

1991 Assembly Bill 436

Date of enactment: April 13, 1992  
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# 1991 WISCONSIN ACT 163

AN ACT to amend 240.10, 452.14 (3) (f), 799.05 (7) and 799.06 (3); and to create 788.015, 799.01 (1) (am), 799.01 (1) (cm) and 799.213 of the statutes, relating to: contracts for commissions on real estate transactions.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. 240.10 of the statutes is amended to read:

**240.10 Real estate agency contracts.** (1) Every contract to pay a commission to a real estate agent or broker or to any other person for selling or buying real estate shall be void unless such contract or note or memorandum thereof ~~describing such~~ describes that real estate, ~~expressing; expresses~~ the price for which the same may be sold or purchased, the commission to be paid and the period during which the agent or broker shall procure a buyer or seller, ~~be; is~~ is in writing; and ~~be is~~ is subscribed by the person agreeing to pay such commission, except that a contract to pay a commission to a person for locating a type of property need not describe the property.

(2) Every contract to pay a commission to any real estate agent or broker or to any person for leasing real estate for a term exceeding 3 years shall be void unless such contract, note or memorandum thereof ~~describing such~~ describes that real estate, ~~expressing; expresses~~ the rent to be paid or a method to determine the same, the length of the lease, the commission to be paid, and the period during which said person shall procure a tenant, ~~be; is~~ is in writing; and ~~be is~~ is subscribed by the person agreeing to pay such commission, except that a contract to pay a commission to a person for locating a type of property need not describe the property.

SECTION 2. 452.14 (3) (f) of the statutes is amended to read:

452.14 (3) (f) Accepted from any person except the broker's, salesperson's or time-share salesperson's

employer, if the broker, salesperson or time-share salesperson is employed as a salesperson or time-share salesperson by a broker, a commission or valuable consideration as a salesperson or time-share salesperson for the performance of any act specified in this chapter ~~from any person except the salesperson's or time-share salesperson's employer~~ or as compensation for referring a person to another broker, salesperson or time-share salesperson or to any other person in connection with a real estate transaction;

SECTION 3. 788.015 of the statutes is created to read:

**788.015 Agreement to arbitrate real estate transaction disputes.** A provision in any written agreement between a purchaser or seller of real estate and a real estate broker, or between a purchaser and seller of real estate, to submit to arbitration any controversy between them arising out of the real estate transaction is valid, irrevocable and enforceable except upon any grounds that exist at law or in equity for the revocation of any agreement. The agreement may limit the types of controversies required to be arbitrated and specify a term during which the parties agree to be bound by the agreement.

SECTION 4. 799.01 (1) (am) of the statutes is created to read:

799.01 (1) (am) *Return of earnest money.* Actions for the return of earnest money tendered pursuant to a contract for purchase of real property, including a condominium unit, as defined in s. 703.02 (15), and time-share property, as defined in s. 707.02 (32), that includes 1 to 4 dwelling units, as defined in s. 101.61 (1), by sale, exchange or land contract unless the transfer is exempt

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from the real estate transfer fee under s. 77.25 regardless of the amount claimed.

SECTION 5. 799.01 (1) (cm) of the statutes is created to read:

799.01 (1) (cm) Arbitration. Actions for the confirmation, vacation, modification or correction of an arbitration award where arbitration was in settlement of a controversy arising out of a transaction for the purchase of real property, including a condominium unit, as defined in s. 703.02 (15), and time-share property, as defined in s. 707.02 (32), that includes 1 to 4 dwelling

units, as defined in s. 101.61 (1), by sale, exchange or land contract regardless of the amount of that award.

SECTION 6. 799.05 (7) of the statutes is amended to read:

799.05 (7) FORM; COURT COMMISSIONER. Except as provided in s. 799.22 (4) (b) 3., in counties establishing at least one part-time or full-time court commissioner position under s. 757.68 (1) (b), the summons shall be substantially in the following form:

STATE OF WISCONSIN
CIRCUIT COURT : .... COUNTY

A. B., Plaintiff,
vs. S U M M O N S (Small Claims)
C. D., Defendant.

THE STATE OF WISCONSIN, To said defendant:
You are being sued for:
.... Eviction
.... Return of Property
.... Confirmation, vacation, modification or correction of arbitration award
.... \$ .....

....
PLAINTIFF'S ATTORNEY or PLAINTIFF
.... E. F.
ADDRESS ....
Clerk of Circuit Court
PHONE or
G. H.
Plaintiff or Plaintiff's Attorney

If you wish to dispute this matter, you must then be in Room ...., of the ..... [County] County Courthouse, .... (address), .... (city), Wisconsin before ..... o'clock (a.m.) (p.m.), on ...., 19..... If you do not appear, a judgment may be given to the person suing you for what the person is asking.

SECTION 7. 799.06 (3) of the statutes is amended to read:

799.06 (3) The complaint in an eviction action shall conform to s. 799.41. The complaint in other actions under this chapter shall be in writing and shall be substantially in the following form:

STATE OF WISCONSIN
CIRCUIT COURT: .... COUNTY

You are encouraged to bring with you all papers and documents relating to this matter, but there is no need to bring witnesses at this time.

Dated at ..... County, Wisconsin, this .... day of ....., 19....

A. B., Plaintiff,
Address:
vs. C O M P L A I N T

C. D., Defendant.
Address:
Case No....

For Plaintiff's claim against Defendant, Plaintiff states that:

1. Plaintiff's injuries or losses occurred on or about ..... [month and day], 19....., and under the following circumstances (brief statement of the facts of plaintiff's claim):
.....
.....
.....
.....

of property) (Confirmation, vacation, modification or correction of arbitration award) (the sum of \$....) plus attorney fees, if any, costs of this suit and such other relief as the court deems proper.

Signed: ....
PLAINTIFF OR PLAINTIFF'S ATTORNEY
Address: ....

2. Wherefore, Plaintiff demands judgment for (return

SECTION 8. 799.213 of the statutes is created to read:
799.213 Arbitration actions. Chapter 788 applies to actions relating to the confirmation, vacation, modification or correction of an arbitration award.