

Second Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 24-0506.01 Brita Darling x2241

HOUSE BILL 24-1078

HOUSE SPONSORSHIP

Titone and Ricks,

SENATE SPONSORSHIP

(None),

House Committees

Transportation, Housing & Local Government

Senate Committees

A BILL FOR AN ACT

101 CONCERNING THE REGULATION OF COMMUNITY ASSOCIATION
102 MANAGERS BY THE DIVISION OF REAL ESTATE IN THE
103 DEPARTMENT OF REGULATORY AGENCIES.

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://leg.colorado.gov>.)

The bill establishes licensure requirements for business entities that perform community association management for common interest communities in the state and makes it unlawful, on and after July 1, 2025, for a business entity to perform community association management duties without a license. The division of real estate (division) in the

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

department of regulatory agencies (department) is tasked with administering the regulatory program for community association managers (CAMs). To be licensed, a business entity must:

- Demonstrate compliance with insurance requirements specified by the director of the division (director) by rule;
- Designate an individual as the business entity's controlling manager who is responsible for the community association management activities of the business entity and its employees;
- Pay a fee based on a schedule of fees determined by the director through rule-making; and
- Obtain criminal history record checks for its controlling manager and each individual that performs community association management on behalf of the business entity.

The director shall establish by rule education requirements for controlling managers and any employees of a licensed business entity (licensed entity) who perform community association management on behalf of the licensed entity.

The bill sets forth various grounds for disciplining a licensed entity and directs the director to establish a points-based disciplinary system for determining the appropriate level of discipline to impose on a licensed entity based on the level of violation.

The bill repeals the licensure of CAMs on September 1, 2029, and directs the department to conduct a sunset review of the licensure program before that date.

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

2 **SECTION 1. Legislative declaration.** (1) The general assembly
3 finds and determines that:

4 (a) The department of regulatory agencies (department) has
5 considered the need for regulating community association managers
6 (CAMs) through two sunrise reviews and one sunset review and has
7 concluded, in each instance, that community association management
8 companies should be regulated by the state and, in the sunrise reports,
9 concluded that regulation of CAMs was necessary to protect the public;

10 (b) In response to the department's 2012 sunrise report, the general
11 assembly enacted House Bill 13-1277, which established a regulatory

1 scheme for CAMs that required all CAMs, whether individuals or
2 business entities, to obtain a license through the division of real estate;

3 (c) In its 2017 sunset review of the regulation of CAMs, the
4 department recommended continuing the regulation in order to gather
5 additional, relevant information, but proposed legislation to continue the
6 regulatory program failed in 2018 and 2019, and the regulation of CAMs
7 ceased in 2019;

8 (d) After the termination of CAM regulation, the department
9 conducted a study and survey of the industry, homeowners, and other
10 stakeholders and found that sixty-four percent of CAMs and eighty-two
11 percent of homeowners favor regulation of CAMs to protect the public;
12 and

13 (e) In 2021, the department conducted another sunrise review and
14 concluded that "minimal regulatory programs should be enacted to ensure
15 that CAMs who commit acts such as theft are held accountable through
16 regulatory oversight . . .", and while "regulation may not prevent thefts
17 from occurring in the future, it would potentially prevent a practitioner
18 from practicing again in Colorado."

19 (2) The general assembly therefore declares that the regulation of
20 CAMs:

21 (a) Is important to protect the public, and in particular,
22 homeowners, from financial harm and ensure that business entities
23 engaged in the practice of community association management and their
24 managers, employees, and contractors have knowledge of applicable laws
25 and are able to perform community association management activities in
26 a manner that ensures homeowners are not financially harmed; and

27 (b) Must be accomplished in a manner that is least restrictive to

1 the business of community association management, is efficient, and is
2 cost-effective in order to avoid significant impacts and minimize burdens
3 on both businesses and homeowners.

4 **SECTION 2.** In Colorado Revised Statutes, **add** part 10 to article
5 10 of title 12 as follows:

6 **PART 10**
7 **COMMUNITY ASSOCIATION MANAGERS**

8 **12-10-1001. Definitions - rules.** AS USED IN THIS PART 10, UNLESS
9 THE CONTEXT OTHERWISE REQUIRES:

10 (1) "ASSOCIATION" OR "UNIT OWNERS' ASSOCIATION" HAS THE
11 MEANING SET FORTH IN SECTION 38-33.3-103 (3).

12 (2) "BUSINESS ENTITY" MEANS A FIRM, A PARTNERSHIP, A LIMITED
13 LIABILITY COMPANY, AN ASSOCIATION, A CORPORATION, OR OTHER LEGAL
14 ENTITY.

15 (3) "CCIOA" MEANS THE "COLORADO COMMON INTEREST
16 OWNERSHIP ACT", ARTICLE 33.3 OF TITLE 38.

17 (4) (a) EXCEPT AS PROVIDED IN SUBSECTION (4)(b) OF THIS
18 SECTION, "COMMON INTEREST COMMUNITY" HAS THE MEANING SET FORTH
19 IN SECTION 38-33.3-103 (8).

20 (b) "COMMON INTEREST COMMUNITY" DOES NOT INCLUDE:

21 (I) A COMMUNITY MANAGED BY AN ASSOCIATION IN WHICH A
22 MAJORITY OF UNITS THAT ARE DESIGNATED FOR RESIDENTIAL USE ARE
23 TIME SHARE UNITS, AS DEFINED IN SECTION 38-33-110 (7), OR TIME
24 SHARES, AS DEFINED IN SECTION 12-10-501 (4); OR

25 (II) A COMMUNITY, RESORT, OR DEVELOPMENT REGISTERED WITH
26 THE DIVISION AS A TIME SHARE SUBDIVISION.

27 (5) (a) "COMMUNITY ASSOCIATION MANAGEMENT" MEANS ANY OF

1 THE FOLLOWING PRACTICES RELATING TO THE MANAGEMENT OF A
2 COMMON INTEREST COMMUNITY AT THE DIRECTION OF OR ON BEHALF OF
3 ITS EXECUTIVE BOARD:

4 (I) IN INTERACTIONS WITH MEMBERS OR NONMEMBERS OF THE
5 COMMON INTEREST COMMUNITY, ACTING WITH THE AUTHORITY OF THE
6 COMMON INTEREST COMMUNITY WITH RESPECT TO ITS BUSINESS, LEGAL,
7 FINANCIAL, OR OTHER TRANSACTIONS;

8 (II) EXECUTING THE RESOLUTIONS AND DECISIONS OF THE
9 EXECUTIVE BOARD;

10 (III) ENFORCING THE RIGHTS OF THE COMMON INTEREST
11 COMMUNITY SECURED BY STATUTE, CONTRACT, COVENANT, RULE, OR
12 BYLAW;

13 (IV) ADMINISTERING OR COORDINATING MAINTENANCE OF
14 PROPERTY OR FACILITIES OF THE COMMON INTEREST COMMUNITY;

15 (V) ADMINISTERING APPLICATIONS FOR ARCHITECTURAL REVIEW;

16 (VI) ARRANGING, CONDUCTING, OR COORDINATING MEETINGS OF
17 THE COMMON INTEREST COMMUNITY'S MEMBERSHIP OR EXECUTIVE
18 BOARD;

19 (VII) MAINTAINING THE COMMON INTEREST COMMUNITY'S
20 RECORDS PURSUANT TO ITS GOVERNING DOCUMENTS AND APPLICABLE
21 PROVISIONS OF THE CCIOA; OR

22 (VIII) ADMINISTERING, OR OTHERWISE EXERCISING CONTROL OF,
23 A COMMON INTEREST COMMUNITY'S MONEY, INCLUDING THE
24 ADMINISTRATION OF A RESERVE PROGRAM FOR THE MAJOR REPAIR OR
25 REPLACEMENT OF CAPITAL ASSETS.

26 (b) "COMMUNITY ASSOCIATION MANAGEMENT" DOES NOT MEAN
27 THE PERFORMANCE OF ANY CLERICAL, MINISTERIAL, ACCOUNTING, OR

1 MAINTENANCE FUNCTION.

2 (6) (a) "COMMUNITY ASSOCIATION MANAGER" OR "MANAGER"
3 MEANS A BUSINESS ENTITY THAT ENGAGES IN OR OFFERS OR ATTEMPTS TO
4 ENGAGE IN COMMUNITY ASSOCIATION MANAGEMENT IN COLORADO IN
5 CONSIDERATION OF COMPENSATION BY FEE, COMMISSION, SALARY, OR
6 ANYTHING ELSE OF VALUE OR WITH THE INTENTION OF RECEIVING OR
7 COLLECTING SUCH COMPENSATION, REGARDLESS OF WHETHER THE
8 COMPENSATION IS RECEIVED DIRECTLY BY AN INDIVIDUAL PERFORMING
9 COMMUNITY ASSOCIATION MANAGEMENT ON BEHALF OF A LICENSED
10 ENTITY OR BY THE LICENSED ENTITY THAT EMPLOYS OR OTHERWISE
11 ENGAGES THE INDIVIDUAL.

12 (b) "COMMUNITY ASSOCIATION MANAGER" OR "MANAGER" DOES
13 NOT INCLUDE:

14 (I) AN INDIVIDUAL WHO, UNDER THE DIRECT SUPERVISION OF A
15 MANAGER, PERFORMS ANY CLERICAL, MINISTERIAL, ACCOUNTING, OR
16 MAINTENANCE FUNCTION;

17 (II) AN INDIVIDUAL WHO IS EMPLOYED OR OTHERWISE ENGAGED
18 BY AN HOA TO PERFORM COMMUNITY ASSOCIATION MANAGEMENT FOR
19 THE HOA, SO LONG AS THE INDIVIDUAL PERFORMS COMMUNITY
20 ASSOCIATION MANAGEMENT FOR ONLY ONE HOA AND THE HOA, UPON
21 ANNUAL REGISTRATION PURSUANT TO SECTION 38-33.3-401, HAS
22 DISCLOSED THE NAME OF THE INDIVIDUAL AS ITS MANAGING AGENT
23 EMPLOYED OR ENGAGED BY THE HOA TO PERFORM COMMUNITY
24 ASSOCIATION MANAGEMENT FOR THE HOA;

25 (III) ANY PUBLIC OFFICIAL IN THE CONDUCT OF THE PUBLIC
26 OFFICIAL'S OFFICIAL DUTIES;

27 (IV) A RECEIVER, TRUSTEE, ADMINISTRATOR, CONSERVATOR,

1 EXECUTOR, OR GUARDIAN ACTING UNDER PROPER AUTHORIZATION;

2 (V) AN INDIVIDUAL, A FIRM, A PARTNERSHIP, A LIMITED LIABILITY
3 COMPANY, OR AN ASSOCIATION ACTING PERSONALLY, OR A CORPORATION
4 ACTING THROUGH ITS OFFICERS OR REGULAR SALARIED EMPLOYEES, IN
5 ACQUIRING OR IN NEGOTIATING TO ACQUIRE ANY INTEREST IN REAL
6 ESTATE ON BEHALF OF THAT INDIVIDUAL OR ENTITY OR ON ITS OWN
7 BEHALF AS PRINCIPAL;

8 (VI) AN ATTORNEY IN CONNECTION WITH THE ATTORNEY'S
9 REPRESENTATION OF CLIENTS IN THE PRACTICE OF LAW;

10 (VII) AN INDEPENDENT CONTRACTOR WHO:

11 (A) PERFORMS ANY CLERICAL, MINISTERIAL, ACCOUNTING, OR
12 MAINTENANCE FUNCTION; OR

13 (B) IS NOT OTHERWISE ENGAGED IN THE PERFORMANCE OF
14 COMMUNITY ASSOCIATION MANAGEMENT; OR

15 (VIII) A CORPORATION, WITH RESPECT TO PROPERTY OWNED OR
16 LEASED BY IT, ACTING THROUGH ITS OFFICERS OR REGULAR SALARIED
17 EMPLOYEES, WHEN SUCH ACTS ARE INCIDENTAL AND NECESSARY IN THE
18 ORDINARY COURSE OF THE CORPORATION'S BUSINESS ACTIVITIES AND ARE
19 UNRELATED TO PROPERTY MANAGEMENT;

20 (c) AS USED IN SUBSECTIONS (6)(b)(V) AND (6)(b)(VIII) OF THIS
21 SECTION, "OFFICERS OR REGULAR SALARIED EMPLOYEES" MEANS
22 INDIVIDUALS REGULARLY EMPLOYED WHO DERIVE NOT LESS THAN
23 SEVENTY-FIVE PERCENT OF THEIR COMPENSATION FROM THE
24 CORPORATION IN THE FORM OF SALARIES.

25 (7) "CONTROLLING MANAGER" MEANS AN INDIVIDUAL WHO:

26 (a) MEETS THE EDUCATION REQUIREMENTS ESTABLISHED BY THE
27 DIRECTOR BY RULE PURSUANT TO SECTION 12-10-1002;

1 (b) DEMONSTRATES KNOWLEDGE OF THE LAWS OF THIS STATE
2 THAT GOVERN COMMON INTEREST COMMUNITIES AND HOAs, INCLUDING
3 THE "COLORADO REVISED NONPROFIT CORPORATION ACT", ARTICLES 121
4 TO 137 OF TITLE 7, THE CCIOA, AND ANY OTHER LAWS SPECIFIED BY THE
5 DIRECTOR BY RULE; AND

6 (c) ON BEHALF OF A LICENSED ENTITY, IS RESPONSIBLE FOR:

7 (I) PERFORMING COMMUNITY ASSOCIATION MANAGEMENT AND
8 SUPERVISING COMMUNITY ASSOCIATION MANAGEMENT PERFORMED BY
9 INDIVIDUALS EMPLOYED BY, OR ACTING ON BEHALF OF, THE LICENSED
10 ENTITY; AND

11 (II) RESPONDING TO THE DIVISION REGARDING ANY MATTER
12 RELATED TO THE REQUIREMENTS OF THIS PART 10.

13 (8) "EXECUTIVE BOARD" HAS THE MEANING SET FORTH IN SECTION
14 38-33.3-103 (16).

15 (9) (a) "HOA" OR "HOMEOWNERS' ASSOCIATION" MEANS AN
16 ASSOCIATION OR UNIT OWNERS' ASSOCIATION, WHETHER ORGANIZED
17 BEFORE, ON, OR AFTER JULY 1, 1992.

18 (b) "HOA" OR "HOMEOWNERS' ASSOCIATION" DOES NOT INCLUDE
19 AN ASSOCIATION OR UNIT OWNERS' ASSOCIATION IN WHICH A MAJORITY OF
20 UNITS THAT ARE DESIGNATED FOR RESIDENTIAL USE ARE TIME SHARE
21 UNITS, AS DEFINED IN SECTION 38-33-110 (7).

22 (10) "LICENSED ENTITY" MEANS A COMMUNITY ASSOCIATION
23 MANAGER LICENSED PURSUANT TO SECTION 12-10-1004.

24 (11) "LIMITED LIABILITY COMPANY" HAS THE MEANING SET FORTH
25 IN SECTION 7-80-102 (7).

26 (12) "MAJORITY OF UNITS", AS USED IN SUBSECTIONS (4)(b)(I) AND
27 (9)(b) OF THIS SECTION, MEANS THE UNITS TO WHICH ARE ALLOCATED

1 MORE THAN FIFTY PERCENT OF THE ALLOCATED INTERESTS IN THE
2 COMMON INTEREST COMMUNITY APPURTENANT TO ALL UNITS THAT ARE
3 DESIGNATED FOR RESIDENTIAL USE.

4 **12-10-1002. Rule-making authority - audits.** (1) THE DIRECTOR
5 MAY PROMULGATE RULES AS NECESSARY TO ENABLE THE DIRECTOR TO
6 CARRY OUT THE DIRECTOR'S DUTIES UNDER THIS PART 10, INCLUDING
7 RULES ESTABLISHING EDUCATION REQUIREMENTS FOR CONTROLLING
8 MANAGERS AND ANY EMPLOYEES OF A LICENSED ENTITY WHO PERFORM
9 COMMUNITY ASSOCIATION MANAGEMENT ON BEHALF OF THE LICENSED
10 ENTITY.

11 (2) THE DIRECTOR MAY CONDUCT AUDITS OF BUSINESS RECORDS
12 AND ACCOUNTS OF LICENSED ENTITIES AND MAY CONDUCT RANDOM
13 COMPLIANCE AUDITS TO ENSURE COMPLIANCE WITH THIS PART 10.

14 **12-10-1003. Community association manager license required**
15 **- violations - injunction.** (1) ON AND AFTER JULY 1, 2025, IT IS
16 UNLAWFUL FOR ANY BUSINESS ENTITY TO ENGAGE IN THE BUSINESS OF
17 COMMUNITY ASSOCIATION MANAGEMENT IN THIS STATE WITHOUT FIRST
18 HAVING OBTAINED A LICENSE FROM THE DIRECTOR PURSUANT TO SECTION
19 12-10-1004. THE DIRECTOR SHALL NOT GRANT A LICENSE TO A BUSINESS
20 ENTITY UNTIL THE BUSINESS ENTITY DEMONSTRATES COMPLIANCE WITH
21 THIS PART 10.

22 (2) IN ADDITION TO CONDUCTING HEARINGS AS PROVIDED IN
23 SECTION 12-10-1007, THE DIRECTOR MAY ENFORCE THIS PART 10 AND
24 RULES ADOPTED UNDER THIS PART 10 BY TAKING ONE OR MORE OF THE
25 FOLLOWING ACTIONS:

26 (a) IF THE DIRECTOR HAS REASONABLE CAUSE TO BELIEVE THAT A
27 PERSON IS VIOLATING THIS PART 10 OR A RULE ADOPTED UNDER THIS PART

1 10, THE DIRECTOR MAY ENTER AN ORDER REQUIRING THE PERSON TO
2 CEASE AND DESIST THE VIOLATION.

3 (b) THE DIRECTOR MAY APPLY TO A COURT OF COMPETENT
4 JURISDICTION FOR AN ORDER ENJOINING AN ACT OR PRACTICE THAT
5 CONSTITUTES A VIOLATION OF THIS PART 10, AND, UPON A SHOWING THAT
6 A BUSINESS ENTITY IS ENGAGING OR INTENDS TO ENGAGE IN AN ACT OR
7 PRACTICE THAT VIOLATES THIS PART 10, THE COURT SHALL GRANT AN
8 INJUNCTION, RESTRAINING ORDER, OR OTHER APPROPRIATE ORDER,
9 REGARDLESS OF THE EXISTENCE OF ANOTHER REMEDY FOR THE
10 VIOLATION. ANY NOTICE, HEARING, OR DURATION OF AN INJUNCTION OR
11 RESTRAINING ORDER SHALL BE MADE IN ACCORDANCE WITH THE
12 COLORADO RULES OF CIVIL PROCEDURE.

13 (3) A BUSINESS ENTITY VIOLATING THIS PART 10 BY ACTING AS A
14 COMMUNITY ASSOCIATION MANAGER WITHOUT HAVING OBTAINED A
15 LICENSE OR ACTING AS COMMUNITY ASSOCIATION MANAGER AFTER THE
16 COMMUNITY ASSOCIATION MANAGER'S LICENSE HAS BEEN REVOKED OR
17 DURING ANY PERIOD FOR WHICH THE LICENSE WAS SUSPENDED COMMITS
18 A CLASS 2 MISDEMEANOR AND SHALL BE PUNISHED AS PROVIDED IN
19 SECTION 18-1.3-501.

20 **12-10-1004. Community association manager license -**
21 **application - requirements - criminal history record check.** (1) A
22 BUSINESS ENTITY SHALL APPLY FOR A LICENSE AS A COMMUNITY
23 ASSOCIATION MANAGER TO THE DIRECTOR IN A MANNER PRESCRIBED BY
24 THE DIRECTOR.

25 (2) UPON A BUSINESS ENTITY'S COMPLIANCE WITH SUBSECTION (3)
26 OF THIS SECTION, THE DIRECTOR MAY GRANT A COMMUNITY ASSOCIATION
27 MANAGER LICENSE TO A BUSINESS ENTITY THAT:

- 1 (a) APPLIES FOR A LICENSE IN ACCORDANCE WITH SUBSECTION (1)
2 OF THIS SECTION;
- 3 (b) DEMONSTRATES COMPLIANCE WITH THE INSURANCE
4 REQUIREMENTS SPECIFIED IN SECTION 12-10-1005;
- 5 (c) DESIGNATES A CONTROLLING MANAGER TO BE RESPONSIBLE
6 FOR THE LICENSED PRACTICES OF THE BUSINESS ENTITY AND FOR ALL
7 INDIVIDUALS EMPLOYED BY THE BUSINESS ENTITY;
- 8 (d) DEMONSTRATES THAT THE BUSINESS ENTITY HAS A POLICY FOR
9 EVALUATING THE FITNESS AND ABILITY OF ITS EMPLOYEES TO PERFORM
10 THE DUTIES OF A COMMUNITY ASSOCIATION MANAGER; AND
- 11 (e) PAYS THE FEE DETERMINED BY THE DIRECTOR PURSUANT TO
12 SECTION 12-10-1006.

13 (3) (a) THE DIRECTOR SHALL NOT ISSUE A LICENSE TO ANY
14 BUSINESS ENTITY UNTIL THE INDIVIDUAL DESIGNATED BY THE BUSINESS
15 ENTITY AS THE CONTROLLING MANAGER OF THE BUSINESS ENTITY AND
16 ANY EMPLOYEE OF THE BUSINESS ENTITY WHO PERFORMS COMMUNITY
17 ASSOCIATION MANAGEMENT ON BEHALF OF THE BUSINESS ENTITY SUBMIT
18 TO A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK. EACH
19 INDIVIDUAL SUBMITTING A SET OF FINGERPRINTS OR THE BUSINESS ENTITY,
20 ON BEHALF OF EACH INDIVIDUAL SUBMITTING A SET OF FINGERPRINTS,
21 SHALL PAY THE COSTS ASSOCIATED WITH THE FINGERPRINT-BASED
22 CRIMINAL HISTORY RECORD CHECK.

23 (b) THE INDIVIDUAL SHALL HAVE THE INDIVIDUAL'S FINGERPRINTS
24 TAKEN BY A LOCAL LAW ENFORCEMENT AGENCY OR ANY THIRD PARTY
25 APPROVED BY THE COLORADO BUREAU OF INVESTIGATION FOR THE
26 PURPOSE OF OBTAINING A FINGERPRINT-BASED CRIMINAL HISTORY RECORD
27 CHECK. THE INDIVIDUAL SHALL AUTHORIZE THE ENTITY TAKING THE

1 FINGERPRINTS TO SUBMIT, AND THE ENTITY SHALL SUBMIT, THE COMPLETE
2 SET OF THE APPLICANT'S FINGERPRINTS TO THE COLORADO BUREAU OF
3 INVESTIGATION FOR THE PURPOSE OF CONDUCTING A FINGERPRINT-BASED
4 CRIMINAL HISTORY RECORD CHECK.

5 (c) IF AN APPROVED THIRD PARTY TAKES THE INDIVIDUAL'S
6 FINGERPRINTS, THE FINGERPRINTS MAY BE ELECTRONICALLY CAPTURED
7 USING COLORADO BUREAU OF INVESTIGATION-APPROVED LIVSCAN
8 EQUIPMENT. THIRD-PARTY VENDORS SHALL NOT KEEP THE APPLICANT'S
9 INFORMATION FOR MORE THAN THIRTY DAYS.

10 (d) THE COLORADO BUREAU OF INVESTIGATION SHALL USE THE
11 INDIVIDUAL'S FINGERPRINTS TO CONDUCT A CRIMINAL HISTORY RECORD
12 CHECK USING THE BUREAU'S RECORDS. THE COLORADO BUREAU OF
13 INVESTIGATION SHALL ALSO FORWARD THE FINGERPRINTS TO THE FEDERAL
14 BUREAU OF INVESTIGATION FOR THE PURPOSE OF CONDUCTING A
15 FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK. THE COLORADO
16 BUREAU OF INVESTIGATION, THE INDIVIDUAL SUBMITTING TO THE
17 FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK, THE DIRECTOR,
18 AND THE ENTITY TAKING FINGERPRINTS SHALL COMPLY WITH THE FEDERAL
19 BUREAU OF INVESTIGATION'S REQUIREMENTS TO CONDUCT A CRIMINAL
20 HISTORY RECORD CHECK.

21 (e) THE COLORADO BUREAU OF INVESTIGATION SHALL RETURN THE
22 RESULTS OF ITS CRIMINAL HISTORY RECORD CHECK TO THE DIVISION, AND
23 THE DIVISION IS AUTHORIZED TO RECEIVE THE RESULTS OF THE FEDERAL
24 BUREAU OF INVESTIGATION'S CRIMINAL HISTORY RECORD CHECK. THE
25 DIVISION SHALL USE THE INFORMATION RESULTING FROM THE CRIMINAL
26 HISTORY RECORD CHECKS TO INVESTIGATE AND DETERMINE WHETHER AN
27 APPLICANT IS QUALIFIED TO HOLD A LICENSE PURSUANT TO THIS SECTION

1 OR TO PERFORM COMMUNITY ASSOCIATION MANAGEMENT AS AN
2 EMPLOYEE OF A BUSINESS ENTITY.

3 (f) WHEN THE FEDERAL BUREAU OF INVESTIGATION IS UNABLE TO
4 COMPLETE A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK OF
5 AN APPLICANT, THE COLORADO BUREAU OF INVESTIGATION SHALL INFORM
6 THE DIVISION, AND THE DIVISION MAY CONDUCT A CRIMINAL HISTORY
7 RECORD CHECK OF THE PERSON USING THE COLORADO BUREAU OF
8 INVESTIGATION'S RECORDS AS A SUBSTITUTE FOR THE FINGERPRINT-BASED
9 CRIMINAL HISTORY RECORD CHECK REQUIRED IN THIS SUBSECTION (3).

10 (g) WHEN THE RESULTS OF A CRIMINAL HISTORY RECORD CHECK
11 OF AN APPLICANT PERFORMED PURSUANT TO THIS SUBSECTION (3) REVEAL
12 A RECORD OF ARREST WITHOUT A DISPOSITION, THE DIVISION SHALL
13 REQUIRE THE APPLICANT TO SUBMIT TO A NAME-BASED JUDICIAL RECORD
14 CHECK, AS DEFINED IN SECTION 22-2-119.3 (6)(d). THE INDIVIDUAL OR
15 THE BUSINESS ENTITY, ON BEHALF OF THE INDIVIDUAL, SHALL PAY THE
16 COSTS ASSOCIATED WITH A NAME-BASED CRIMINAL HISTORY RECORD
17 CHECK.

18 (h) THE DIRECTOR MAY DENY AN APPLICATION FOR LICENSURE OR
19 REFUSE TO RENEW A LICENSE BASED ON THE OUTCOME OF THE CRIMINAL
20 HISTORY RECORD CHECK AND SHALL DENY AN APPLICATION IF THE
21 OUTCOME OF THE CRIMINAL HISTORY RECORD CHECK INDICATES THAT THE
22 CONTROLLING MANAGER OR AN EMPLOYEE WHO PERFORMS COMMUNITY
23 ASSOCIATION MANAGEMENT ON BEHALF OF THE BUSINESS ENTITY HAS,
24 WITHIN THE IMMEDIATELY PRECEDING FIVE YEARS, BEEN CONVICTED OF
25 AN OFFENSE INVOLVING UNLAWFUL SEXUAL BEHAVIOR LISTED IN SECTION
26 16-22-102 (9); FIRST DEGREE BURGLARY, AS DESCRIBED IN SECTION
27 18-4-202; SECOND DEGREE BURGLARY, AS DESCRIBED IN SECTION

1 18-4-203; OR ANY FELONY INVOLVING FRAUD, THEFT, LARCENY,
2 EMBEZZLEMENT, FRAUDULENT CONVERSION, OR MISAPPROPRIATION OF
3 PROPERTY.

4 (4) (a) THE DIRECTOR SHALL NOT ISSUE A LICENSE TO A BUSINESS
5 ENTITY IF:

6 (I) THE INDIVIDUAL DESIGNATED BY THE BUSINESS ENTITY AS THE
7 CONTROLLING MANAGER OR AN EMPLOYEE OF THE BUSINESS ENTITY WHO
8 PERFORMS COMMUNITY ASSOCIATION MANAGEMENT ON BEHALF OF THE
9 LICENSED ENTITY HAS PREVIOUSLY HAD, IN ANY STATE, A COMMUNITY
10 ASSOCIATION MANAGER REGISTRATION, LICENSE, OR CERTIFICATE
11 REFUSED, DENIED, CANCELED, SURRENDERED IN LIEU OF REVOCATION, OR
12 REVOKED; OR

13 (II) THE BUSINESS ENTITY IS OWNED, IN WHOLE OR IN PART,
14 DIRECTLY OR INDIRECTLY, BY ANY PERSON WHO HAS HAD, IN ANY STATE,
15 A COMMUNITY ASSOCIATION MANAGER LICENSE, REGISTRATION, OR
16 CERTIFICATE REFUSED, DENIED, CANCELED, SURRENDERED IN LIEU OF
17 REVOCATION, OR REVOKED.

18 (b) A DISCIPLINARY ACTION RESULTING IN REFUSAL, DENIAL,
19 CANCELLATION, SURRENDER IN LIEU OF REVOCATION, OR REVOCATION
20 RELATING TO A LICENSE AS A COMMUNITY ASSOCIATION MANAGER UNDER
21 THIS PART 10 OR ANY RELATED OCCUPATION IN ANY OTHER STATE,
22 TERRITORY, OR COUNTRY FOR DISCIPLINARY REASONS IS PRIMA FACIE
23 EVIDENCE OF GROUNDS FOR DENIAL OF A LICENSE BY THE DIRECTOR.

24 (5) THE DIRECTOR MAY DENY AN APPLICATION FOR A LICENSE FOR
25 A BUSINESS ENTITY THAT HAS PREVIOUSLY HAD A LICENSE REVOKED OR
26 HAS SURRENDERED A LICENSE IN LIEU OF REVOCATION. A DISCIPLINARY
27 ACTION RESULTING IN THE SURRENDER IN LIEU OF REVOCATION OR THE

1 REVOCATION OF A LICENSE AS A COMMUNITY ASSOCIATION MANAGER
2 UNDER THIS PART 10 OR ANY RELATED OCCUPATION IN ANY OTHER STATE,
3 TERRITORY, OR COUNTRY FOR DISCIPLINARY REASONS MAY BE DEEMED TO
4 BE PRIMA FACIE EVIDENCE OF GROUNDS FOR DENIAL OF A LICENSE BY THE
5 DIRECTOR.

6 (6) EACH COMMUNITY ASSOCIATION MANAGER MUST MAINTAIN A
7 DEFINITE PLACE OF BUSINESS. IF A COMMUNITY ASSOCIATION MANAGER IS
8 DOMICILED IN ANOTHER STATE, THE CONTROLLING MANAGER DESIGNATED
9 BY THE COMMUNITY ASSOCIATION MANAGER IS RESPONSIBLE FOR
10 SUPERVISING ALL LICENSED ACTIVITIES THAT OCCUR IN COLORADO. ALL
11 LICENSED ACTIONS OCCURRING WITHIN THE STATE OF COLORADO MUST
12 OCCUR UNDER THE NAME UNDER WHICH THE COMMUNITY ASSOCIATION
13 MANAGER IS LICENSED OR ITS TRADE NAME ADOPTED IN ACCORDANCE
14 WITH COLORADO LAW.

15 (7) IF THE BUSINESS ENTITY THAT APPLIES FOR A LICENSE
16 PURSUANT TO THIS SECTION IS:

17 (a) A PARTNERSHIP, THE PARTNERSHIP MUST BE PROPERLY
18 REGISTERED WITH THE COLORADO DEPARTMENT OF REVENUE OR
19 PROPERLY FILED WITH THE COLORADO SECRETARY OF STATE AND IN GOOD
20 STANDING, PROOF OF WHICH MUST BE INCLUDED IN THE APPLICATION. IF
21 AN ASSUMED OR TRADE NAME IS TO BE USED, THE NAME MUST BE
22 PROPERLY FILED WITH THE COLORADO DEPARTMENT OF REVENUE OR FILED
23 AND ACCEPTED BY THE COLORADO SECRETARY OF STATE, PROOF OF WHICH
24 MUST BE INCLUDED WITH THE APPLICATION.

25 (b) A LIMITED LIABILITY COMPANY, THE LIMITED LIABILITY
26 COMPANY MUST BE PROPERLY REGISTERED WITH THE COLORADO
27 SECRETARY OF STATE AND IN GOOD STANDING, PROOF OF WHICH MUST BE

1 INCLUDED WITH THE APPLICATION. IF AN ASSUMED OR TRADE NAME IS TO
2 BE USED, THE NAME MUST BE PROPERLY FILED WITH THE COLORADO
3 SECRETARY OF STATE, PROOF OF WHICH MUST BE INCLUDED WITH THE
4 APPLICATION.

5 (c) A CORPORATION, THE CORPORATION MUST BE REGISTERED AS
6 A FOREIGN CORPORATION OR PROPERLY INCORPORATED WITH THE
7 COLORADO SECRETARY OF STATE AND IN GOOD STANDING, PROOF OF
8 WHICH MUST BE INCLUDED WITH THE APPLICATION. IF AN ASSUMED OR
9 TRADE NAME IS TO BE USED, THE NAME MUST BE PROPERLY FILED WITH
10 THE COLORADO SECRETARY OF STATE, PROOF OF WHICH MUST BE
11 INCLUDED WITH THE APPLICATION.

12 **12-10-1005. Insurance required - rules.** A BUSINESS ENTITY
13 LICENSED PURSUANT TO THIS PART 10 MUST BE INSURED AS NECESSARY TO
14 COVER ALL ACTIVITIES CONTEMPLATED UNDER THIS PART 10 IN AN
15 AMOUNT AND UNDER TERMS AND CONDITIONS SPECIFIED BY THE DIRECTOR
16 BY RULE. IN PROMULGATING RULES UNDER THIS SECTION, THE DIRECTOR
17 SHALL SOLICIT AND CONSIDER INFORMATION AND COMMENTS FROM
18 INTERESTED PERSONS.

19 **12-10-1006. License fees - renewal - rules.** (1) (a) IN
20 ACCORDANCE WITH SUBSECTION (1)(b) OF THIS SECTION, THE DIRECTOR
21 SHALL ESTABLISH, COLLECT, AND PERIODICALLY ADJUST, IN ACCORDANCE
22 WITH SECTION 12-10-215, FEES FOR:

23 (I) EACH BUSINESS ENTITY'S ORIGINAL APPLICATION AND LICENSE;
24 (II) EACH RENEWAL OR REINSTATEMENT OF A LICENSE; AND
25 (III) ANY CHANGE OF NAME, ADDRESS, OR EMPLOYMENT STATUS
26 REQUIRING A CHANGE IN DIRECTOR RECORDS.

27 (b) THE DIRECTOR SHALL ENGAGE IN RULE-MAKING TO ESTABLISH

1 AN EQUITABLE FEE STRUCTURE THAT CONTEMPLATES THE SIZE OF THE
2 BUSINESS ENTITY, THE NUMBER OF EMPLOYEES PERFORMING COMMUNITY
3 ASSOCIATION MANAGEMENT ACTIVITIES FOR THE BUSINESS ENTITY, AND
4 THE NUMBER AND SIZE OF THE ASSETS MANAGED.

5 (2) THE DIRECTOR SHALL TRANSMIT ALL FEES TO THE STATE
6 TREASURER, WHO SHALL CREDIT THEM TO THE DIVISION OF REAL ESTATE
7 CASH FUND CREATED IN SECTION 12-10-215 (2)(b). FEES COLLECTED
8 PURSUANT TO THIS SECTION ARE NONREFUNDABLE.

9 (3) (a) LICENSES ARE VALID FOR UP TO TWO YEARS, SUBJECT TO
10 EXPIRATION AND RENEWAL ON A SCHEDULE DETERMINED BY THE
11 DIRECTOR.

12 (b) THE DIRECTOR SHALL ESTABLISH, BY RULE, THE REQUIREMENTS
13 FOR SUBSEQUENT CRIMINAL HISTORY RECORD CHECKS.

14 **12-10-1007. Investigation - disciplinary actions - grounds for**
15 **discipline - rules.** (1) (a) THE DIRECTOR, UPON THE DIRECTOR'S OWN
16 MOTION, MAY, AND, UPON THE COMPLAINT IN WRITING OF ANY PERSON,
17 SHALL, INVESTIGATE THE ACTIVITIES OF ANY LICENSED ENTITY OR ANY
18 BUSINESS ENTITY THAT ASSUMES TO ACT IN THE CAPACITY OF A LICENSED
19 ENTITY WITHIN THIS STATE. AFTER HOLDING A HEARING IN ACCORDANCE
20 WITH THE "STATE ADMINISTRATIVE PROCEDURE ACT", ARTICLE 4 OF TITLE
21 24, AND FINDING THAT A LICENSED ENTITY OR PERSON HAS PERFORMED,
22 IS PERFORMING, OR IS ATTEMPTING TO PERFORM ANY OF THE ACTS
23 SPECIFIED IN SUBSECTION (2) OF THIS SECTION, THE DIRECTOR MAY:

24 (I) IMPOSE AN ADMINISTRATIVE FINE NOT TO EXCEED FIVE
25 THOUSAND DOLLARS;

26 (II) CENSURE A LICENSED ENTITY;

27 (III) ISSUE A LETTER OF ADMONITION;

1 (IV) ISSUE A LETTER OF CONCERN;

2 (V) ENTER INTO A STIPULATION WITH THE LICENSED ENTITY FOR
3 DIVERSION;

4 (VI) PLACE THE LICENSED ENTITY ON PROBATION AND SET THE
5 TERMS OF PROBATION;

6 (VII) TEMPORARILY SUSPEND A LICENSED ENTITY'S LICENSE; OR
7 (VIII) PERMANENTLY REVOKE A LICENSED ENTITY'S LICENSE.

8 (b) THE DIRECTOR SHALL DEVELOP, BY RULE, A POINTS-BASED
9 DISCIPLINARY SYSTEM TO DETERMINE THE LEVEL OF DISCIPLINE TO IMPOSE
10 ON A LICENSED ENTITY OR OTHER PERSON BASED ON THE POINTS ASSIGNED
11 TO EACH ACT SPECIFIED IN SUBSECTION (2) OF THIS SECTION. THE
12 POINTS-BASED DISCIPLINARY SYSTEM MUST INCLUDE A PROCESS FOR
13 REDUCING OR ELIMINATING POINTS AFTER A PERIOD OF TIME WITH NO
14 ADDITIONAL VIOLATIONS.

15 (c) THE DIRECTOR SHALL POST ON THE DIVISION'S WEBSITE A LIST
16 OF ALL LICENSED ENTITIES IN THIS STATE AND ANY POINTS ATTRIBUTED TO
17 EACH LICENSED ENTITY PURSUANT TO THE POINTS-BASED DISCIPLINARY
18 SYSTEM.

19 (2) THE DIRECTOR MAY TAKE DISCIPLINARY ACTION PURSUANT TO
20 SUBSECTION (1) OF THIS SECTION IF A LICENSED ENTITY OR OTHER PERSON
21 HAS ENGAGED IN, IS ENGAGING IN, OR IS ATTEMPTING TO ENGAGE IN, AND
22 IS GUILTY OF COMMITTING, ANY OF THE FOLLOWING ACTS OR OMISSIONS:

23 (a) MISMANAGING OR MISAPPROPRIATING HOA MONEY;

24 (b) KNOWINGLY VIOLATING OR DIRECTING OTHERS TO VIOLATE
25 ANY LAW OR ANY COVENANT OR RULES OF AN HOA;

26 (c) FAILING TO ACCOUNT FOR OR TO REMIT, WITHIN A REASONABLE
27 TIME, ANY MONEY IN THE LICENSED ENTITY'S POSSESSION THAT BELONGS

1 TO OTHERS, WHETHER WHILE ACTING AS A COMMUNITY ASSOCIATION
2 MANAGER OR OTHERWISE, OR FAILING TO KEEP RECORDS RELATIVE TO
3 SUCH MONEY, WHICH RECORDS MUST CONTAIN ANY INFORMATION
4 REQUIRED BY RULES OF THE DIRECTOR AND ARE SUBJECT TO AUDIT BY THE
5 DIRECTOR;

6 (d) CONVERTING THE MONEY OF OTHERS, DIVERTING THE MONEY
7 OF OTHERS WITHOUT PROPER AUTHORIZATION, COMMINGLING THE MONEY
8 OF OTHERS WITH THE LICENSED ENTITY'S OWN MONEY, OR FAILING TO
9 KEEP:

10 (I) THE MONEY OF OTHERS IN A SEGREGATED ACCOUNT WITH A
11 BANK OR RECOGNIZED DEPOSITORY IN THIS STATE, WHICH ACCOUNT MAY
12 BE ANY TYPE OF CHECKING, DEMAND, PASSBOOK, OR STATEMENT
13 ACCOUNT INSURED BY AN AGENCY OF THE UNITED STATES GOVERNMENT;
14 AND

15 (II) RECORDS RELATIVE TO THE DEPOSIT OF THE FUNDS IN A
16 SEGREGATED ACCOUNT THAT INCLUDE ANY INFORMATION REQUIRED BY
17 RULES OF THE DIRECTOR AND ARE SUBJECT TO AUDIT BY THE DIRECTOR;

18 (e) DISREGARDING OR VIOLATING, OR AIDING OR ABETTING ANY
19 VIOLATION OF, THIS PART 10 OR ANY APPLICABLE RULE OR ORDER OF THE
20 DIRECTOR;

21 (f) IN THE CASE OF A CONTROLLING MANAGER ACTING ON BEHALF
22 OF THE LICENSED ENTITY, FAILING TO EXERCISE REASONABLE SUPERVISION
23 OVER THE ACTIVITIES OF EMPLOYEES OR OTHER INDIVIDUALS PERFORMING
24 COMMUNITY ASSOCIATION MANAGEMENT ON BEHALF OF THE LICENSED
25 ENTITY;

26 (g) PROCURING A LICENSE OR RENEWING, REINSTATING, OR
27 REACTIVATING A LICENSE BY FRAUD, MISREPRESENTATION, OR DECEIT OR

1 BY MAKING A MATERIAL MISSTATEMENT OF FACT IN AN APPLICATION FOR
2 A LICENSE;

3 (h) ACTING OUTSIDE THE SCOPE OF AUTHORITY GRANTED BY THE
4 ISSUANCE OF A LICENSE;

5 (i) FAILING TO COOPERATE IN A LEGAL OR REGULATORY
6 INVESTIGATION;

7 (j) FAILING TO DISCLOSE TO AN EXECUTIVE BOARD OR AN HOA
8 ANY CONFLICTS OF INTEREST THE LICENSED ENTITY HAS WITH
9 CONTRACTORS, VENDORS, OR ATTORNEYS THE LICENSED ENTITY
10 RECOMMENDS TO THE EXECUTIVE BOARD OR HOA;

11 (k) FAILING TO PROVIDE TO THE DIRECTOR OR TO AN HOA WITH
12 WHICH THE LICENSED ENTITY CONTRACTS THE CRIMINAL HISTORY
13 RECORDS, IF ANY, RELATING TO THE HANDLING OR ACCOUNTING OF CLIENT
14 MONEY BY THE LICENSED ENTITY'S CONTROLLING MANAGER OR AN
15 EMPLOYEE OF THE LICENSED ENTITY THAT HANDLES OR PROVIDES
16 ACCOUNTING FOR CLIENT MONEY;

17 (l) FAILING TO ENSURE THE LICENSED ENTITY'S CONTROLLING
18 MANAGER AND ANY EMPLOYEES WHO PERFORM COMMUNITY ASSOCIATION
19 MANAGEMENT ON BEHALF OF THE LICENSED ENTITY MEET THE EDUCATION
20 REQUIREMENTS ESTABLISHED BY THE DIRECTOR BY RULE PURSUANT TO
21 SECTION 12-10-1002 (1);

22 (m) FAILING TO PERFORM THE TERMS OF A WRITTEN AGREEMENT
23 BETWEEN THE LICENSED ENTITY AND AN EXECUTIVE BOARD OR HOA; OR

24 (n) ANY OTHER CONDUCT, WHETHER OF THE SAME OR OF A
25 DIFFERENT CHARACTER THAN ANY ACT SPECIFIED IN THIS SUBSECTION (2),
26 THAT CONSTITUTES DISHONEST DEALING.

27 (3) COMPLAINTS OF RECORD IN THE OFFICE OF THE DIRECTOR AND

1 DIVISION INVESTIGATIONS, INCLUDING INVESTIGATIVE FILES, ARE CLOSED
2 TO PUBLIC INSPECTION. STIPULATIONS AND FINAL AGENCY ORDERS ARE
3 PUBLIC RECORDS SUBJECT TO SECTIONS 24-72-203 AND 24-72-204.

4 (4) ALL ADMINISTRATIVE FINES COLLECTED PURSUANT TO THIS
5 SECTION SHALL BE TRANSMITTED TO THE STATE TREASURER, WHO SHALL
6 CREDIT THEM TO THE DIVISION OF REAL ESTATE CASH FUND CREATED IN
7 SECTION 12-10-215 (2)(b).

8 (5) UPON INVESTIGATION OF THE ACTIVITIES OF A LICENSED
9 ENTITY, IF THE DIVISION BECOMES AWARE OF FACTS OR CIRCUMSTANCES
10 THAT FALL WITHIN THE JURISDICTION OF A CRIMINAL JUSTICE OR OTHER
11 LAW ENFORCEMENT AUTHORITY, THE DIVISION SHALL, IN ADDITION TO
12 EXERCISING ITS AUTHORITY UNDER THIS PART 10, REFER AND TRANSMIT
13 THE INFORMATION, WHICH MAY INCLUDE ORIGINALS OR COPIES OF
14 DOCUMENTS AND MATERIALS, TO ONE OR MORE CRIMINAL JUSTICE OR
15 OTHER LAW ENFORCEMENT AUTHORITIES FOR INVESTIGATION AND
16 PROSECUTION AS AUTHORIZED BY LAW.

17 **12-10-1008. Hearings - use of administrative law judges -**
18 **subpoenas - judicial review - immunity - rules.** (1) EXCEPT AS
19 OTHERWISE PROVIDED IN THIS SECTION, ALL PROCEEDINGS BEFORE THE
20 DIRECTOR WITH RESPECT TO DISCIPLINARY ACTIONS AND DENIAL OF
21 LICENSURE UNDER THIS PART 10, AT THE DISCRETION OF THE DIRECTOR,
22 MAY BE CONDUCTED BY AN AUTHORIZED REPRESENTATIVE OF THE
23 DIRECTOR OR BY AN ADMINISTRATIVE LAW JUDGE PURSUANT TO SECTIONS
24 24-4-104 AND 24-4-105.

25 (2) VENUE FOR PROCEEDINGS IS IN THE COUNTY WHERE THE
26 DIRECTOR'S OFFICE IS LOCATED OR IN SUCH OTHER PLACE AS THE
27 DIRECTOR MAY DESIGNATE.

1 (3) THE DIRECTOR, AN AUTHORIZED REPRESENTATIVE OF THE
2 DIRECTOR, OR, SUBJECT TO APPROPRIATIONS MADE TO THE DEPARTMENT
3 OF PERSONNEL, AN ADMINISTRATIVE LAW JUDGE ON BEHALF OF THE
4 DIRECTOR SHALL CONDUCT ALL HEARINGS FOR DENYING A LICENSE OR
5 TAKING DISCIPLINARY ACTION. EACH ADMINISTRATIVE LAW JUDGE SHALL
6 BE APPOINTED PURSUANT TO PART 10 OF ARTICLE 30 OF TITLE 24. THE
7 ADMINISTRATIVE LAW JUDGE SHALL CONDUCT THE HEARING IN
8 ACCORDANCE WITH SECTIONS 24-4-104 AND 24-4-105. A LICENSE SHALL
9 NOT BE DENIED, SUSPENDED, OR REVOKED UNTIL THE DIRECTOR HAS MADE
10 A DECISION.

11 (4) THE DIRECTOR, AUTHORIZED REPRESENTATIVE OF THE
12 DIRECTOR, OR ADMINISTRATIVE LAW JUDGE APPOINTED FOR HEARINGS
13 MAY ISSUE A SUBPOENA COMPELLING THE ATTENDANCE AND TESTIMONY
14 OF WITNESSES AND THE PRODUCTION OF BOOKS, PAPERS, RECORDS, OR
15 OTHER EVIDENCE PURSUANT TO AN INVESTIGATION OR HEARING.
16 SUBPOENAS MUST BE SERVED IN THE SAME MANNER AS SUBPOENAS ISSUED
17 BY DISTRICT COURTS AND ISSUED WITHOUT DISCRIMINATION BETWEEN
18 PUBLIC AND PRIVATE PARTIES REQUIRING THE ATTENDANCE OF WITNESSES
19 AND THE PRODUCTION OF DOCUMENTS AT HEARINGS. IF A PERSON FAILS TO
20 OBEY A SUBPOENA ISSUED BY THE DIRECTOR, AUTHORIZED
21 REPRESENTATIVE OF THE DIRECTOR, OR APPOINTED ADMINISTRATIVE LAW
22 JUDGE, THE DIRECTOR MAY PETITION THE DISTRICT COURT OF THE CITY
23 AND COUNTY OF DENVER FOR ISSUANCE OF AN ORDER COMPELLING A
24 WITNESS TO ATTEND AND TESTIFY OR PRODUCE BOOKS, PAPERS, RECORDS,
25 OR OTHER EVIDENCE UNDER PENALTY OF PUNISHMENT FOR CONTEMPT.

26 (5) A DECISION OF THE DIRECTOR IN ANY DISCIPLINARY ACTION OR
27 DENIAL OF LICENSURE UNDER THIS SECTION IS SUBJECT TO JUDICIAL

1 REVIEW BY THE COURT OF APPEALS PURSUANT TO SECTION 13-4-102 (2).

2 (6) IN ANY HEARING CONDUCTED BY THE DIRECTOR OR AN
3 AUTHORIZED REPRESENTATIVE OF THE DIRECTOR IN WHICH THERE IS A
4 POSSIBILITY OF THE DENIAL, SUSPENSION, OR REVOCATION OF A LICENSE
5 BECAUSE OF THE CONVICTION OF A FELONY OR OF A CRIME INVOLVING
6 MORAL TURPITUDE, THE DIRECTOR OR DIRECTOR'S AUTHORIZED
7 REPRESENTATIVE IS GOVERNED BY SECTION 24-5-101.

8 (7) A PERSON PARTICIPATING IN GOOD FAITH IN FILING A
9 COMPLAINT OR REPORT OR PARTICIPATING IN AN INVESTIGATION OR
10 HEARING BEFORE THE DIRECTOR OR AN ADMINISTRATIVE LAW JUDGE
11 PURSUANT TO THIS PART 10 IS IMMUNE FROM ANY LIABILITY, CIVIL OR
12 CRIMINAL, THAT OTHERWISE MIGHT RESULT BY REASON OF SUCH ACTION.

13 **12-10-1009. Repeal of part.** THIS PART 10 IS REPEALED,
14 EFFECTIVE SEPTEMBER 1, 2029. BEFORE THE REPEAL, THIS PART 10 IS
15 SCHEDULED FOR REVIEW IN ACCORDANCE WITH SECTION 24-34-104.

16 **SECTION 3.** In Colorado Revised Statutes, 24-34-104, **add**
17 (30)(a)(IX) as follows:

18 **24-34-104. General assembly review of regulatory agencies**
19 **and functions for repeal, continuation, or reestablishment - legislative**
20 **declaration - repeal.** (30) (a) The following agencies, functions, or both,
21 are scheduled for repeal on September 1, 2029:

22 (IX) THE LICENSING OF COMMUNITY ASSOCIATION MANAGERS BY
23 THE DIRECTOR OF THE DIVISION OF REAL ESTATE IN THE DEPARTMENT OF
24 REGULATORY AGENCIES IN ACCORDANCE WITH PART 10 OF ARTICLE 10 OF
25 TITLE 12.

26 **SECTION 4.** In Colorado Revised Statutes, 12-10-215, **amend**
27 (1) and (2)(a)(I) as follows:

1 **12-10-215. Fee adjustments - cash fund created.** (1) This
2 section applies to all activities of the division under parts 2, 5, 6, and 7,
3 AND 10 of this article 10.

4 (2) (a) (I) The division shall propose, as part of its annual budget
5 request, an adjustment in the amount of each fee that it is authorized by
6 law to collect under parts 2, 5, 6, and 7, AND 10 of this article 10. The
7 budget request and the adjusted fees for the division must reflect direct
8 and indirect costs.

9 **SECTION 5.** In Colorado Revised Statutes, 13-4-102, **recreate**
10 **and reenact, with amendments,** (2)(m.5) as follows:

11 **13-4-102. Jurisdiction.** (2) The court of appeals has initial
12 jurisdiction to:

13 (m.5) REVIEW FINAL DECISIONS AND ORDERS OF THE DIVISION OF
14 REAL ESTATE, AS PROVIDED IN SECTION 12-10-1008 (5).

15 **SECTION 6. Act subject to petition - effective date.** This act
16 takes effect at 12:01 a.m. on the day following the expiration of the
17 ninety-day period after final adjournment of the general assembly; except
18 that, if a referendum petition is filed pursuant to section 1 (3) of article V
19 of the state constitution against this act or an item, section, or part of this
20 act within such period, then the act, item, section, or part will not take
21 effect unless approved by the people at the general election to be held in
22 November 2024 and, in such case, will take effect on the date of the
23 official declaration of the vote thereon by the governor.