

No. 700, A.]

[Published October 31, 1961.

CHAPTER 593

AN ACT to repeal 136.05 (2) (c); to amend 136.02, 136.05 (1) (intro. par.) and (e), 136.06 (3) (a) and (b) and (5) and 136.08 (2) (intro. par.) and (a); and to repeal and recreate 136.011 of the statutes, relating to cemetery salesmen.

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

SECTION 1. 136.011 of the statutes is repealed and recreated to read:

136.011 CEMETERIES, CEMETERY BROKERS AND SALESMEN.

(1) Any cemetery association or corporation which pays any commission or other compensation to any person, including its officers, members or stockholders, for soliciting the sale of its lots or grave spaces on a commercially operated basis shall register under this chapter. Such cemetery association or corporation shall register annually and pay an annual fee of \$25. Such registration shall be in writing and shall include the names of the officers of the cemetery association or corporation. Any cemetery association or corporation required to register hereunder which knowingly fails to register within 30 days after the effective date of this amendment (1961) or by February 1 of any subsequent year shall be fined not more than \$100.

(2) Every such registered cemetery association or corporation shall designate a resident real estate broker licensed under this chapter as its broker and any resident licensed broker may be so designated.

(3) Every person engaging in or following the business or occupation of a cemetery salesman shall be registered annually upon the written request of any broker designated under sub. (2) and the payment of an annual fee of \$10. The broker shall in writing certify to the board that such salesman is trustworthy and competent to act as a cemetery salesman. Such person shall be registered by the board as a salesman and agent of the broker requesting same and of the cemetery association or corporation designating such broker.

(4) Within 10 days after the certification of any cemetery salesman under sub. (3) such salesman shall verify and furnish to the board, in such form as the board prescribes, the following information:

- (a) Name and address;
- (b) Educational qualifications;
- (c) Prior occupations;

(d) Such further information as the board may reasonably require to enable it to determine the trustworthiness and competency of such salesman to transact the business of a cemetery salesman in such manner as to safeguard the interest of the public.

(5) Every broker requesting the registration of any cemetery salesman shall be responsible for the acts of any and all such salesmen while acting as cemetery salesmen. The cemetery association or corporation designating such broker shall be equally responsible for the acts of such salesmen while acting as salesmen for such cemetery association or corporation.

(6) No person shall engage in the business of a cemetery salesman without first being registered and certified as required by this section. Any person violating this subsection shall be fined not more than \$10 for each day of such violation.

(7) No cemetery organized, maintained and operated by towns, villages, cities, churches, fraternal and benevolent societies or by incorporated colleges of religious orders shall be required to register hereunder or be subject to any of the provisions of this chapter.

SECTION 2. 136.02 of the statutes is amended to read:

136.02 No person shall engage in or follow the business or occupation of, or advertise or hold himself out as or act temporarily or otherwise as a real estate broker or salesman * * * or business opportunity broker or salesman without a license. Licenses shall be granted only to persons who are trustworthy and competent to transact such businesses in such manner as to safeguard the interests of the public, and only after satisfactory proof thereof has been presented to the board. If a cemetery salesman engages in the sale of real estate other than cemetery lots or grave spaces, he shall first obtain a real estate salesman's license.

SECTION 3. 136.05 (1) (intro. par.) and (e) of the statutes are amended to read:

136.05 (1) (intro. par.) Any person desiring to act as a real estate broker or salesman * * * or business opportunity broker or salesman shall file with the board an application for a license. Said application shall be in such form as the board prescribes and shall set forth:

(e) Such further information as the board may reasonably require to enable it to determine the trustworthiness and competency of each applicant, including each member of the partnership, or each officer of the corporation, to transact the business of a real estate or business opportunity broker or salesman * * * in such manner as to safeguard the interests of the public.

SECTION 4. 136.05 (2) (c) of the statutes is repealed.

SECTION 5. 136.06 (3) (a), (b) and (5) of the statutes are amended to read:

136.06 (3) (a) For a new real estate broker's or business opportunity broker's license, \$20; and for a new real estate * * * or business opportunity salesman's license, \$15.

(b) For renewal of a real estate broker's license, \$15; and of a real estate * * * salesman's license, \$10.

(5) Sections * * * 136.075, 136.08, 136.09, 136.10, 136.12, 136.13, 136.14, 136.15, 136.16, 136.17 and 136.18, as they apply to real estate salesmen, shall apply with equal effect to cemetery salesmen.

SECTION 6. 136.08 (2) (intro. par.) and (a) of the statutes are amended to read:

136.08 (2) (intro. par.) The board may also on its own motion, or upon complaint in writing, duly signed and verified by the complainant, and

upon not less than 10 days' notice to the broker or salesman, suspend any broker's or salesman's license *or registration* if it has reason to believe, and may revoke such license *or registration* as provided hereafter, if it finds that the holder of such license *or registration* has:

(a) Made a material misstatement in the application for such license *or in any information furnished to the board*;

Approved October 27, 1961.
