Chapter RL 12

APPLICATIONS

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History: Chapter REB 2 as it existed on April 30, 1972 was repealed and a new chapter REB 2 was created, Register, April, 1972, No. 196, effective May 1, 1972. Renumbered to be chapter RL 12, effective March 1, 1983.

RL 12.01 Applications. (1) GENERAL. (a) *Forms.* Applications for licenses and accompanying documents required by the provisions of ch. 452, Stats., and the rules of the department shall be made on forms provided by the department and shall be delivered through the mails or otherwise to the department's office.

(b) *Complete answers.* No application shall be processed until all questions appearing on the application are fully completed and affirmed or verified.

(c) *Verification.* 1. Individuals or partnerships. All applications for licenses shall be affirmed or verified by the applicant.

2. Corporations. Applications for a license made by a corporation must be verified by the president, except that in the event the president is unable to act and the vice-president has been authorized in his or her stead, the department may accept the application verified by the vice-president.

(e) *Fees prepaid.* No action shall be taken on any application until the prescribed fees are paid and deposited at the office of the department.

(f) *Previously licensed brokers and salespersons.* No action shall be taken on any new application of an applicant who has previously been licensed by the board or the department until the applicant furnishes sufficient proof to the department that the applicant has not acted as a salesperson or broker since the expiration of his or her license. The department may in its discretion waive this requirement.

(2) NEW APPLICATIONS. (a) *Non-resident brokers and salespersons.* 1. General. No application for a real estate broker's or salesperson's license from any non-resident will be processed prior to receipt by this office of an irrevocable consent to be sued as specified in s. 452.11, Stats.

2. Real estate. New applications for a real estate broker's license from any non-resident of Wisconsin who is a resident of a state which has a real estate license law shall not be acted upon until the applicant presents proof that he or she is licensed and maintains an active place of business in the state of his or her residence or maintains an active place of business in the state of Wisconsin. A mailing address shall not constitute a place of business for the purpose of this section.

(b) *Minors.* No action shall be taken on any new application for a broker's or salesperson's license received from any applicant unless said applicant is a person of the age of 18 years or over.

History: Cr. Register, April, 1972, No. 196, eff. 5-1-72; am. (2) (b), Register, July, 1972, No. 199, eff. 8-1-72; renum. from REB 2.01, r. (1) (b), renum. (1) (c) and (d) to be (1) (b) and (c), Register, February, 1981, No. 302, eff. 3-1-81; renum. from REB 2.02 and am. (1) (a), (c) 2., (e) and (f) and (2), Register, February, 1983, No. 326, eff. 3-1-83.

RL 12.015 Application requirements. (1) EDUCATIONAL REQUIREMENTS. Each applicant for an original real estate broker's license or an original real estate salesperson's license shall submit evidence of compliance with the educational requirements of ch. RL 25.

(2) EXPERIENCE REQUIREMENT. (a) Each applicant for an original real estate broker's license shall verify that the applicant has obtained at least one year of experience as a salesperson under the direct supervision of a licensed broker. Verification shall consist of a statement by the applicant that the applicant has obtained the required experience, and shall contain the name of the supervising broker or brokers and the dates during which the applicant was employed as a salesperson.

(b) An applicant meets the requirements of par. (a) if the applicant notifies the department of employment under s. RL 17.04 and is, thereafter, employed as a salesperson for a cumulative period of not less than 365 days.

(c) An applicant who is or has been a real estate licensee in another state meets the requirements of par. (a) if the applicant has obtained at least one year of experience working as a real estate licensee under the direct supervision of a licensed real estate broker.

History: Cr. Register, February, 1987, No. 374, eff. 6-1-87.

RL 12.02 Examinations. (1) WRITTEN EXAMINATIONS. Each applicant for a broker's or salesperson's license shall be required to read and write a comprehensive examination in English, testing that person's competency to transact the business of a real estate broker or salesperson. The examination shall be in conformity with s. 452.09, Stats., as applicable, and shall consist of 2 parts.

(a) Uniform part measures knowledge and skills relevant to the general practices and principles of real estate that are common to or "uniform" among all licensing jurisdictions.

(b) State part contains questions dealing with real estate laws, rules, and regulations, and other aspects of real estate practices appropriate to the state of Wisconsin.

(2) COMPETENCY. The grade of 75 or above on both parts may be evidence of competency and a grade below 75 in either part shall be proof of incompetency. To pass the examination, applicants shall pass both parts. An applicant for examination, for the first time, who passes one part shall be conditionally credited with the part on which the passing grade was received, and may, upon application, be re-examined on the part failed at any of the 6 examinations immediately following the examination on which the applicant did not pass on both parts. A person who does not pass the part retaken at one of the 6 examinations immediately following the examination on which the applicant did not pass on both parts shall revert to the status of a new applicant, and will be required to

rewrite both parts, if reapplication is made. In addition to a grade of 75, the department may, in its discretion, require further supplemental proof of competency. In all cases, the grade below 75 received on the written examination shall be controlling on the question of competency and cannot be supplemented by other proof.

(3) EXAMINATION REQUIREMENTS FOR APPLICANTS LICENSED IN ANOTHER STATE. An applicant for a license as a broker or salesperson who submits proof to the department that he or she held a similar license in another state within 2 years prior to the date of application in Wisconsin is required to take and pass only the state part of the examination.

(4) WRITTEN EXAMINATIONS WAIVED. (b) *Armed forces.* Individuals previously licensed as salespersons or brokers under this department, but who have not been the holder thereof during the calendar year immediately preceding the date of such application, because of service in the armed forces of the United States of America, must make application to the department to be licensed in their previous capacity, to wit: as a salesperson or broker, respectively, within 6 months from the date of discharge or separation of such applicant from active military service and such application shall be granted to such individual upon payment of the usual fee, without written examination, subject to proof of trustworthiness.

(5) ORAL EXAMINATION. (a) Upon filing the application in proper form, and paying the proper fee pursuant to ss. 452.09 and 452.10, Stats., an applicant may be given an oral exam pursuant to s. 452.09 (3) (b), provided that the applicant shall produce a statement by a duly licensed Wisconsin physician on a form to be prescribed by the department which certifies that:

1. The applicant has been examined by said physician within 30 days of the date of said application; and

2. The applicant is unable to fairly compete in a written examination because of a physical handicap that impairs the applicant's ability to write.

(b) The department shall pass upon each request for an oral examination and shall grant it unless good cause is shown why it should be denied. If denied, the department shall advise the applicant in writing of the reasons for said denial. The applicant may appeal the denial.

(c) If the application for oral examination is granted, the applicant shall be notified in writing of the time and place for said examination.

(d) The contents of the oral examination shall be determined by the department and shall be substantially equivalent to the contents of the written examination.

(e) The oral examination shall be conducted by the department.

(f) The questions and answers shall be taken in shorthand or on tape and preserved as confidential records of the department. The applicant and/or his or her representative shall, upon a showing of good cause, have access to the applicant's records.

(g) The department shall review the transcript of the examination and shall determine upon standards set by the department whether an applicant is competent to receive a real estate license. Competency shall be

based on a grade of 75 or above. The provisions of subs. (2), (3) and (4) as well as the provisions of s. 452.09 (3), Stats., shall be controlling in determining the standards of competency.

(h) Copies of the examination or the transcript shall not be available for inspection by anyone except that the department shall, upon a showing of good cause, authorize only the applicant or his or her representative to review the transcript. In the event the applicant is blind the department may authorize another person to accompany the applicant provided said person is not a potential applicant or instructor in real estate.

History: Cr. Register, April, 1972, No. 196. 5-1-72; r. (4) renum. (5) to be (4), Register, November, 1974, No. 227, eff. 12-1-74. emerg. cr. (5), eff. 5-1-75; cr. (5), Register, June, 1975, No. 234, eff. 7-1-75; am. (1) and (2), Register, June, 1979, No. 282, eff. 7-1-79; renum. from REB 2.03, am. (2), (4) (a) and (5) (g), Register, February, 1981, No. 302, eff. 3-1-81; r. (4) (b), renum. (4) (c) to be (4) (b), Register, December, 1981, No. 312, eff. 1-1-82; renum. from REB 2.02 and am. (1) (intro.) and (2) to (5), Register, February, 1983, No. 326, eff. 3-1-83; r. and recr. (3), Register, August, 1983, No. 332, eff. 9-1-83; r. (4) (a), Register, November, 1985, No. 359, eff. 12-1-85.

RL 12.025 Review of examinations and examination results. (s. 452.09 (3), Stats.) (1) REVIEW. All applicants shall be offered the opportunity to review their examinations and make written comments and objections at the time and place that they take the examination.

(2) REPORTS. All applicants who obtain a failing grade shall receive, for facilitating further study, a report detailing the results in the major content areas of the examination.

(3) WRITTEN REVIEW. All applicants who receive failing grades may request a written review of the results of the examination.

History: Cr. Register, December, 1976, No. 252, eff. 1-1-77; r. and recr. Register, December, 1978, No. 276, eff. 1-1-79; renum. from REB 2.035, Register, February, 1981, No. 302, eff. 3-1-81; remum. from REB 2.025, Register, February, 1983, No. 326, eff. 3-1-83.

RL 12.03 Time for completing licensure requirements. An applicant for a broker's or salesperson's license who successfully completes both the uniform and state parts of the examination, as provided in this chapter, has one year following the date of examination to complete all other requirements for licensure. No license shall be granted until all requirements are met. If the applicant fails to complete the requirements within the one-year period, he or she shall reapply and successfully complete the examination before a license may be granted.

History: Cr. Register, June, 1982, No. 318, eff. 7-1-82; renum. from REB 2.03, Register, February, 1983, No. 326, eff. 3-1-83.

RL 12.04 Renewal after license expiration (1) If an application for renewal is filed with the department during the year after the license expires and the applicant is not registered as an inactive licensee, the applicant shall pay the applicable renewal and penalty fees specified in s. 440.05 (3) to (5), Stats. Completion of an examination is not required.

(2) If an application for renewal is filed with the department more than one year but less than 5 years after expiration of the license and the applicant is not registered as an inactive licensee, the applicant shall pay the fee specified in s. 440.05 (1), Stats. and pass the state part of the written examination specified in s. RL 12.02 (1) (b).

Note: The applicant shall apply to and pay the cost of the examination directly to the testing agency under contract with the department for administration of the examination, pursuant to s. 440.07 (2), Stats.

(3) If an application for renewal is filed with the department 5 or more years after expiration of the license and the applicant is not registered as an inactive licensee, the applicant shall pay the fee specified in s. 440.05 (1), Stats. and pass both the uniform part and the state part of the written examination specified in s. RL 12.02 (1) (a) and (b).

Note: The applicant shall apply to and pay the cost of the examination directly to the testing agency under contract with the department for administration of the examination, pursuant to s. 440.07 (2), Stats.

History: Emerg. cr. 6-16-87; cr. Register, December, 1987, No. 384, eff. 1-1-88; r. and recr. Register, March, 1990, No. 411, eff. 4-1-90.