

1993 Senate Bill 243

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1993 WISCONSIN ACT 102

AN ACT to amend 15.07 (1) (cm), 15.07 (1) (cs), 15.07 (3) (b), 20.165 (1) (g), 134.71 (1) (g) (intro.), 1 and 2, 134.71 (1) (h) (intro.) and 1, 440.01 (1) (intro.), 440.01 (2) (a), 440.03 (1m), 440.03 (9) (a), 440.04 (7), 440.06, 440.07 (1), 440.08 (3) (b), 440.08 (4), 440.20 (4), 440.21 (1) to (3) and 560.42 (3) (b); and **to create** 15.07 (1) (b) 19, 15.07 (3) (bm) 3, 15.07 (5) (c), 15.405 (3), 134.71 (1) (ag), 440.08 (2) (a) 14g and 14r and ch. 480 of the statutes, **relating to:** the regulation of auctioneers, creating an auctioneer board, granting rule-making authority, making an appropriation and providing a penalty.

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

SECTION 1. 15.07 (1) (b) 19. of the statutes is created to read:

15.07 (1) (b) 19. Auctioneer board.

SECTION 2. 15.07 (1) (cm) of the statutes is amended to read:

15.07 (1) (cm) The term of one member of the ethics board shall expire on each May 1. The terms of 3 members of the development finance board appointed under s. 15.155 (1) (a) 6. shall expire on May 1 of every even-numbered year and the terms of the other 3 members appointed under s. 15.155 (1) (a) 6. shall expire on May 1 of every odd-numbered year. The terms of the 3 members of the land conservation board appointed under s. 15.135 (4) (b) 2. shall expire on January 1. The terms of members of the real estate board shall expire on July 1. The terms of the appraiser members of the real estate appraisers board and the terms of the auctioneer and auction company representative members of the auctioneer board shall expire on May 1 in an even-numbered year. The terms of the members of the radioactive waste review board shall expire as provided in s. 15.915 (4) (c).

SECTION 3. 15.07 (1) (cs) of the statutes is amended to read:

15.07 (1) (cs) No member of the auctioneer board, real estate appraisers board or real estate board may be an

officer, director or employe of a private organization that promotes or furthers any profession or occupation regulated by that board.

SECTION 4. 15.07 (3) (b) of the statutes is amended to read:

15.07 (3) (b) Except as provided in par. (bm) or (c), each board not covered under par. (a) shall meet annually, and may meet at other times on the call of the chairperson or a majority of its members. The auctioneer board, the real estate board and the real estate appraisers board shall also meet on the call of the secretary of regulation and licensing or his or her designee within the department.

SECTION 5. 15.07 (3) (bm) 3 of the statutes is created to read:

15.07 (3) (bm) 3. The auctioneer board shall meet at least 4 times each year.

SECTION 6. 15.07 (5) (c) of the statutes is created to read:

15.07 (5) (c) Members of the auctioneer board, \$25 per day.

SECTION 7. 15.405 (3) of the statutes is created to read:

15.405 (3) AUCTIONEER BOARD. (a) There is created in the department of regulation and licensing an auctioneer board consisting of the following members appointed for 4-year terms:

1. Four members, each of whom is registered under ch. 480 as an auctioneer, or is an auction company repre-

sentative, as defined in s. 480.01 (3), of an auction company that is registered under ch. 480 as an auction company.

2. Three public members.

(b) No member of the board may serve more than 2 terms.

SECTION 8. 20.165 (1) (g) of the statutes is amended to read:

20.165 (1) (g) *General program operations.* The amounts in the schedule for the licensing, rule making and regulatory functions of the department, except for preparing, administering and grading examinations. Ninety percent of all moneys received under chs. 440 to 459 480, except ss. 440.05 (1) and 440.92 (8), less \$10 of each renewal fee received under s. 452.12 (5), shall be credited to this appropriation.

SECTION 9. 134.71 (1) (ag) of the statutes is created to read:

134.71 (1) (ag) "Auctioneer" means an individual who is registered as an auctioneer under ch. 480 and who sells secondhand articles or secondhand jewelry at an auction, as defined in s. 480.01 (1).

SECTION 10. 134.71 (1) (g) (intro.), 1 and 2 of the statutes are amended to read:

134.71 (1) (g) (intro.) "Secondhand article dealer" means any person, other than an auctioneer, who primarily engages in the business of purchasing or selling secondhand articles, except when engaging in any of the following:

1. Any transaction at an occasional garage or yard sale, an estate sale, a gun, knife, gem or antique show, or a convention or an auction.

2. Any transaction entered into by a person while engaged in a business for which the person is licensed under sub. (2) or (4) or while engaged in the business of junk collector, junk dealer, ~~auctioneer~~ or scrap processor as described in s. 70.995 (2) (x).

SECTION 11. 134.71 (1) (h) (intro.) and 1 of the statutes are amended to read:

134.71 (1) (h) (intro.) "Secondhand jewelry dealer" means any person, other than an auctioneer, who engages in the business of any transaction consisting of purchasing, selling, receiving or exchanging secondhand jewelry, except for the following:

1. Any transaction at an occasional garage or yard sale, an estate sale, a gun, knife, gem or antique show, or a convention or an auction.

SECTION 12. 440.01 (1) (intro.) of the statutes is amended to read:

440.01 (1) (intro.) In chs. 440 to 459 480, unless the context requires otherwise:

SECTION 13. 440.01 (2) (a) of the statutes is amended to read:

440.01 (2) (a) "Credential" means a license, permit, or certificate of certification or registration that is issued under chs. 440 to 459 480.

SECTION 14. 440.03 (1m) of the statutes is amended to read:

440.03 (1m) The department may promulgate rules specifying the number of business days within which the department or any examining board in the department must review and make a determination on an application for a permit, as defined in s. 560.41 (2), that is issued under chs. 440 to 459 480.

SECTION 15. 440.03 (9) (a) of the statutes is amended to read:

440.03 (9) (a) A recalculation of the administrative and enforcement costs of the department that are attributable to the regulation of each occupation or business under chs. 440 to 459 480 and that are included in the budget request.

SECTION 16. 440.04 (7) of the statutes is amended to read:

440.04 (7) Unless otherwise specified in chs. 440 to 459 480, provide examination development, administration, research and evaluation services as required.

SECTION 17. 440.06 of the statutes is amended to read:

440.06 Refunds and reexaminations. The secretary may establish uniform procedures for refunds of fees paid under s. 440.05 or 440.08 and uniform procedures and fees for reexaminations under chs. 440 to 459 480.

SECTION 18. 440.07 (1) of the statutes is amended to read:

440.07 (1) In addition to the standards specified in chs. 440 to 459 480, examinations for credentials shall reasonably relate to the skills likely to be needed for an applicant to practice in this state at the time of examination and shall seek to determine the applicant's preparedness to exercise the skills.

SECTION 19. 440.08 (2) (a) 14g and 14r of the statutes are created to read:

440.08 (2) (a) 14g. Auction company: January 1 of each odd-numbered year; \$37.

14r. Auctioneer: January 1 of each odd-numbered year; \$37.

SECTION 20. 440.08 (3) (b) of the statutes is amended to read:

440.08 (3) (b) The department or the interested examining board, as appropriate, may promulgate rules requiring the holder of a credential who fails to renew the credential within 5 years after its renewal date to complete requirements in order to restore the credential, in addition to the applicable requirements for renewal established under chs. 440 to 459 480, that the department or examining board determines is necessary to protect the public health, safety or welfare. The rules may not require the holder to complete educational requirements or pass examinations that are more extensive than the educational or examination requirements that must be completed in order to obtain an initial credential from the department or the examining board.

1993 Senate Bill 243

SECTION 21. 440.08 (4) of the statutes is amended to read:

440.08 (4) **DENIAL OF CREDENTIAL RENEWAL.** If the department or the interested examining board, as appropriate, determines that an applicant for renewal has failed to comply with sub. (2) (c) or (3) or with any other applicable requirement for renewal established under chs. 440 to 459 480 or that the denial of an application for renewal of a credential is necessary to protect the public health, safety or welfare, the department or examining board may summarily deny the application for renewal by mailing to the holder of the credential a notice of denial that includes a statement of the facts or conduct that warrant the denial and a notice that the holder may, within 30 days after the date on which the notice of denial is mailed, have the denial reviewed at a hearing before the department or examining board.

SECTION 22. 440.20 (4) of the statutes is amended to read:

440.20 (4) In addition to any grounds for discipline specified in chs. 440 to 459 480, the department or appropriate examining board or board in the department may reprimand the holder of a credential or deny, limit, suspend or revoke the credential of any person who intentionally violates s. 146.024 (2) or intentionally discloses the results of a blood test in violation of s. 146.025 (5) (a) or (5m).

SECTION 23. 440.21 (1) to (3) of the statutes are amended to read:

440.21 (1) The department may conduct investigations, hold hearings and make findings as to whether a person has engaged in a practice or used a title without a credential required under chs. 440 to 459 480.

(2) If, after holding a public hearing, the department determines that a person has engaged in a practice or used a title without a credential required under chs. 440 to 459 480, the department may issue a special order enjoining the person from the continuation of the practice or use of the title.

(3) In lieu of holding a public hearing, if the department has reason to believe that a person has engaged in a practice or used a title without a credential required under chs. 440 to 459 480, the department may petition the circuit court for a temporary restraining order or an injunction as provided in ch. 813.

SECTION 24. Chapter 480 of the statutes is created to read:

**CHAPTER 480
AUCTIONEER BOARD**

480.01 Definitions. In this chapter:

(1) “Auction” means a sale transaction conducted by means of oral or written exchanges between an auctioneer and prospective purchasers of goods or real estate that consist of a series of invitations made by the auctioneer to the prospective purchasers for offers for the purchase of goods or real estate and that culminate in the accep-

tance by the auctioneer of the highest or most favorable offer made by one of the prospective purchasers.

(2) “Auction company” means a person who manages an auction or who has primary responsibility for handling sales proceeds, downpayments, earnest money deposits or other trust funds received by an auctioneer, the person’s principal or any other person at or as a result of an auction.

(3) “Auction company representative” means:

(a) If the auction company is an individual, that individual.

(b) If the auction company is a partnership, association or corporation, any partner of the partnership, officer or director of the association or officer or director of the corporation.

(4) “Auctioneer” means an individual who engages in, or who by advertising or otherwise holds himself or herself out as being available to engage in, the calling for and the recognition and acceptance of offers for the purchase of goods or real estate at an auction.

(5) “Board” means the auctioneer board.

(6) “Registrant” means a person who is registered under this chapter.

480.02 Applicability. (1) This chapter applies after February 28, 1995.

(2) This chapter does not apply to any of the following:

(a) An auction conducted by or under the direction of an official of the United States or of this state or a county, city, village or town in this state.

(b) An auction required by a court order or judgment.

(c) A sale of goods or real estate required by law to be a sale by auction.

(d) An auction conducted by the owner of the goods or real estate for sale if the owner has held the goods or real estate for his or her personal use for at least one year immediately preceding the date of the auction.

(e) An auction conducted by or under the direction of a religious, fraternal or benevolent society, a school or a nonprofit organization.

(f) An auction conducted by or under the direction of a political organization or candidate if the proceeds of the auction will be used for political purposes.

(g) An auction in which the total appraised value of the goods or services for sale is less than \$500.

(h) Fur auctions and fur auctioneers licensed by the department of natural resources under ch. 29.

(i) Motor vehicle auction dealers licensed by the department of transportation under subch. VIII of ch. 218.

(j) A person, other than a licensee as defined in s. 452.01 (5), who conducts an auction, or manages or has primary responsibility for handling sales proceeds, downpayments, earnest money deposits or other trust funds received at or as a result of an auction, while lawfully practicing within the scope of a license, permit or

certificate granted to that person by a state governmental agency other than the department.

480.04 General duties and powers of board. (1)

In addition to the other duties and powers of the board under this chapter, the board shall advise the secretary on matters relating to auctioneers or auction companies or to the board.

(2) The board does not have rule-making authority.

480.06 Rules; review of rules. (1) Before submitting any proposed rules relating to auctioneers or auction companies or to the board to the legislative council staff under s. 227.15, the department shall submit the proposed rules to the board for comment. The board shall have 30 days to submit comments on the proposed rules to the secretary.

(2) When promulgating emergency rules under s. 227.24, the department shall provide a copy of the rules to the board prior to publication of the rules in the official state newspaper.

(3) The chairperson of the board, or his or her designee from the board, may cochair with the secretary, or the secretary's designee, any public hearing held by the department on proposed rules relating to auctioneers or auction companies or to the board.

(4) The department shall submit to the board a copy of the report required under s. 227.19 (2) on any proposed final rules relating to auctioneers or auction companies or to the board. The board may prepare a dissenting report stating its recommendations on the proposed final rules. Any dissenting report shall be prepared within 10 days from the date of receipt of the department's report, attached to the department's report and sent to the presiding officer of each house of the legislature and distributed under s. 227.19 (2). The department shall publish a statement to appear in the Wisconsin administrative register indicating that a dissenting report of the board has been submitted to the presiding officer of each house of the legislature.

(5) The department shall provide staff to assist the board in the review of administrative rules and preparation of comments or dissenting reports.

480.08 Registration. (1) REGISTRATION REQUIRED.

(a) No person may act as an auctioneer or use the title "auctioneer", "registered auctioneer", "certified auctioneer", "licensed auctioneer" or any similar title unless the person is registered as an auctioneer under this chapter.

(b) No person may act as an auction company unless the person is registered as an auction company or as an auctioneer under this chapter.

(2) AUCTIONEER REGISTRATION. The department shall register as an auctioneer an individual who is at least 18 years old and does all of the following:

(a) Submits an application for registration as an auctioneer to the department on a form provided by the department.

(b) Pays the fee specified in s. 440.05 (1).

(c) Subject to ss. 111.321, 111.322 and 111.335, submits evidence satisfactory to the department that he or she does not have an arrest or conviction record.

(d) Submits evidence satisfactory to the department that he or she holds a current permit issued under s. 77.52 (9).

(e) Passes an examination conducted by the department to determine fitness as an auctioneer.

(2m) EXAMINATION NOT REQUIRED. Notwithstanding sub. (2) (e), the department shall register as an auctioneer under sub. (2) an individual who, not later than December 1, 1997, satisfies the requirements under sub. (2) (intro.) and (a) to (d); submits to the department a statement, signed by the individual, verifying that he or she has knowledge of the requirements for auctioneers under ss. 29.134, 95.70, 402.328 and 406.108, subch. III of ch. 77, subch. VIII of ch. 218, this chapter, and all other state laws that include requirements for auctioneers; and submits evidence satisfactory to the department that he or she has done any of the following:

(a) Been practicing as an auctioneer in this state for at least one year during the 2-year period immediately preceding the date on which the application is submitted, and has either conducted at least 2 auctions in this state or has had primary responsibility for handling the proceeds of at least 2 auctions in this state during the 2-year period immediately preceding the date on which the application is submitted.

(b) Had experience conducting auctions in this state or handling the proceeds of auctions in this state during the 5-year period immediately preceding the date on which the application is submitted that is substantially equivalent to the experience described in par. (a) in preparing the applicant to practice as an auctioneer in this state in a manner that does not adversely affect the public health, safety or welfare.

(3) AUCTION COMPANY REGISTRATION. The department shall register as an auction company a person who is not registered as an auctioneer under this chapter and does all of the following:

(a) Submits an application for registration as an auction company to the department on a form provided by the department.

(b) Pays the fee specified in s. 440.05 (1).

(c) Subject to ss. 111.321, 111.322 and 111.335, submits evidence satisfactory to the department that the person does not have an arrest or conviction record and, if the person is a partnership, association or corporation, that no partner of the partnership, officer or director of the association or officer or director of the corporation has an arrest or conviction record.

(d) Submits evidence satisfactory to the department that the person holds a current permit issued under s. 77.52 (9).

(4) ISSUANCE OF CERTIFICATE. The department shall issue a certificate of registration to each registrant.

1993 Senate Bill 243

(5) **EXPIRATION AND RENEWAL.** The renewal date and renewal fee for certificates granted under this chapter, other than temporary certificates granted under sub. (7), are specified under s. 440.08 (2) (a). Renewal applications shall include evidence satisfactory to the department that the applicant holds a current permit issued under s. 77.52 (9). A renewal application for an auctioneer certificate shall be accompanied by proof of completion of continuing education requirements under sub. (6).

(6) **AUCTIONEER CONTINUING EDUCATION.** The department may promulgate rules establishing requirements and procedures for registered auctioneers to complete continuing education programs or courses of study in order to qualify for renewal.

(7) **TEMPORARY AUCTIONEER CERTIFICATE.** (a) Upon application, the department shall register as an auctioneer and issue a temporary certificate of registration to an individual who satisfies the requirements under sub. (2) (intro.) and (a) to (d) and has submitted an application to take the next available examination for registration as an auctioneer under s. 480.10.

(b) A temporary certificate issued under this subsection shall be valid for a period designated by the department, not to exceed one year, and may not be renewed. An applicant for a temporary certificate shall pay the fee specified in s. 440.05 (6).

480.10 Auctioneer examination. (1) The department shall conduct examinations for auctioneer registration at least semiannually at times and places determined by the department. The department shall provide public notice of each examination at least 60 days before the date of the examination.

(2) Examinations shall consist of written or oral tests, or both, requiring applicants to demonstrate minimum competency in services and subjects substantially related to conducting an auction.

(3) An individual is not eligible for examination unless the individual has satisfied the requirements for registration under s. 480.08 (2) (intro.) and (a) to (d) at least 30 days before the date of the examination.

(4) The department shall promulgate rules establishing standards for public notice of examinations and for acceptable examination performance by an applicant for registration as an auctioneer.

480.12 Reciprocity. (1) Upon application and payment of the fee specified in s. 440.05 (2), the department shall register as an auctioneer an individual who holds an auctioneer certificate in another state if the department determines that the requirements for obtaining the certificate in the other state are substantially equivalent to the requirements under s. 480.08 (2).

(2) The department may enter into reciprocal agreements with officials of other states for registering auctioneers and issue certificates to applicants who are registered in those states according to the terms of the reciprocal agreements.

480.14 Conduct of auctions. (1) No auctioneer may conduct an auction unless the auctioneer or the auction company that is managing the auction has entered into a written contract with each owner or consignor of goods or real estate that may be sold at the auction. The contract shall specify the terms and conditions upon which the auctioneer or auction company accepts the goods or real estate for sale.

(2) An auctioneer shall comply with all reasonable requests of each owner or consignor of goods or real estate that may be sold at an auction that is conducted by the auctioneer and shall conduct the auction in a manner that ensures that the highest or most favorable offer for the goods or real estate is accepted.

(3) Unless otherwise provided by the terms of a contract described under sub. (1), within 30 days after the sale of goods or real estate at an auction, the auctioneer who conducts the auction shall do all of the following:

(a) Provide to each owner or consignor of goods or real estate that was sold or attempted to be sold at the auction an accounting of all moneys due the owner or consignor.

(b) Pay to each owner or consignor of goods or real estate that was sold at the auction all moneys due the owner or consignor.

(4) An auctioneer shall comply with all requirements for auctioneers under ss. 402.328 and 406.108 and the rules promulgated under ss. 402.328 and 406.108.

480.16 Trust accounts. All downpayments, earnest money deposits or other trust funds received by an auctioneer or auction company on behalf of the auctioneer's or auction company's principal or any other person shall be deposited in a common trust account maintained by the auctioneer or auction company for that purpose in a bank, savings and loan association or credit union which is authorized to do business in this state and is designated by the auctioneer or auction company pending the consummation or termination of the transaction, except that the money may be paid to one of the parties pursuant to an agreement between the parties. The name of the bank, savings and loan association or credit union shall at all times be registered with the department, along with a letter authorizing the department to examine and audit the trust account when the department determines that an examination or audit of the trust account is necessary.

480.18 Maintenance of records by auctioneers. (1) Unless a longer period of retention is required under sub. (2), for at least 2 years after an auctioneer conducts an auction, the auctioneer shall maintain complete and accurate records of the auction, including the name and address of each owner or consignor of goods or real estate that was sold or attempted to be sold at the auction, a description of the goods or real estate that was sold or attempted to be sold at the auction, the originals or true copies of the contracts described in s. 480.14 (1) and

accounts of all moneys received and disbursed at or as a result of the auction.

(2) An auctioneer shall retain the records described in sub. (1) for at least 2 years after the termination of any litigation related to any goods or real estate that was sold or attempted to be sold at an auction conducted by the auctioneer.

(3) An auctioneer shall, upon reasonable notice, make the records described in sub. (1) available for inspection and copying by the department or the board.

480.20 Advertisements of auctions. No person may advertise that an auction will be conducted unless the advertisement includes all of the following:

(1) The name of the auctioneer who will conduct the auction and the name of any auction company that is managing the auction.

(2) A statement that the auctioneer under sub. (1) is a “registered Wisconsin auctioneer”.

480.22 Auction consumer protection fund. (1) In this section, “consumer” means a person who has purchased or intends to purchase goods or real estate at an auction.

(2) If the department determines that the establishment of a consumer protection fund is necessary to protect consumers and reimburse consumers who claim losses resulting from the illegal, unprofessional or unethical conduct of auctioneers or auction companies, the department shall prepare a report that includes relevant data related to consumers and a recommendation to establish a consumer protection fund that is similar to the cemetery consumer protection fund described in s. 440.92 (8), and shall submit the report to the legislature under s. 13.172 (2).

480.24 Disciplinary proceedings and actions. (1) Subject to the rules promulgated under s. 440.03 (1), the board may make investigations or conduct hearings to determine whether a violation of this chapter or any rule promulgated under this chapter has occurred. The board may require a registrant or an auction company representative of an auction company that is a registrant to undergo and may consider the results of one or more physical, mental or professional competency examinations if the board believes that the results of any of those examinations may be useful to the board in conducting its investigation.

(2) Subject to the rules promulgated under s. 440.03 (1), the board may reprimand a registrant or deny, limit, suspend or revoke a certificate under this chapter if it finds that the applicant or registrant or an auction company representative of an auction company that is an applicant or registrant has done any of the following:

(a) Made a material misstatement in an application for a certificate or renewal of a certificate.

(b) Engaged in conduct while practicing as an auctioneer or as an auction company which evidences a lack

of knowledge or ability to apply professional principles or skills.

(c) Subject to ss. 111.321, 111.322 and 111.335, been arrested or convicted of an offense committed while registered under this chapter.

(d) Advertised in a manner which is false, deceptive or misleading.

(e) Advertised, practiced or attempted to practice as an auctioneer or as an auction company under another person’s name.

(f) Allowed the registrant’s name to be used by another person while the other person was practicing or attempting to practice as an auctioneer or as an auction company .

(g) Subject to ss. 111.321, 111.322 and 111.34, practiced as an auctioneer or as an auction company while the individual’s ability to practice was impaired by alcohol or other drugs.

(h) Failed to renew or had suspended or revoked the person’s permit issued under s. 77.52 (9).

(i) Failed to submit to a physical, mental or professional competency examination required under sub. (1) or (3) (a).

(j) Violated this chapter or any rule promulgated under this chapter.

(3) The board may, as a condition of removing a limitation on a certificate issued under this chapter or of reinstating a certificate that has been suspended or revoked under this chapter, do any of the following:

(a) Require the registrant or an auction company representative of an auction company that is a registrant to obtain minimum results specified by the board on one or more physical, mental or professional competency examinations if the board determines that obtaining the minimum results is related to correcting one or more of the bases upon which the limitation, suspension or revocation was imposed.

(b) Require the registrant to obtain insurance against loss, expense and liability resulting from errors and omissions or neglect in the performance of services as an auctioneer or as an auction company.

(c) Require the registrant to file with the department a bond that is furnished by a company authorized to do business in this state and is in an amount approved by the department.

480.26 Penalties. (1) Any person who violates this chapter or any rule promulgated under this chapter may be fined not more than \$1,000 or imprisoned for not more than 6 months or both.

(2) In addition to or in lieu of the penalties under sub. (1) and the remedies under s. 480.24, any person who violates this chapter or any rule promulgated under this chapter may be required to forfeit not more than \$1,000 for each separate offense. Each day of continued violation constitutes a separate offense.

1993 Senate Bill 243

– 7 –

SECTION 25. 560.42 (3) (b) of the statutes is amended to read:

560.42 (3) (b) The center may refer to the appropriate regulatory agency, without giving further assistance, any person seeking information or assistance on a permit under chs. 186, 215, 217, 220 to 224, 440 to 459 ~~480~~ and 600 to 646.

SECTION 26. Nonstatutory provisions; initial appointments. Notwithstanding section 15.405 (3) of the statutes, as created by this act, the initial auctioneer members or auction companies represented by the initial auction company representative members of the auctioneer board need not be registered under chapter 480 of the statutes, as created by this act, to be appointed to and

serve as members of or to have its auction company representatives be appointed to and serve as members of the auctioneer board. Notwithstanding section 15.405 (3) of the statutes, as created by this act, the initial members of the auctioneer board shall be appointed by September 1, 1994, for the following terms:

(1) One public member, for a term expiring on May 1, 1997.

(2) Two auctioneer or auction company representative members, for terms expiring on May 1, 1998.

(3) Two public members, for terms expiring on May 1, 1999.

(4) Two auctioneer or auction company representative members, for terms expiring on May 1, 2000.
