

HB1212_L.004

HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on Transportation & Local Government.

HB19-1212 be amended as follows:

- 1 Amend printed bill, page 2, after line 1 insert:
- 2 **"SECTION 1.** In Colorado Revised Statutes, 6-1-105, add (1)(III)
3 as follows:
- 4 **6-1-105. Deceptive trade practices.** (1) A person engages in a
5 deceptive trade practice when, in the course of the person's business,
6 vocation, or occupation, the person:
- 7 (III) KNOWINGLY:
- 8 (I) HOLDS HIMSELF OR HERSELF OUT AS, OR CLAIMS TO BE, THE
9 HOLDER OF A VOLUNTARY CERTIFICATION AS A COMMUNITY ASSOCIATION
10 MANAGER ISSUED BY THE DIRECTOR OF THE DIVISION OF REAL ESTATE IN
11 THE DEPARTMENT OF REGULATORY AGENCIES WITHOUT CURRENTLY
12 HOLDING SUCH CERTIFICATION; OR
- 13 (II) USES IN CONNECTION WITH THE MARKETING OR ADVERTISING
14 OF HIS OR HER SERVICES THE DESIGNATION "CERTIFIED COMMUNITY
15 ASSOCIATION MANAGER", "CERTIFIED MANAGER", OR "CERTIFIED CAM"
16 WITHOUT HAVING QUALIFIED FOR AND CURRENTLY HOLDING A
17 VOLUNTARY CERTIFICATION AS A COMMUNITY ASSOCIATION MANAGER
18 ISSUED BY THE DIRECTOR OF THE DIVISION OF REAL ESTATE IN THE
19 DEPARTMENT OF REGULATORY AGENCIES."
- 20 Renumber succeeding sections accordingly.
- 21 Page 2, strike line 8.
- 22 Page 3, strike lines 1 through 8.
- 23 Renumber succeeding subsections accordingly.
- 24 Page 3, line 21, strike "(3)," and substitute "(2),".
- 25 Page 7, strike lines 11 through 18 and substitute:
- 26 **"12-61-1002. Voluntary certification - use of title -**
27 **applications - administrative and legal remedies.** (1) THE DIRECTOR
28 SHALL ACCEPT APPLICATIONS FOR VOLUNTARY CERTIFICATION UNDER THIS
29 PART 10 AND SHALL GRANT CERTIFICATIONS TO APPLICANTS WHO QUALIFY
30 UNDER SUBSECTION (5) OF THIS SECTION."
- 31 Page 7, strike lines 21 through 27.

1 Page 8, strike lines 1 through 9 and substitute "PART 10."

2 Page 8, line 10, strike "(b)" and substitute "(3)".

3 Page 8, strike lines 13 through 19 and substitute:

4 **"12-61-1003. Application for voluntary certification - criminal**
5 **history record check - examination - rules. (1) BEFORE SUBMITTING AN**
6 **APPLICATION FOR A VOLUNTARY CERTIFICATION PURSUANT TO THIS PART**
7 **10, EACH APPLICANT MUST".**

8 Page 11, strike lines 5 through 27.

9 Strike page 12.

10 Page 13, strike lines 1 through 15 and substitute:

11 "(5) (a) (I) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION
12 (5)(a)(II) OF THIS SECTION, TO QUALIFY FOR VOLUNTARY CERTIFICATION
13 UNDER THIS PART 10, AN APPLICANT MUST HAVE, WITHIN THE
14 IMMEDIATELY PRECEDING FIVE YEARS:

15 (A) PASSED A KNOWLEDGE, SKILLS, AND APTITUDE EXAMINATION
16 OR ACHIEVED A CERTIFICATION DESIGNATION ENDORSED BY THE
17 COMMUNITY ASSOCIATION MANAGERS INTERNATIONAL CERTIFICATION
18 BOARD OR COMMUNITY ASSOCIATIONS INSTITUTE; AND

19 (B) SATISFACTORILY COMPLETED AT LEAST 30 HOURS OF
20 COURSEWORK COVERING THE SUBJECTS DESCRIBED IN SUBSECTION (5)(b)
21 OF THIS SECTION, AS APPROVED BY THE DIRECTOR, AND SATISFACTORILY
22 PASSED AN EXAMINATION TESTING THE APPLICANT'S KNOWLEDGE OF
23 THOSE SUBJECTS.

24 (II) AN APPLICANT IS EXEMPT FROM THE REQUIREMENTS OF
25 SUBSECTIONS (5)(a)(I)(A) AND (5)(a)(I)(B) OF THIS SECTION IF THE
26 APPLICANT HAS, WITHIN THE IMMEDIATELY PRECEDING THREE YEARS,
27 HELD A VALID COMMUNITY ASSOCIATION MANAGER LICENSE ISSUED BY
28 THE DIVISION AND THE LICENSE HAS NOT BEEN SUSPENDED, REVOKED, OR
29 ALLOWED TO EXPIRE.

30 (b) THE COURSEWORK MUST INCLUDE INSTRUCTION IN COLORADO
31 LAW THAT IS RELATED TO THE MANAGEMENT OF COMMON INTEREST
32 COMMUNITIES, INCLUDING:

33 (I) THE TOPICS COVERED BY CCIOA, INCLUDING THE TYPES OF
34 COMMON INTEREST COMMUNITIES THAT MAY BE CREATED, DISCLOSURE
35 REQUIREMENTS PERTAINING TO COMMON INTEREST COMMUNITIES,

1 MEETING REQUIREMENTS FOR COMMUNITY ASSOCIATION EXECUTIVE
2 BOARDS AND MEMBERS, FINANCIAL DISCLOSURE AND REPORTING
3 REQUIREMENTS, AND ACCESS TO COMMUNITY ASSOCIATION RECORDS;
4 (II) PERSONNEL ISSUES, INCLUDING GENERAL MATTERS RELATED
5 TO INDEPENDENT CONTRACTOR OR EMPLOYEE STATUS, ISSUES RELATED TO
6 TYPES OF HARASSMENT, FEDERAL AND STATE CIVIL RIGHTS LAWS, FAIR
7 EMPLOYMENT LAWS, AND THE FEDERAL "AMERICANS WITH DISABILITIES
8 ACT";
9 (III) RISK MANAGEMENT AS IT PERTAINS TO COMMON INTEREST
10 COMMUNITIES, INCLUDING REQUIRED INSURANCE COVERAGE AND
11 PREVENTIVE MAINTENANCE PROGRAMS;
12 (IV) PROPERTY PROTECTION, INCLUDING GENERAL MATTERS
13 RELATING TO HAZARDOUS MATERIALS SUCH AS ASBESTOS, RADON, AND
14 LEAD; MOTOR VEHICLE INSURANCE AND LIABILITY LAWS; LOCAL AND
15 MUNICIPAL REGULATIONS; FAMILY DAY CARE HOMES; ENERGY
16 CONSERVATION; FEDERAL COMMUNICATIONS COMMISSION RULES AND
17 REGULATIONS; AND SOLAR ENERGY SYSTEMS;
18 (V) THE BUSINESS AFFAIRS OF COMMUNITY ASSOCIATIONS,
19 INCLUDING NECESSARY COMPLIANCE WITH ALL REQUIRED LOCAL, STATE,
20 AND FEDERAL LAWS AND TREATIES;
21 (VI) BASIC UNDERSTANDING OF GOVERNING DOCUMENTS, CODES,
22 AND REGULATIONS RELATING TO THE ACTIVITIES AND AFFAIRS OF
23 COMMUNITY ASSOCIATIONS AND COMMON INTEREST COMMUNITIES; AND
24 (VII) INSTRUCTION IN GENERAL MANAGEMENT THAT IS RELATED
25 TO THE MANAGERIAL AND BUSINESS SKILLS NEEDED FOR MANAGEMENT OF
26 A COMMON INTEREST COMMUNITIES, INCLUDING:
27 (A) FINANCIAL ISSUES, INCLUDING BUDGET PREPARATION,
28 MANAGEMENT, AND ADMINISTRATION OF COMMUNITY ASSOCIATION
29 FINANCIAL AFFAIRS, BANKRUPTCY LAWS, AND ASSESSMENT COLLECTION
30 ACTIVITIES;
31 (B) CONTRACT NEGOTIATION AND ADMINISTRATION;
32 (C) SUPERVISION OF COMMON INTEREST COMMUNITY EMPLOYEES
33 AND STAFF;
34 (D) MANAGEMENT OF COMMON INTEREST COMMUNITY
35 MAINTENANCE PROGRAMS;
36 (E) MANAGEMENT AND ADMINISTRATION OF ASSOCIATION RULES
37 AND BYLAWS, PARLIAMENTARY PROCEDURE, AND ARCHITECTURAL
38 STANDARDS PERTAINING TO COMMUNITY ASSOCIATIONS AND COMMON
39 INTEREST COMMUNITIES;
40 (F) MANAGEMENT AND ADMINISTRATION OF COMMON INTEREST
41 COMMUNITIES' RECREATIONAL PROGRAMS AND FACILITIES;
42 (G) MANAGEMENT AND ADMINISTRATION OF OWNER AND
43 RESIDENT COMMUNICATIONS;

1 (H) TRAINING AND STRATEGIC PLANNING FOR AN ASSOCIATION'S
2 EXECUTIVE BOARD AND COMMITTEES AND OTHER ACTIVITIES OF
3 RESIDENTS IN A COMMON INTEREST COMMUNITY;
4 (I) RISK MANAGEMENT AS IT PERTAINS TO COMMON INTEREST
5 COMMUNITY PROPERTIES, ACTIVITIES, AND EMERGENCY PREPAREDNESS;
6 (J) IMPLEMENTATION OF COMMUNITY ASSOCIATION POLICIES AND
7 PROCEDURES;
8 (K) ETHICS FOR COMMON INTEREST COMMUNITY MANAGERS;
9 (L) PROFESSIONAL CONDUCT AND STANDARDS OF PRACTICE FOR
10 COMMON INTEREST COMMUNITY MANAGERS;
11 (M) CONFLICT AVOIDANCE AND RESOLUTION; AND
12 (N) CURRENT ISSUES RELATING TO COMMON INTEREST
13 COMMUNITIES."

14 Page 14, line 18, after "A" insert "CERTIFIED".

15 Page 14, strike lines 21 through 27.

16 Page 15, strike lines 1 through 6.

17 Renumber succeeding C.R.S. sections accordingly.

18 Page 15, line 17, after "EVERY" insert "CERTIFIED".

19 Page 15, line 19, after "A" insert "CERTIFIED".

20 Page 16, strike line 3 and substitute:

21 "(2) NEITHER A CERTIFIED MANAGER NOR ANY AGENT OF A
22 CERTIFIED MANAGER MAY".

23 Page 16, line 12, after "A" insert "CERTIFIED".

24 Page 16, strike lines 25 through 27.

25 Page 17, strike lines 1 through 22.

26 Renumber succeeding C.R.S. sections accordingly.

27 Page 26, strike lines 20 through 27.

28 Page 27, strike line 1.

- 1 Renumber succeeding subsections accordingly.
- 2 Page 27, line 14, strike "(3)," and substitute "(2),".
- 3 Page 30, strike lines 26 and 27.
- 4 Page 31, strike lines 1 through 6 and substitute:
- 5 **"12-10-1002. Voluntary certification - use of title - applications**
6 **- administrative and legal remedies.** (1) THE DIRECTOR SHALL ACCEPT
7 APPLICATIONS FOR VOLUNTARY CERTIFICATION UNDER THIS PART 10 AND
8 SHALL GRANT CERTIFICATIONS TO APPLICANTS WHO QUALIFY UNDER
9 SUBSECTION (5) OF THIS SECTION."
- 10 Page 31, strike lines 9 through 24 and substitute "PART 10."
- 11 Page 31, line 25, strike "(b)" and substitute "(3)".
- 12 Page 32, strike lines 1 through 7 and substitute:
- 13 **"12-10-1003. Application for voluntary certification - criminal**
14 **history record check - examination - rules.** (1) BEFORE SUBMITTING AN
15 APPLICATION FOR A VOLUNTARY CERTIFICATION PURSUANT TO THIS PART
16 10, EACH APPLICANT MUST".
- 17 Page 34, strike lines 20 through 27.
- 18 Strike pages 35 and 36.
- 19 Page 37, strike lines 1 through 3 and substitute:
- 20 "(5) (a) (I) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION
21 (5)(a)(II) OF THIS SECTION, TO QUALIFY FOR VOLUNTARY CERTIFICATION
22 UNDER THIS PART 10, AN APPLICANT MUST HAVE, WITHIN THE
23 IMMEDIATELY PRECEDING FIVE YEARS:
- 24 (A) PASSED A KNOWLEDGE, SKILLS, AND APTITUDE EXAMINATION
25 OR ACHIEVED A CERTIFICATION DESIGNATION ENDORSED BY THE
26 COMMUNITY ASSOCIATION MANAGERS INTERNATIONAL CERTIFICATION
27 BOARD OR COMMUNITY ASSOCIATIONS INSTITUTE; AND
- 28 (B) SATISFACTORILY COMPLETED AT LEAST 30 HOURS OF
29 COURSEWORK COVERING THE SUBJECTS DESCRIBED IN SUBSECTION (5)(b)
30 OF THIS SECTION, AS APPROVED BY THE DIRECTOR, AND SATISFACTORILY
31 PASSED AN EXAMINATION TESTING THE APPLICANT'S KNOWLEDGE OF

1 THOSE SUBJECTS.

2 (II) AN APPLICANT IS EXEMPT FROM THE REQUIREMENTS OF
3 SUBSECTIONS (5)(a)(I)(A) AND (5)(a)(I)(B) OF THIS SECTION IF THE
4 APPLICANT HAS, WITHIN THE IMMEDIATELY PRECEDING THREE YEARS,
5 HELD A VALID COMMUNITY ASSOCIATION MANAGER LICENSE ISSUED BY
6 THE DIVISION AND THE LICENSE HAS NOT BEEN SUSPENDED, REVOKED, OR
7 ALLOWED TO EXPIRE.

8 (b) THE COURSEWORK MUST INCLUDE INSTRUCTION IN COLORADO
9 LAW THAT IS RELATED TO THE MANAGEMENT OF COMMON INTEREST
10 COMMUNITIES, INCLUDING:

11 (I) THE TOPICS COVERED BY CCIOA, INCLUDING THE TYPES OF
12 COMMON INTEREST COMMUNITIES THAT MAY BE CREATED, DISCLOSURE
13 REQUIREMENTS PERTAINING TO COMMON INTEREST COMMUNITIES,
14 MEETING REQUIREMENTS FOR COMMUNITY ASSOCIATION EXECUTIVE
15 BOARDS AND MEMBERS, FINANCIAL DISCLOSURE AND REPORTING
16 REQUIREMENTS, AND ACCESS TO COMMUNITY ASSOCIATION RECORDS;

17 (II) PERSONNEL ISSUES, INCLUDING GENERAL MATTERS RELATED
18 TO INDEPENDENT CONTRACTOR OR EMPLOYEE STATUS, ISSUES RELATED TO
19 TYPES OF HARASSMENT, FEDERAL AND STATE CIVIL RIGHTS LAWS, FAIR
20 EMPLOYMENT LAWS, AND THE FEDERAL "AMERICANS WITH DISABILITIES
21 ACT";

22 (III) RISK MANAGEMENT AS IT PERTAINS TO COMMON INTEREST
23 COMMUNITIES, INCLUDING REQUIRED INSURANCE COVERAGE AND
24 PREVENTIVE MAINTENANCE PROGRAMS;

25 (IV) PROPERTY PROTECTION, INCLUDING GENERAL MATTERS
26 RELATING TO HAZARDOUS MATERIALS SUCH AS ASBESTOS, RADON, AND
27 LEAD; MOTOR VEHICLE INSURANCE AND LIABILITY LAWS; LOCAL AND
28 MUNICIPAL REGULATIONS; FAMILY DAY CARE HOMES; ENERGY
29 CONSERVATION; FEDERAL COMMUNICATIONS COMMISSION RULES AND
30 REGULATIONS; AND SOLAR ENERGY SYSTEMS;

31 (V) THE BUSINESS AFFAIRS OF COMMUNITY ASSOCIATIONS,
32 INCLUDING NECESSARY COMPLIANCE WITH ALL REQUIRED LOCAL, STATE,
33 AND FEDERAL LAWS AND TREATIES;

34 (VI) BASIC UNDERSTANDING OF GOVERNING DOCUMENTS, CODES,
35 AND REGULATIONS RELATING TO THE ACTIVITIES AND AFFAIRS OF
36 COMMUNITY ASSOCIATIONS AND COMMON INTEREST COMMUNITIES; AND

37 (VII) INSTRUCTION IN GENERAL MANAGEMENT THAT IS RELATED
38 TO THE MANAGERIAL AND BUSINESS SKILLS NEEDED FOR MANAGEMENT OF
39 A COMMON INTEREST COMMUNITIES, INCLUDING:

40 (A) FINANCIAL ISSUES, INCLUDING BUDGET PREPARATION,
41 MANAGEMENT, AND ADMINISTRATION OF COMMUNITY ASSOCIATION
42 FINANCIAL AFFAIRS, BANKRUPTCY LAWS, AND ASSESSMENT COLLECTION
43 ACTIVITIES;

- 1 (B) CONTRACT NEGOTIATION AND ADMINISTRATION;
2 (C) SUPERVISION OF COMMON INTEREST COMMUNITY EMPLOYEES
3 AND STAFF;
4 (D) MANAGEMENT OF COMMON INTEREST COMMUNITY
5 MAINTENANCE PROGRAMS;
6 (E) MANAGEMENT AND ADMINISTRATION OF ASSOCIATION RULES
7 AND BYLAWS, PARLIAMENTARY PROCEDURE, AND ARCHITECTURAL
8 STANDARDS PERTAINING TO COMMUNITY ASSOCIATIONS AND COMMON
9 INTEREST COMMUNITIES;
10 (F) MANAGEMENT AND ADMINISTRATION OF COMMON INTEREST
11 COMMUNITIES' RECREATIONAL PROGRAMS AND FACILITIES;
12 (G) MANAGEMENT AND ADMINISTRATION OF OWNER AND
13 RESIDENT COMMUNICATIONS;
14 (H) TRAINING AND STRATEGIC PLANNING FOR AN ASSOCIATION'S
15 EXECUTIVE BOARD AND COMMITTEES AND OTHER ACTIVITIES OF
16 RESIDENTS IN A COMMON INTEREST COMMUNITY;
17 (I) RISK MANAGEMENT AS IT PERTAINS TO COMMON INTEREST
18 COMMUNITY PROPERTIES, ACTIVITIES, AND EMERGENCY PREPAREDNESS;
19 (J) IMPLEMENTATION OF COMMUNITY ASSOCIATION POLICIES AND
20 PROCEDURES;
21 (K) ETHICS FOR COMMON INTEREST COMMUNITY MANAGERS;
22 (L) PROFESSIONAL CONDUCT AND STANDARDS OF PRACTICE FOR
23 COMMON INTEREST COMMUNITY MANAGERS;
24 (M) CONFLICT AVOIDANCE AND RESOLUTION; AND
25 (N) CURRENT ISSUES RELATING TO COMMON INTEREST
26 COMMUNITIES."

27 Page 38, line 4, after "A" insert "CERTIFIED".

28 Page 38, strike lines 9 through 21.

29 Renumber succeeding C.R.S. sections accordingly.

30 Page 39, line 5, after "EVERY" insert "CERTIFIED".

31 Page 39, line 7, after "A" insert "CERTIFIED".

32 Page 39, strike line 18 and substitute:

33 "(2) NEITHER A CERTIFIED MANAGER NOR ANY AGENT OF A
34 CERTIFIED MANAGER MAY".

35 Page 39, line 27, after "A" insert "CERTIFIED".

- 1 Page 40, strike lines 13 through 27.
- 2 Page 41, strike lines 1 through 10.
- 3 Renumber succeeding C.R.S. sections accordingly.
- 4 Page 49, after line 14 insert:
 - 5 **"SECTION 5.** In Colorado Revised Statutes, 38-33.3-313, amend
 - 6 (10) as follows:
 - 7 **38-33.3-313. Insurance.** (10) If any unit owner or employee of
 - 8 an association with thirty or more units controls or disburses funds of the
 - 9 common interest community, the association must obtain and maintain,
 - 10 to the extent reasonably available, fidelity insurance. Coverage shall not
 - 11 be less in aggregate than two FOUR months' current assessments plus
 - 12 reserves, as calculated from the current budget of the association."
- 13 Renumber succeeding sections accordingly.
- 14 Page 49, line 16, strike "3" and substitute "4".
- 15 Page 49, line 17, strike "3" and substitute "4".
- 16 Strike "LICENSE" and substitute "VOLUNTARY CERTIFICATION" on: **Page**
- 17 **9**, lines 14, 19, and 20; **Page 10**, line 6; **Page 11**, line 1; **Page 13**, lines 18
- 18 and 22; **Page 14**, lines 2, 3, 5, and 6; **Page 18**, lines 11, 23, 24, and 27;
- 19 **Page 19**, line 14; **Page 20**, lines 6 and 11; **Page 21**, line 24; **Page 33**,
- 20 lines 2, 7, 8, and 21; **Page 34**, line 16; **Page 37**, lines 6, 10, 17, 18, 20,
- 21 and 21; **Page 41**, line 26; **Page 42**, lines 11, 12, and 15; **Page 43**, lines 2,
- 22 21, and 26; and **Page 45**, line 12.
- 23 Strike "License" and substitute "Voluntary certification" on: **Page 18**,
- 24 line 17; and **Page 42**, line 5;
- 25 Strike "LICENSED" and substitute "CERTIFIED" on: **Page 5**, lines 1, 8, and
- 26 9; **Page 6**, lines 13, 15, and 19; **Page 9**, lines 6 and 11; **Page 10**, line 1;
- 27 **Page 13**, line 20; **Page 14**, lines 16, and 20; **Page 17**, line 25; **Page 18**,
- 28 lines 7 and 13; **Page 19**, line 26; **Page 23**, lines 12, 14, 19, and 21; **Page**
- 29 **24**, line 4; **Page 28**, line 21; **Page 29**, lines 1 and 2; **Page 30**, lines 6, 8,
- 30 and 12; **Page 32**, lines 21 and 26; **Page 33**, line 16; **Page 37**, line 8; **Page**
- 31 **38**, lines 4 and 8; **Page 41**, lines 13 and 22; **Page 42**, line 1; **Page 43**,
- 32 line 14; **Page 46**, line 27; and **Page 47**, lines 2, 7, 9, and 19.

- 1 Strike "LICENSES" and substitute "CERTIFICATIONS" on: **Page 13**, line 16;
2 **Page 19**, line 7; **Page 23**, line 25; **Page 37**, line 4; **Page 42**, line 22; and
3 **Page 47**, line 13.
- 4 Strike "**Licenses**" and substitute "**Certifications**" on: **Page 16**, line 20;
5 and **Page 40**, line 8
- 6 Strike "**licenses**" and substitute "**certifications**" on: **Page 18**, line 18; and
7 **Page 42**, line 6.
- 8 Strike "LICENSEE" and substitute "CERTIFICATE HOLDER" on: **Page 15**,
9 lines 7 and 8; **Page 16**, lines 21 and 23; **Page 19**, line 26; **Page 38**, lines
10 22 and 23; **Page 40**, lines 9 and 11; and **Page 43**, line 14.
- 11 Strike "LICENSEES" and substitute "CERTIFICATE HOLDERS" on: **Page 8**,
12 line 11; and **Page 31**, line 26.
- 13 Strike "**licensees**" and substitute "**certificate holders**" on: **Page 17**, line
14 23; and **Page 41**, line 11.
- 15 Strike "LICENSEE'S" and substitute "CERTIFICATE HOLDER'S" on: **Page 15**,
16 line 10; **Page 18**, line 11; **Page 20**, line 1; **Page 38**, line 25; **Page 41**, line
17 26; and **Page 43**, line 16.
- 18 Strike "LICENSE" and substitute "CERTIFICATE" on: **Page 16**, lines 21 and
19 22; and **Page 40**, lines 9 and 10.

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