

West's Colorado Revised Statutes Annotated
Title 12. Professions and Occupations (Refs & Annos)
General--Continued
Article 61. Real Estate (Refs & Annos)
Part 10. Community Association Managers (Refs & Annos)

C.R.S.A. § 12-61-1003

§ 12-61-1003. Application for license--criminal history record check--examination--rules

Effective: May 20, 2015

[Currentness](#)

(1)(a) A person desiring to become a community association manager or apprentice must apply to the director for a license in the form and manner prescribed by the director.

(b)(I) Before submitting an application for a license pursuant to paragraph (a) of this subsection (1), each applicant must submit a set of fingerprints to the Colorado bureau of investigation for the purpose of conducting a state and national fingerprint-based criminal history record check utilizing records of the Colorado bureau of investigation and the federal bureau of investigation. The applicant shall pay the fee established by the Colorado bureau of investigation for conducting the fingerprint-based criminal history record check to the bureau. Upon completion of the criminal history record check, the bureau shall forward the results to the director. The director may acquire a name-based criminal history record check for an applicant who has twice submitted to a fingerprint-based criminal history record check and whose fingerprints are unclassifiable.

(II) If a person has complied with this paragraph (b) and has submitted an otherwise complete application for a license before July 1, 2014, but, as of July 1, 2015, the results of the person's fingerprint-based criminal history record check have not been forwarded to the director, the director may issue a temporary license pending the receipt of the results. The director may adopt rules to implement this subparagraph (II), but may not impose a fixed expiration date for the temporary license.

(2) Every community association manager licensed under this part 10 shall maintain a place of business within this state, except as provided in [section 12-61-1006](#). If a community association manager maintains more than one place of business within the state, the manager is responsible for supervising all licensed activities originating in those offices.

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

(b) An applicant is ineligible for a license if the person has, within the immediately preceding ten years, had a license or certification as a community association manager revoked or suspended in Colorado or any other jurisdiction that regulates community association managers; except that the director has the discretion to accept the person's application

if at least two years have elapsed since the date of the revocation or suspension and the applicant has proved to the director that he or she is fit to be licensed as a community association manager in Colorado.

(c) If the director determines that the applicant has been convicted of a crime, the director shall consider the following factors when determining whether the conviction disqualifies the applicant for a license:

(I) The nature of the conviction;

(II) Whether there is a direct relationship between the conviction and the duties and responsibilities of licensure and the bearing, if any, the conviction may have on the applicant's fitness or ability to perform one or more such duties and responsibilities, including whether the conviction was for unlawful sexual behavior as listed in [section 16-22-102\(9\), C.R.S.](#), and whether the applicant would place a resident or the public in a vulnerable position;

(III) Any information produced by the applicant or produced on the applicant's behalf regarding his or her rehabilitation and good conduct; and

(IV) The time that has elapsed since the conviction.

(d) Notwithstanding paragraph (c) of this subsection (3), an applicant is ineligible for licensure if the applicant has, within the immediately preceding ten years, been convicted of an offense involving unlawful sexual behavior as listed in [section 16-22-102\(9\), C.R.S.](#), a burglary offense, as defined in [section 18-4-202](#) or [18-4-203, C.R.S.](#), or any felony involving fraud, theft, larceny, embezzlement, fraudulent conversion, or misappropriation of property.

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

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

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

(A) The “certified manager of community associations” or “CMCA” certification awarded by the community association managers international certification board, previously known as the national board of certification for community association managers;

(B) The “association management specialist” or “AMS” designation awarded by the community associations institute;

(C) The “professional community association manager” or “PCAM” designation awarded by the community associations institute; or

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

(II) Certify completion of any educational or continuing educational requirements as determined by the director in rules and published on the division's website;

(III) Submit to and pass an examination with two separate portions, which may be administered separately. The examination must measure the competency of the applicant in carrying out the core functions of community association management, referred to as the “general portion” of the examination, and in understanding the basic provisions of legal documents and Colorado law with which managers are required to comply, referred to as the “Colorado law portion” of the examination. The examination shall be prepared by or under the supervision of the director or the director's designated contractor or contractors. The director may contract with one or more independent testing services to develop, administer, or grade examinations or to administer licensee records. The contracts may allow the testing service to recover from the applicant the costs of the examination and the costs of administering the examination and license records. The director may contract separately for these functions and allow recovered costs to be collected and retained by a single contractor for distribution to other contractors. The director may set the separate minimum passing scores for the general portion and the Colorado law portion of the examination. The director shall prescribe the times and places at which the examination as a whole is given or at which the separate portions of the examination are given.

(IV) An applicant who is credentialed pursuant to sub-subparagraph (A), (B), or (C) of subparagraph (I) of this paragraph (a) and has maintained the credential in good standing, including having completed all ongoing education required to maintain the credential, must complete the Colorado law portion, but need not complete the general portion, of the examination described in subparagraph (III) of this paragraph (a).

(b) The separate portions of the examination developed under subparagraph (III) of paragraph (a) of this subsection (5) must assess an applicant's competency in the following subject matter areas:

(I) For the Colorado law portion of the examination, legal documents; statutes, including the “Colorado Common Interest Ownership Act”; and other applicable provisions of Colorado law; and

(II) For the general portion of the examination, other core competencies of community association management, as specified by the director.

(c) Examination results measuring an applicant's knowledge of the matters described in subparagraph (I) of paragraph (b) of this subsection (5) are valid for one year. A person who takes the examination and does not apply for a license within one year thereafter must retake that portion of the examination before applying.

(d) The division may issue a license to an applicant who has held a community association manager license in another jurisdiction that regulates community association managers and who has been licensed for two or more years prior to applying for a Colorado license if the applicant establishes that he or she possesses credentials and qualifications that are substantively equivalent to the requirements in Colorado for licensure by examination, as determined by the director by rule. The director may require a person so licensed to take the portion of the examination pertaining to the matters described in subparagraph (I) of paragraph (b) of this subsection (5) within a specified time after first receiving a Colorado license.

(6)(a) Community association managers' licenses may be granted to individuals, partnerships, limited liability companies, or corporations.

(b) A partnership, limited liability company, or corporation, in its application for a license, shall designate a qualified, active manager to be responsible for management and supervision of the licensed actions of the entity and all persons employed by, or acting at any time on behalf of, the entity. A license may not be issued to the entity unless the manager so designated takes and passes the examination required by this part 10. Upon the manager successfully passing the examination and upon compliance with all other requirements of law by the entity as well as by the manager, the director shall issue a designated manager's license to the manager.

(c) If the designated manager is refused a license by the director or ceases to be the designated manager of the entity, the entity may designate another person to apply for a license, and the director may issue a temporary license to prevent hardship for a period not to exceed ninety days to the person so designated.

(7) The designated manager for any partnership, limited liability company, or corporation is personally responsible for the handling of any and all common interest community funds received or disbursed by the entity. In the event of any breach of duty by the entity, any person aggrieved or damaged by the breach may make a claim for relief against the entity.

(8) A person shall not:

(a) Be licensed as a community association manager under more than one name; or

(b) Conduct or promote business as a community association manager except under the name under which the person is licensed.

(9) The director may grant a provisional license to an applicant for a community association manager license if the applicant has not passed the examination described in paragraph (b) of subsection (5) of this section. A provisional license expires on December 31, 2015.

(10) An apprentice shall not perform an act that otherwise requires a community association manager license except when under the direct supervision of a licensed community association manager.

Credits

Added by [Laws 2013, Ch. 352, § 3, eff. Jan. 1, 2015](#). Amended by [Laws 2015, Ch. 216, § 2, eff. May 20, 2015](#).

Editors' Notes

REPEAL

<For repeal of this section, see [§ 12-61-1014](#).>

C. R. S. A. § 12-61-1003, CO ST § 12-61-1003

Current through all Laws of the First Regular and First Extraordinary Sessions of the 71st General Assembly (2017), also including Ch. 2 of the Second Regular Session of the 71st General Assembly (2018)

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