** The general assembly hereby finds,  
25 determines, and declares that this act is necessary for the immediate  
26 preservation of the public peace, health, and safety.