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Chapter RL 25

EDUCATION

RL 25.005 Authority.
RL 25.01 Definitions.
RL 25.02 Educational requirements of applicant for an original real estate broker's license.
RL 25.025 Satisfaction of broker's educational requirements by out–of–state applicants.
RL 25.03 Educational requirements of applicant for an original real estate salesperson's license.
RL 25.035 Satisfaction of salesperson's educational requirements by out–of–state applicants.
RL 25.05 Requirements for approval of pre–license education courses taken for academic credit at an accredited institution of higher education.
RL 25.06 Requirements for approval of pre–license noncredit programs and instructors.
RL 25.065 Continuing education requirements for brokers and salespersons.
RL 25.066 Requirements for approval of continuing education schools, courses and instructors.
RL 25.07 Certification of attendance at pre–license and continuing education programs and courses.
RL 25.075 Continuing education examination conducted by the department.
RL 25.08 Investigation and review.

Note: Chapter REB 16 as it existed on October 31, 1979, was repealed and a new Chapter REB 16 was created effective November 1, 1979. Renumbered chapter RL 25, effective March 1, 1983.

RL 25.005 Authority. The following rules are adopted pursuant to ss. 227.11 (2), 452.05, 452.07, 452.09 (2) and (3) and 452.12 (5) (c), Stats.

History: Cr. Register, October 1979, No. 286, eff. 11–1–79; renum. from REB 16.005 and am. Register, February, 1983, No. 326, eff. 3–1–83; am. Register, January, 1992, No. 433, eff. 2–1–92.

RL 25.01 Definitions. As used in this chapter, unless the context otherwise specifically requires:

(1) "Accredited institution of higher education" means a law school accredited by the American bar association or other schools accredited by one of the regional institutional accrediting commissions or associations which have been recognized by the U.S. department of education.

(2) "Board" means the real estate board.

(2m) "Classroom education" means the provision of educational programs or courses to one or more students in a setting in which either an instructor is physically present with the students or a representative of an approved school is physically present with the students for the purpose of taking attendance and providing instruction by audiotape, cable television, satellite line or other similar method and the instructor is available for student questions by telephone or E–mail, or by a continuous 2–way audio or audiovisual connection.

(3) "Continuing education course" means an approved segment of a continuing education program required by the department pursuant to s. 452.05 (1) (d), Stats.

(4) "Continuing education program" means the total number of continuing education hours or subjects required by the department pursuant to s. 452.05 (1) (d), Stats.

(5) "Credit course" means a course which can be applied toward an associate degree or higher degree at an accredited institution of higher education.

(5m) "Distance education" means the provision of educational programs or courses without an instructor or a representative of an approved school physically present with the students. "Distance education" includes, but is not limited to, the delivery of educational programs and courses on CD–ROM, computer disk, or the Internet.

(6) "Evidence of attendance" means an official transcript, student grade report, or department–approved certificate showing satisfactory completion of educational programs or courses.

(7) "Hour" means a period of 50 minutes of actual instruction and shall not include time spent in writing tests or examinations given by the school.

(8) "Noncredit program" means an educational program which does not satisfy requirements for an associate degree or higher degree at the school offering the educational program.

History: Cr. Register, October, 1979, No. 286, eff. 11–1–79; renum. from REB 16.01 and am. (1) and (6), Register, February, 1983, No. 326, eff. 3–1–83; renum. (1) to (5) to be (2), (7), (5), (8), (1) and am. (8), cr. (3) and (4), am. (6), Register, January, 1992, No. 433, eff. 2–1–92; am. (1), Register, July, 1998, No. 511, eff. 8–1–98; **cr. (2m), (5m), am. (3), (4) and (7), Register, August, 1999, No. 524, eff. 9–1–99.**

RL 25.02 Educational requirements of applicant for an original real estate broker's license. (1) EDUCATIONAL REQUIREMENTS. Each applicant for an original real estate broker's license shall satisfy any one of the following requirements:

(a) Present evidence satisfactory to the department of successful completion, within 5 years before application for a license, of the educational program in sub. (2), which has been approved in accordance with this chapter, and either satisfy the salesperson's educational requirements in s. RL 25.03 (3) or present evidence satisfactory to the department of licensure as a salesperson.

(b) Submit proof that the applicant has received 20 semester hour credits in real estate or real estate related law courses from an accredited institution of higher education. A quarter hour credit equals 2/3 of a semester hour credit.

(c) Submit proof that the applicant is licensed to practice law in Wisconsin.

(2) BROKER'S PRE–LICENSE PROGRAM. The educational program for applicants for an original real estate broker's license shall cover all of the following topics and shall be designed so that if the educational program were presented as classroom education, it would be presented in no less than 36 hours:

(a) *Contracts.*

1. Definition of a contract.
a. Contract versus agreement.
2. Elements of a contract.
a. Offer.
b. Acceptance.
c. Consideration.
d. Competent parties.
3. Time is of the essence.
4. Acceptance versus counteroffers.
5. The law of conveyances.
a. Conveyance defined.
b. Requirements for a valid conveyance.
6. Agreement to arbitrate real estate transaction disputes – s. 788.015, Stats.
7. Commercial real estate commission lien – s. 779.32, Stats.

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(b) *Approved forms.*
1. The forms approval process.
a. Forms committee.
b. Real estate board.
c. Department of regulation and licensing.
2. The authorized practice of law.
a. Reynolds v. Dinger, 14 Wis. 2d, 193.
b. Chapter RL 16.
3. Review of forms.
a. Listing contract.
b. Offer.
c. Counteroffer.
d. Amendment.
e. Buyer agency agreement.
f. Lease.
g. Grant of option.
h. Bill of sale.
i. Offer to exchange property with acceptance.
j. Cancellation and mutual release.
k. State bar forms – s. RL 16.03 (1).
L. Uniform commercial code forms.
m. Forms used in other states.
4. Developing a form and contingency manual.
5. Supervising salesperson's use of approved forms.
(c) *Trust accounts, escrow, closing statement.*
1. Trust accounts – ch. RL 18.
a. Trust account definition.
b. Trust funds definition.
c. When is a trust account required.
d. Procedure to open a trust account.
e. Procedure to open an interest bearing trust account.
f. Authorization to sign trust account checks.
g. Deposit of trust funds.
h. Disbursement of trust funds.
i. Bookkeeping system.
2. Escrow agreement procedures.
a. Escrows requiring separate escrow agreements.
b. Pre−closing earnest money escrows.
c. Post closing escrows.
d. Escrows not requiring separate escrow agreements.
e. Drafting escrow agreements.
3. Closing procedures.
a. Licensees are not required by license law to perform closings.
b. Choosing a closing statement.
c. Closing preparation procedures.
d. Setting a closing date.
e. Preparing closing documentation.
f. Closing procedures.
g. Post closing procedures.
(d) *Business management and marketing.*
1. The legal environment.
a. Licensure.
b. Legal concerns.
c. Policy manual – s. RL 17.08.
2. The business plan.
a. Form of ownership.
b. Start up.
c. Capital budget.
d. Operation budget.
e. Marketing strategies.
3. Professional services.
a. Attorneys
b. Accountants.
4. Operational policies.
a. Policy and procedures manual.
b. Independent contractors agreement.
(e) *Financial and office management.*
1. Financial management.
a. System of income and expense accounting.
b. Forms used in all systems.
c. Accounting for deposits.
d. Accounting for payroll.
e. General disbursements.
f. Accounts used for handling funds.
g. Bank reconciliations.
h. Financial reports.
2. Budgeting.
a. Definition of a budget.
b. Purpose of the budget.
c. Comparison of budget income and expenses.
d. Preparing the budget.
3. Office management – ch. RL 15.
a. Retention of records.
(f) *Personnel.*
1. Hiring.
a. General criteria.
b. Determining needs.
c. Personnel selection.
d. Equal opportunity.
e. Workers' compensation.
2. Contracts.
a. Employee.
b. Independent contractor.
3. Policy manual.
a. Purpose.
b. Company history and philosophy.
c. Development and implementation.
d. Termination.
4. Training.
5. Licensure and supervision of employees – ch. RL 17.
(g) *Business ethics.*
1. Dealing with the public.
a. Principal and agent relationship – s. RL 24.025.
b. Treating all parties fairly – s. RL 24.025.
c. Avoid discrimination – s. RL 24.03 (1).
d. Competence in area of service – s. RL 24.03 (2).
e. Legal counsel not to be discouraged – s. RL 24.06.
f. Tie−ins – s. RL 24.075.
g. Agreements in writing – s. RL 24.08.
h. Misleading market values – s. RL 24.09.
i. No net listings – s. RL 24.10.
2. Advertising – s. RL 24.04.
a. False ads.
b. Disclosure to the public.
c. Obtain permission.
d. Advertised price.
3. Offers – ss. RL 24.12, 24.13.
a. Confidentiality.
b. Draft and submit all offers.
c. Submit promptly.

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d. Present fairly.
e. Prompt notification.
4. Self–dealing – s. RL 24.05.
a. Disclosure of profits.
b. Disclosure of intent.
c. Property owned by licensee.
d. Referral of service.
e. Compensation from more than one party.
5. Disclosure – s. RL 24.07.
a. Material facts.
b. Property inspection.
c. Agency.
6. Dealings with fellow licensees.
a. Negotiations through listing broker – s. RL 24.13 (5).
b. Obtain seller's permission for subagent – s. RL 24.07 (8) (b) 2.
c. Confidentiality of offer – s. RL 24.12.
d. Disclose material facts – s. RL 24.07 (2).
e. False information – s. RL 24.07 (3).
f. Disclose buyer agent and seller subagent – s. RL 24.07 (8).
g. Timely transfer of earnest money – s. RL 18.08.
7. Dealings with licensee and salespeople.
a. Licensee supervision – s. RL 17.08.
b. Office supervision – s. RL 17.09.

Note: Section RL 17.09 was repealed eff. 7–1–05.

(h) *Consumer protection.*
1. Disclosure.
a. Property inspections – s. RL 24.07 (1) (a).
b. Investigation of other facts – s. RL 24.07 (1) (b).
c. Use of third party inspectors – s. RL 24.07 (2).
d. Wisconsin statutes s. 452.23, Stats.
e. Civil liability for misrepresentation.
f. Seller's disclosure duties – ch. 709, Stats.
g. Buyer's inspection obligation.
2. Fair housing.
a. Federal law.
b. State of Wisconsin law.
c. Local fair housing law.
d. Sanctions for violations.
e. Testers and fair housing organizations.
f. Conduct prohibited by fair housing law.
g. Responding to fair housing questions.
h. Instituting equal professional service procedures.
3. Antitrust: conspiracy and group boycotts.
a. Section 1 of the Sherman Act.
b. "Conspiracy" requirement.
c. "Restraint of trade" requirement.
d. Compensation and "prices" which have been fixed.
e. Situations creating inferences of price fixing.
f. How to respond to antitrust situations.
g. Elements same as price fixing – conspiracy and restraint of trade.
h. Situations creating inference of boycott.
i. Good boycotts: sanctions necessary to enforce reasonable industry self regulation.
4. Complaint handling procedures.
a. Consumer satisfaction.
b. Liability avoidance.
c. Feedback on fair housing or other law violations.
d. Prevent complaint through education.
e. Document the complaint handling program in policy and procedures manual.
f. Inform the parties of the complaint handling program.
g. Dispute resolution systems.
5. Environmental factors.
a. Underground storage tanks: registration and closure.
b. Asbestos.
c. Radon.
cm. Lead–based paint.
d. Procedures for "high risk" properties.
e. Wetlands and floodplain.
6. Education buyers and sellers.
a. Property inspection and disclosure of defects.
b. Earnest money procedures.
c. Licensees' responsibilities and expertise.
d. Utilizing third party experts.
(i) *Specialty areas.*
1. Property management.
a. Management contracts.
b. Insurance liability.
c. Security deposits.
d. Breach of lease.
e. Property inspections.
f. Tenant and landlord rights and obligations – ch. ATCP 134.
g. Rules regarding negotiating leases.
2. Business opportunities.
a. Special expertise and licensing requirements – s. RL 24.03.
b. Approved forms.
c. Bulk sales law.
3. Selling specialized properties as a brokerage activity.
4. Alternative marketing methods.
a. Exchanges.
b. Installment sales.
c. Syndication.
d. Cooperatives.
5. Mortgage banking.
a. Definition of mortgage banker, loan originator, loan solicitor.
b. When separate registration is needed.
c. Legality of referral fees, "Real Estate Settlement Procedures Act."
6. Real estate appraisal.
a. Definition.
b. When separate certification is needed.
7. Farms.
a. Specialized forms.
8. Auctions.
a. Auctioneer requires real estate license to call auction of real estate.
9. Mobile homes.
a. When a real estate license or separate license is required.
10. Time–share.
a. Familiarity with ch. 707, Stats., when selling time–shares.

History: Cr. Register, October, 1979, No. 286, eff. 11–1–79; cr. (4), Register, April, 1981, No. 304, eff. 5–1–81; am. (1), (4) (intro.) and (b), Register, June, 1982, No. 318, eff. 7–1–82; renum. from REB 16.02 and am. (1) and (4) (intro.), Register, February, 1983, No. 326, eff. 3–1–83; am. (1), (3) (intro.), (a) (intro.), (b) (intro.) and (c) (intro.), r. and recr. (2), cr. (5), Register, February, 1987, No. 374, eff. 6–1–87; r. and recr. Register, January 1992, No. 433, eff. 2–1–92; am. (1) (a), (2) (h), 1. f., (3), cr. (2) (a) 6., Register, September, 1993, No. 453, eff. 10–1–93; cr. (2) (h) 5. cm., r. (3), Register, July, 1997, No. 499, eff. 8–1–97; am. (1) (intro.), (a) and (b), Register, July, 1998, No. 511, eff. 8–1–98; **am. (1) (intro.), (a), (2) (intro.) to (g) (intro.), 2. to 5., (h) and (i), cr. (2) (a) 7., Register, August, 1999, No. 524, eff. 9–1–99.**

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RL 25.025 Satisfaction of broker's educational requirements by out–of–state applicants. (1) An applicant who has held an active real estate broker's license in another licensing jurisdiction within the 2 year period prior to filing an application for an original real estate broker's license in Wisconsin may satisfy the broker's educational requirements of s. RL 25.02 (1) by submitting evidence of one of the following:

(a) Completion of the educational programs under sub. (2) and s. RL 25.035 (2) at a school approved by the department under s. RL 25.05 or 25.06.

(b) Satisfaction of the requirements in s. RL 25.02 (1) (b) or (c).

(2) The contents of the educational program under this subsection shall include all of the following and shall be designed so that if the educational program were presented as classroom education, it would be presented in no less than 3 hours:

(a) *Broker–only contracts and contract issues.*

1. Reynolds v. Dinger, 14 Wis. 2d, 193.
2. State bar forms – s. RL 16.03 (1).
3. Uniform commercial code forms – s. RL 16.03 (1).
4. Forms used in other states.
5. Developing forms and contingency manual.
6. Supervising salespersons' use of approved forms.
7. Commercial real estate broker's commission lien – s. 779.32, Stats.

(b) *Miscellaneous Wisconsin laws.*

1. Change of name, address or trade name – ch. RL 23.
2. Trust accounts – s. 452.13, Stats., and ch. RL 18.
   a. Procedure to open trust account.
   b. Authorization to sign trust account checks.
   c. Bookkeeping system.
3. Policy manual – s. RL 17.08.

(c) Review, update or more in–depth coverage of any of the contents of the salesperson's educational course in s. RL 25.035 (2).

History: Cr. Register, July, 1997, No. 499, eff. 8–1–97; **am. (1) (intro.), (a), (b), (2) (intro.), (a), (b) (intro.) and (c), cr. (2) (a) 7., Register, August, 1999, No. 524, eff. 9–1–99.**

RL 25.03 Educational requirements of applicant for an original real estate salesperson's license. (1) GENERAL REQUIREMENTS. Each applicant for an original real estate salesperson's license shall present evidence of attendance, within 5 years before application for a license, at the educational program in sub. (3), which has been approved by the department in accordance with s. RL 25.05 or 25.06.

(2) TEN SEMESTER–HOUR WAIVER. The educational requirement in sub. (1) is not required of an applicant who submits proof that the applicant has received 10 semester hour credits in real estate or real estate related law courses at an accredited institution of higher education. A quarter hour credit equals 2/3 of a semester hour credit.

(3) SALESPERSON'S PRE–LICENSE PROGRAM. The educational program for applicants for an original real estate salesperson's license shall cover all of the following topics and shall be designed so that if the educational program were presented as classroom education, it would be presented in no less than 72 hours:

(a) *Real property.*

1. Land, real estate and real property.
2. Real property versus personal property.
3. Classification of fixtures.
4. Characteristics of real estate.
5. Types of home ownership.
6. Mobile homes – s. 70.043, Stats.
7. Ownership expenses.
8. Property features.
9. Investment considerations.
10. Tax benefits for home ownership.
11. Homeowner's insurance.

(b) *The real estate business.*

1. Real estate specialties.
2. The real estate market.
3. Factors affecting supply and demand.
4. Business cycles.
5. Real estate practice – ch. 452, Stats.

(c) *Real estate brokerage.*

1. Law of agency.
2. Creation and termination of agency.
3. Fiduciary duties.
4. Responsibilities to third parties.
5. Broker's and salesperson's compensation.
6. Antitrust laws.
7. Independent contractor versus employee.
8. Broker–to–broker relationships.
9. Sales associate–to–sales associate relationships.

(d) *Listing agreements.*

1. Listing property.
2. Listing agreements – ch. RL 16.
3. Special listing provisions.
4. Termination of listings.
5. Obtaining listings.
6. Pricing the property.
7. Disclosures.
8. Home warranties.

(e) *Interests in real estate.*

1. Government powers.
2. Estates in land.
3. Encumbrances.
4. Water rights.
5. Forms of ownership.
6. Trusts.
7. Ownership by business organizations.
8. Cooperatives.
9. Time–shares – ss. 70.095, 707.02, 707.05, 707.40, 707.47, 707.49, Stats.
10. Condominiums – ss. 703.08, 703.21, 703.33, Stats.
11. Homestead – ss. 706.01 (7), 766.605, Stats.

(f) *Legal descriptions.*

1. Methods of describing real estate.
2. Land units and measurements.
3. Measuring elevations.

(g) *Taxes and other liens.*

1. Liens and their effects on title.
2. Tax liens.
3. General tax assessment, equalization, tax bills.
4. Mortgage liens.
5. Mechanics liens.
6. Judgments.
7. Estate and inheritance tax liens.
8. Other liens.
9. Taxes – ss. 74.15, 74.47 (1) and (2), Stats.
10. Taxation and transfer fee – ss. 77.22, 77.27, Stats.

(h) *Real estate contracts.*

1. Contract law.
2. Elements of a valid contract.

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3. Performance of contract.
4. Discharge of contract.
5. Default or breach of contract.
6. Forms used in real estate – ch. RL 16.
a. Listing agreements – s. 240.10, Stats.
b. Offers to purchase.
c. Buyer agency agreements.
d. Counteroffers.
e. Amendments.
f. Understanding closing statements.
g. Disclosure forms: seller condition report; agency; buyer and seller disclosure.
h. Addendums.
i. Cancellation and mutual release agreements.
7. Agreement to arbitrate real estate transaction disputes – s. 788.015, Stats.

(i) *Title records and transfers of title.*
1. Requirements of a valid conveyance – ss. 240.10, 706.02, 706.03, Stats.
2. Types of deeds.
3. Involuntary alienation.
4. Probate.
5. Transfer of title by will and descent.
6. Public records and recording.
7. Evidence of title.
8. Uniform commercial code.
9. Other conveyances.

(j) *Real estate finance and basic math.*
1. Buyer qualification.
2. Mortgage instruments.
3. Payment plans.
4. Provisions for default: assignment; release; subject to.
5. Land contracts.
6. Secondary mortgage market.

(k) *Appraisal – market analysis.*
1. Basic principles of value.
2. Direct market comparison approach.
3. Cost approach.
4. Income approach.
5. Appraisal process.

(L) *Fair housing laws.*
1. Equal opportunity in housing.
2. Federal fair housing law.
3. Blockbusting, steering, redlining.
4. Equal rights – s. 106.50, Stats.
5. Equal opportunity – s. 66.1011, Stats.
6. Organizations.

(m) *Ethical real estate practices.*
1. Chapter RL 24.
2. Ethical business conduct.

(n) *Leases.*
1. Leasehold estates.
2. Standard lease provisions.
3. Lease documents.
4. Legal principles of leases.
5. Assignment and subleasing.
6. Improvements.
7. Maintenance.
8. Breach.
9. Residential rental practices – ss. ATCP 134.02, 134.06, 134.09, and 134.09.

(o) *Property management.*
1. Functions of property manager.
2. Management agreement.
3. Management considerations.
4. Renting and maintaining the property.
5. Risk management.

(p) *Land use control and development.*
1. Public controls.
2. The master plan.
3. Zoning.
4. Subdivision regulations.
5. Private land–use controls.
6. Building codes.
7. Land development.
8. Subdividing.
9. Interstate land sales full disclosure act.
10. Platting and subdivisions – ss. 236.01, 236.02, 236.03, 236.31, 236.33, 236.335, 236.35, Stats.

(q) *Environmental concerns.*
1. Radon.
2. Asbestos.
2m. Lead–based paint.
3. Toxic waste.
4. Underground storage tanks – ss. Comm 10.74 to 10.805.
5. Floodplains – s. 87.30, Stats. and ss. NR 116.01, 116.06.
6. Flood insurance.
7. Wetlands – s. 23.32, Stats.
8. Farmland preservation – ss. 91.01, 91.17, 91.19, 91.21, Stats.
9. Rental unit energy efficiency standards – ss. Comm 67.03, 67.08.
10. Disclosure documents – s. 452.23, Stats., and ch. 709, Stats. and s. RL 24.07.
11. Other.

(r) *Miscellaneous Wisconsin license laws.*
1. Chapter RL 15 – documents and records.
2. Chapter RL 16 – contractual forms.
3. Chapter RL 17 – licensure and supervision of employees.
4. Chapter RL 18 – trust accounts.
5. Chapter RL 23 – change of name, address, trade names.
6. Commercial bulk sales – ss. 406.101, 406.102, 406.103, 406.104, 406.105, 406.107, 406.108, Stats.
7. Property provisions for aliens and corporations – ss. 710.01, 710.02, Stats.
8. Property rights of married persons – ss. 766.31, 766.51, 766.60, 766.63, Stats.
9. Mortgage banking – s. 224.71, Stats., and s. DFI–Bkg 40.03 (4) (b).

History: Cr. Register, October, 1979, No. 286, eff. 11–1–79; am. (2) (intro.) and r. and recr. (2) (b), Register, April, 1981, No. 304, eff. 5–1–81; am. (2) (b), Register, June, 1982, No. 318, eff. 7–1–82; renum. from REB 16.03 and am. (2), Register, February, 1983, No. 326, eff. 3–1–83; r. and recr. Register, February, 1987, No. 374, eff. 6–1–87; r. and recr. Register, January, 1992, No. 433, eff. 2–1–92; am. (1), (3) (q) 10., (4), cr. (3) (h) 7., Register, September, 1993, No. 453, eff. 10–1–93; cr. (3) (q) 2m., r. (4), Register, July, 1997, No. 499, eff. 8–1–97; am. (3) (r) 9., Register, July, 1998, No. 511, eff. 8–1–98; am. (1), (3) (intro.), (a) (intro.), 6., (b) to (L) (intro.), 4. and (m) to (r), Register, August, 1999, No. 524, eff. 9–1–99; **correction in (3) (L) 4. and 5. made under s. 13.93 (2m) (b) 7., Stats.**

RL 25.035 Satisfaction of salesperson's educational requirements by out–of–state applicants. (1) An applicant who has held an active real estate salesperson's license in another licensing jurisdiction within the 2–year period prior to filing an application for an original real estate

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salesperson's license in Wisconsin may satisfy the educational requirements of s. RL 25.03 (3) if the applicant submits evidence of one of the following:

(a) Completion of the educational program in sub. (2) at a school approved by the department under s. RL 25.05 or 25.06.

(b) Satisfaction of the 10 semester–hour waiver in s. RL 25.03 (2).

(2) The contents of the educational program under this subsection shall include all of the following and shall be designed so that if the educational program were presented as classroom education, it would be presented in no less than 13 hours:

(a) *Contracts.*

1. The law of conveyances.

a. Conveyance defined – s. 706.01, Stats.

b. Requirements for a void conveyance – ss. 706.02, 706.03, Stats.

2. Chapter RL 16.

3. Review of forms approved by the department.

a. Listing contracts.

b. Offers to purchase.

c. Counteroffer and multiple counteroffer.

d. Amendment/notice.

e. Buyer agency agreement.

f. Grant of option.

g. Bill of sale.

h. Exchange agreement.

i. Cancellation and mutual release.

j. Other approved forms.

(b) *Agency.*

1. Duties owed to parties and clients. – s. 452.133, Stats.

2. Requirement for an agency agreement and disclosure of agency – s. 452.135, Stats.

3. Multiple representation – s. 452.137, Stats.

Note: Section 452.137, Stats., was repealed by 2005 Wis. Act 87.

4. Revisions to common law duties and responsibilities – s. 452.139, Stats.

(c) *Business conduct.*

1. Direct contact with the public.

a. Competence in area of service – s. RL 24.03.

b. Tie–ins – s. RL 24.075.

c. Agreements in writing – s. RL 24.08.

d. Misleading market values – s. RL 24.09.

e. Net listings – s. RL 24.10.

2. Advertising – s. RL 24.04.

3. Completing and presenting offers – ss. RL 24.12, 24.13.

a. Confidentiality.

b. Drafting and submitting offers.

c. Prompt delivery to buyer.

d. Fair presentation of offers.

e. Prompt notification.

4. Self–dealing – s. RL 24.05.

a. Dual compensation.

b. Disclosure of interest.

c. Referral services.

d. Disclosure of profits.

e. Disclosure of licensure.

(d) *Consumer protection.*

1. Property inspections – s. RL 24.07 (1) (a).

2. Inquiry by listing broker – s. RL 24.07 (1) (b).

3. Disclosure of material adverse facts – s. RL 24.07 (2).

4. Disclosure of material suggesting adverse material facts – s. RL 24.07 (3).

5. Disclosure of side agreements – s. RL 24.07 (4).

6. Reliance upon third parties – s. RL 24.07 (5).

7. Investigations and inspections – s. 452.23, Stats.

8. Civil liability for misrepresentation.

9. Seller's disclosure duties – ch. 709, Stats.

(e) *Fair housing.* Wisconsin law – s. RL 24.03 (1), ss. 66.1011, 106.50, Stats.

(f) *Environmental factors.*

1. Underground storage tanks – ss. Comm 10.74 to 10.805.

2. Floodplains – s. 87.30, Stats., ss. NR 116.01, 116.06.

3. Wetland – s. 23.32, Stats.

4. Farmland preservation – ss. 91.01 to 91.21, Stats.

5. Rental unit energy efficiency standards – ss. Comm 67.03, 67.08.

(g) *Trust accounts and escrows.*

1. Trust accounts – s. 452.13, Stats., ch. RL 18.

a. Definition of trust account.

b. Interest–bearing and non–interest–bearing accounts.

c. Definition of trust funds.

d. When a trust account is required.

e. Deposit of trust funds.

2. Escrow agreement procedures.

a. Escrows requiring separate escrow agreements.

b. Pre–closing earnest money escrows.

c. Post–closing escrows.

d. Escrows not requiring separate escrow agreement.

e. Drafting escrow agreements.

(h) *Miscellaneous issues.*

1. Condominiums – ss. 703.08, 703.21, 703.33, Stats.

2. Homestead – ss. 706.01 (7), 766.605, Stats.

3. Taxes – ss. 74.15, 74.47 (1) and (2), Stats.

4. Taxation and transfer fee – ss. 77.22, 77.27, Stats.

5. Residential rental practices – ss. ATCP 134.02, 134.06, 134.09.

6. Platting and subdivisions – ss. 236.01 to 236.03 and 236.31 to 236.35, Stats.

7. Documents and records – ch. RL 15.

8. Licensure and supervision of employees – ch. RL 17.

9. Commercial bulk sales – ss. 406.101 to 406.108, Stats.

10. Property provision for aliens and corporations – ss. 710.01, 710.02, Stats.

11. Property rights of married persons – ss. 766.31, 766.51, 766.60, 766.63, Stats.

12. Mortgage banking – s. 224.71, Stats., s. DFI–Bkg 40.03 (4) (b).

History: Cr. Register, July, 1997, No. 499, eff. 8–1–97; rn. (1) to be (1) (intro.) and am., cr. (1) (a) and (b), Register, July, 1998, No. 511, eff. 8–1–98; am. (1), (2) (intro.), (a) to (h), Register, August, 1999, No. 524, eff. 9–1–99; **corrections in (2) (e) made under s. 13.93 (2m) (b) 7., Stats.**

RL 25.05 Requirements for approval of pre–license education courses taken for academic credit at an accredited institution of higher education. (1) A school seeking initial approval of pre–license credit courses in real estate shall submit its application on a form provided by the department. The department may require the following information and materials:

(a) The department in the school which is offering the courses.

(b) The method of instruction for each course.

(c) The course number and title.

(d) Detailed outlines of each course with specific allocations of classroom hours to each topic.

(e) A current school bulletin.

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Note: An applicant may obtain a copy of the Application for Approval of Pre–license Credit Courses, Form #828, from the Wisconsin Department of Regulation and Licensing, 1400 East Washington Avenue, Room 281, P.O. Box 8935, Madison, Wisconsin 53708.

(2) The department may approve a pre–license credit course if it alone or in conjunction with one or more other courses covers all of the contents and the required number of hours, as provided in s. RL 25.02 (2) or 25.03 (3).

(3) When approving one or more pre–license credit courses, the department shall specify the single course or combination of courses which cover either the topics in s. RL 25.02 (2) or the topics in s. RL 25.03 (3).

(4) A school shall inform the department of any changes in the information it submitted in an application form within 10 days following the date of the change.

(5) A school may not discriminate against anyone on the basis of sex, race, color, sexual orientation as defined in s. 111.32 (13m), Stats., handicap, religion, age, physical disability, or national origin in their educational programs.

History: Cr. Register, October, 1979, No. 286, eff. 11–1–79; renum. from REB 16.055 and am. Register, February, 1983, No. 326, eff. 3–1–83; renum. from RL 25.055, Register, February, 1987, No. 374, eff. 6–1–87; r. and recr. Register, January, 1992, No. 433, eff. 2–1–92; **am. (3), r. (6), Register, August, 1999, No. 524, eff. 9–1–99.**

RL 25.06 Requirements for approval of pre–license noncredit programs and instructors. (1) APPROVAL OF PROGRAMS. (a) A school seeking initial approval from the department of pre–license educational noncredit programs or courses shall submit its application on a form provided by the department.

Note: An applicant may obtain a copy of the Application for Approval of Pre–license Noncredit Programs, Form #830, from the Wisconsin Department of Regulation and Licensing, 1400 East Washington Avenue, Room 281, P.O. Box 8935, Madison, Wisconsin 53708.

(b) The department may require a school seeking initial approval and reapproval of pre–license noncredit programs or courses to describe or furnish its organizational structure, registration policies, fee schedules, promotional materials, detailed outlines of each program or course with specific allocations of classroom hours to each topic presented as classroom education, student records system, the names and qualifications of instructors, the method of instruction, the method for evaluating instructors and a summary of evaluations conducted, and the time, date and location of each program.

(c) A school shall inform the department of any changes in the information it submitted in an application form within 10 days following the date of the change.

(d) A school may not discriminate against anyone on the basis of sex, race, color, sexual orientation as defined in s. 111.32 (13m), Stats., handicap, religion, age, physical disability, or national origin in their educational programs.

(e) A school seeking the approval of pre–license noncredit programs or courses presented as distance education is not required to designate the number of hours of instruction. However, it shall describe to the department how it will do all of the following:

1. Ensure that instructors approved by the department under sub. (2) are available to the students at reasonable times and by reasonable means.

2. Ensure that the distance education programs and courses will sufficiently cover the required subjects.

3. Provide reasonable oversight to ensure that students who complete the distance education program are the enrolled students.

4. Ensure that the school's distance education program and courses will provide a reasonable opportunity for student self–evaluation of mastery.

(2) (a) Instructors of pre–license educational noncredit programs shall be approved by the department. Instructors shall be knowledgeable in the subject which they are teaching. The department may limit its approval to specific content areas set forth in ss. RL 25.02 (2) and 25.03 (3). Instructors shall possess at least one of the following minimum qualifications:

1. Be an instructor of real estate courses who is or has been engaged in the practice of teaching at an accredited institution of higher education.

2. Be a properly licensed or certified person by the department or other governmental agency who is engaged in the real estate aspects of appraising, financing, marketing, brokerage management, real property management, real estate counseling, real property law, or other related subjects and has been for at least 5 years continuously engaged in such practice.

3. Be a member of the state bar of Wisconsin who is engaged in the field of real estate–related law.

4. Be a person who, in the judgment of the department, is qualified by experience or education, or both, to supervise a course of study.

Note: An applicant may obtain a copy of the Application for Approval of Instructor, Form #831, from the Wisconsin Department of Regulation and Licensing, 1400 East Washington Avenue, Room 281, P.O. Box 8935, Madison, Wisconsin 53708.

(b) An instructor whose real estate license has been limited, suspended or revoked may not instruct in approved programs while the disciplinary action is in effect.

(c) A school shall make arrangements so that when instruction is provided by some means without the instructor physically present in the classroom and the students are unable to interact with the person doing the instructing another approved instructor will be present in the classroom. If the students are able to interact with the person doing the instructing a monitor, but not necessarily an approved instructor, shall be present.

History: Cr. Register, October, 1979, No. 286, eff. 11–1–79; renum. from REB 16.06 and am. Register, February, 1983, No. 326, eff. 3–1–83; am. (1) (a) 1., r. (2) (d) to (f), Register, February, 1987, No. 374, eff. 6–1–87; r. and recr. Register, January, 1992, No. 433, eff. 2–1–92; correction in (2) (a) made under s. 13.93 (2m) (b) 7., Stats., Register, July, 1997, No. 499; am. (2) (a) 2., Register, July, 1998, No. 511, eff. 8–1–98; **am. (1) (a) and (b), r. and recr. (1) (e), Register, August, 1999, No. 524, eff. 9–1–99.**

RL 25.065 Continuing education requirements for brokers and salespersons. (1) Each licensed broker and salesperson, except an inactive licensee under s. 452.12 (6), Stats., shall satisfy the continuing education requirement specified in s. 452.12 (5) (c), Stats., during each licensing biennium.

Note: The contents of the continuing education programs and courses are not designated in the Wisconsin administrative code, pursuant to an exemption under s. 227.01 (13) (zj), Stats. This information may be obtained from the Wisconsin Department of Regulation and Licensing, 1400 East Washington Avenue, Room 281, P.O. Box 8935, Madison, Wisconsin 53708.

(2) A licensee may only satisfy the continuing education requirement by successfully completing the continuing education program or courses which are approved by the department before the programs or courses are conducted, except that pursuant to s. 452.12 (5) (c) 2., Stats., the licensee may take the continuing education examination conducted by the department in lieu of the education.

(3) A licensee shall submit evidence of completion of the continuing education requirement when applying for renewal of license. The department shall withhold issuance of the renewal license until such evidence is submitted and the licensee may not engage in the practice of real estate until having submitted such evidence and having received the license.

(5) A person who receives an original salesperson's or broker's license during a licensing biennium is not required to satisfy the continuing education requirement during the biennium in which the person receives that license.

(6) A licensee may attend more than one school in order to complete approved courses which are part of the continuing education program designated by the department under s. 452.05 (1) (d) and (g), Stats.

(6m) A licensee who attends an approved continuing education course and fails the examination given by the school at the

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end of the course shall retake the course and pass the course examination before being eligible to take the continuing education examination conducted by the department pursuant to s. RL 25.075.

(7) A licensee may complete less than the complete continuing education program designated by the department under s. 452.05 (1) (d) and (g), Stats., and subsequently take the continuing education examination conducted by the department.

(8) A licensee who acts as an instructor of an approved continuing education program or course may receive credit toward satisfaction of the licensee's continuing education requirement, provided the licensee successfully completes the program or course examination, as specified in s. RL 25.05. The licensee may not receive credit for teaching a specific course more than one time.

(9) The department may grant an extension of time for completion of the continuing education requirement by a licensee and the licensee may obtain a renewal license for the extension period for one of the following reasons:

(a) Health reasons which prevented attendance at continuing education courses or the continuing education examination;

(b) Active duty in the military service with assignment to a duty station outside Wisconsin; or

(c) Other compelling reasons beyond the control of the applicant while engaged in the real estate business.

History: Cr. Register, January, 1992, No. 433, eff. 2–1–92; am. (6m), r. (4), r. and recr. (5), Register, September, 1993, No. 453, eff. 10–1–93; am. (7), Register, July, 1998, No. 511, eff. 8–1–98; **am. (5), Register, August, 1999, No. 524, eff. 9–1–99.**

RL 25.066 Requirements for approval of continuing education schools, courses and instructors. (1) A school seeking approval from the department of a continuing education program or course shall submit its application on a form provided by the department. A school shall submit an application for approval of a continuing education program or course to the department before conducting the continuing education program or course which the department has prescribed for a licensing biennium.

Note: An applicant may obtain a copy of the Request For Approval of Real Estate Continuing Education Program or Courses, Form #1747, from the Wisconsin Department of Regulation and Licensing, 1400 East Washington Avenue, Room 281, P.O. Box 8935, Madison, Wisconsin 53708.

(2) Instructors of continuing education programs and courses shall be approved by the department. Instructors shall be knowledgeable in the subject which they are teaching and shall possess at least one of the following minimum qualifications:

(a) Be an instructor of real estate courses who is or has been engaged in the practice of teaching at an accredited institution of higher education.

(b) Be a properly licensed or certified person by the department or other governmental agency who engaged in the real estate aspects of appraising, financing, marketing, brokerage management, real property management, real estate counseling, real property law, or other related subjects and has been for at least 5 years continuously engaged in such practice.

(c) Be a member of the state bar of Wisconsin who is engaged in the field of real estate–related law.

(d) Be a person who, in the judgment of the department, is qualified by experience or education, or both, to supervise a course of study.

Note: An applicant may obtain a copy of the Application for Approval of Instructor, Form #831, from the Wisconsin Department of Regulation and Licensing, 1400 East Washington Avenue, Room 281, P.O. Box 8935, Madison, Wisconsin 53708.

(3) An instructor whose real estate license has been limited, suspended or revoked may not instruct in approved programs while the disciplinary action is in effect.

(4) The department may require a school seeking initial approval and reapproval of continuing education programs and courses to describe or furnish its organizational structure, registration policies, fee schedules, promotional materials, detailed outlines of each program with specific allocations of hours to each topic presented as classroom instruction, student records system, the names and qualifications of administrators and instructors, the method of instruction, a summary of evaluations conducted, information about the school's response to complaints concerning an instructor.

(5) A school shall inform the department of any changes in the information which it provided to the department in an application form within 10 days following the date of the change.

(6) The following are additional criteria for approval of continuing education programs or courses:

(a) Applicants for approval of continuing education programs or courses may not discriminate against anyone on the basis of sex, race, color, sexual orientation as defined in s. 111.32 (13m), Stats., handicap, religion, age, physical disability, or national origin in their educational programs.

(c) A school shall submit to the department with the application for approval at least 15 multiple–choice questions for each course. The school shall clearly indicate the answer to each question and the portion of the course outline to which the question relates. The questions shall comply with reasonable standards of test development and shall relate to the substantive contents of the continuing education program or course. The questions shall be the original work of the writer and not be published. A school may only make questions available to school personnel.

Note: An applicant may obtain a copy of the Continuing Education Question Development Form, Form #1746, and the Instructions for Submitting Continuing Education Questions, Form #1745, from the Wisconsin Department of Regulation and Licensing, 1400 East Washington Avenue, Room 281, P.O. Box 8935, Madison, Wisconsin 53708.

(d) A school shall agree to conduct an examination at the end of each continuing education program or course. The examination shall contain at least 15 multiple–choice questions for each course. The passing score shall be no less than 70%, unless the school provides substantial justification to the department for a lower score and the department approves the lower passing score.

(e) A school shall agree not to make available to students before the students take a specific examination the questions or answers to the questions. A school shall keep tests and answer sheets in a secure location at all times before and after administration of the examination.

(f) A school shall agree to inform students about the number of points of credit for each question in the examination and the passing score. It shall also provide clear instructions to students for recording their responses to the questions.

(g) A school shall agree to provide each student with a certificate of attendance at a program or course. The certificate shall comply with the requirements in s. RL 25.07.

(j) A school may not count examination time as part of the classroom hours required in a classroom education course.

(k) A school seeking the approval of continuing education programs and courses presented as distance education is not required to designate the number of hours of instruction. However, it shall describe to the department how it will do all of the following:

1. Ensure that instructors approved by the department under sub. (2) are available to the students at reasonable times and by reasonable means.

2. Provide a reasonable level of examination security for the examination given at the end of each distance education continuing education course.

3. Sufficiently cover the subjects specified for continuing education courses.

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4. Provide reasonable oversight to ensure that the students who take the examination are the enrolled students.

5. Provide a reasonable opportunity for student self−evaluation of mastery.

History: Cr. Register, January, 1992, No. 433, eff. 2−1−92; am. (2) (intro.), (4), Register, September, 1993, No. 453, eff. 10−1−93; am. (1), r. (6) (h), Register, July, 1997, No. 499, eff. 8−1−97; am. (2) (b), Register, July, 1998, No. 511, eff. 8−1−98; **am. (1), (4), and (6) (c) to (f), (j), r. (6) (b), (i), cr. (6) (k), Register, August, 1999, No. 524, eff. 9−1−99.**

RL 25.07 Certification of attendance at pre−license and continuing education programs and courses. (1) ATTENDANCE REQUIREMENTS. A student shall attend all the required hours of a classroom education course and receive all the required contents of a classroom education course or a distance education course before a school may give a certificate of attendance to the student. In addition, for continuing education programs and courses, a student shall also satisfactorily complete the course examination administered by the school, as provided in s. RL 25.066 (6) (d).

(2) CERTIFICATION OF ATTENDANCE. (a) Schools shall provide an individual certificate of attendance to all students upon satisfactory completion of education programs and courses.

(b) The department may accept an official transcript or student grade report as evidence of satisfactory completion of credit courses.

(c) Certificates for pre−license noncredit programs and all continuing education programs and courses shall meet the following criteria:

1. Clearly state the name of the school.

2. Clearly state the name of the student.

3. Clearly state the name of the program or course and whether it satisfies prelicense or continuing education requirements.

4. Clearly state the number of hours the student has successfully completed in an educational program presented as classroom education.

5. Clearly state the date of completion of the program or course.

6. Be signed by an authorized person at the school.

(d) A school shall maintain attendance records for at least 5 years after a program or course has been conducted.

History: Cr. Register, October, 1979, No. 286, eff. 11−1−79; renum. from REB 16.07 and am. (1) (a), (b) and (e) and (2), Register, February, 1983, No. 326, eff. 3−1−83; r. (1) (d) and (e) and (2), renum. (3) to be (2) and am. Register, February, 1987, No. 374, eff. 6−1−87; r. and recr. Register, January, 1992, No. 433, eff. 2−1−92; **am. (1) and (2) (c) 4., Register, August, 1999, No. 524, eff. 9−1−99.**

RL 25.075 Continuing education examination conducted by the department. (1) The department shall conduct a continuing education examination pursuant to s. 452.12 (5) (c) 2., Stats.

(2) The department shall conduct the continuing education examination during each biennial licensure period, but not from July 1 to December 31 of each even−numbered year.

(3) The continuing education examination shall cover the subjects required for continuing education approved by the department under s. 452.05 (1) (d) and (g), Stats., and shall have no less than 5 questions for each hour of instruction in classroom education courses or 5 questions for each hour of instruction if the topics presented in a distance education course were presented as a classroom education course or courses in the approved continuing education program or courses.

(5) The department shall require a minimum passing score of 70 on the continuing education examination.

(6) The department shall permit licensees who take the continuing education examination to review the examination and the examination results, as provided in s. RL 12.025.

History: Cr. Register, October, 1979, No. 286, eff. 11−1−79; renum. from REB 16.075 and am. (1), Register, February, 1983, No. 326, eff. 3−1−83; r. (2), renum. (1) and am. Register, February, 1987, No. 374, eff. 6−1−87; r. and recr. Register, January, 1992, No. 433, eff. 2−1−92; **am. (3), r. (4), Register, August, 1999, No. 524, eff. 9−1−99.**

RL 25.076 Correspondence courses. History: Cr. Register, June, 1982, No. 318, eff. 7−1−82; renum. from REB 16.076, and am. Register, February, 1983, No. 326, eff. 3−1−83; am. Register, February, 1987, No. 374, eff. 6−1−87; am. Register, January, 1992, No. 433, eff. 2−1−92; **r., Register, August, 1999, No. 524, eff. 9−1−99.**

RL 25.08 Investigation and review. (1) PERIODIC REVIEW. The department, or its duly authorized representative, shall investigate and review all approved educational programs, courses, and instructors. The method of review shall be determined by the department in each case and will generally consist of the following:

(a) Consideration of information available from federal, state, or local agencies, private organizations or agencies, or interested persons.

(b) Conferences with officials or representatives of the school involved or with former students of the school.

(c) Public hearing respecting the educational program, course, or instructor involved, with adequate written notice to the school and/or instructor.

(d) Investigation by visitation to the school.

(2) UPON COMPLAINT. In addition to investigation upon its own initiation, the department may investigate any school or instructor upon receipt of a complaint from an interested person.

(3) DENIAL OR WITHDRAWAL OF APPROVAL. (a) The department may limit, suspend or revoke the approval of a school or instructor to conduct any program or course which had been approved pursuant to this chapter when the school or instructor:

1. Has falsified information on any application or certificate of attendance submitted to the department;

2. Has not complied with the conditions for approval;

3. Has given credit to students for an amount of time present in class when the actual amount was less than the credited amount;

4. Has divulged to students before administration of a continuing education course examination questions which will be used in the examination when administered;

5. Has not followed the course outline approved by the department;

6. Has provided instruction on several occasions when not adequately prepared to teach; or

7. Has violated any provisions in this chapter. Violation of subds. 1. to 4. may also be cause for disciplinary action against a licensee, pursuant to s. 452.14, Stats.

(b) If, after investigation, the department deems it proper to deny or withdraw its approval of any school, educational program, course, or instructor, the department shall follow the procedures in ch. RL 1 for denial of approval and the procedures in ch. RL 2 for limiting, suspending or revoking approval.

History: Cr. Register, October, 1979, No. 286, eff. 11−1−79; renum. from REB 16.08 and am. (1) (intro.), (2) and (3), Register, February, 1983, No. 326, eff. 3−1−83; am. (3), Register, January, 1992, No. 433, eff. 2−1−92; am. (3) (a), (b), Register, September, 1993, No. 453, eff. 10−1−93.