

No. 234, S.]

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CHAPTER 364

AN ACT to renumber 136.04 (2), 136.06 (3) and 136.07 (3); to amend 20.700 (41), 136.07 (1) (b), 136.12 (1) and 136.16; to repeal and recreate 136.06 (2); and to create 106.03, 136.04 (2) (b), 136.05 (3), 136.06 (3), 136.07 (3) (b), 136.07 (5) and 136.075 of the statutes, relating to establishing real estate apprenticeships, changing brokers' license renewal requirements, requiring trust accounts, providing rule-making authority and making an appropriation.

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

SECTION 1. 20.700 (41) of the statutes is amended to read:

20.700 (41) There is appropriated from the general fund to the Wisconsin real estate brokers' board for the execution of its functions, all moneys received by the board under * * * ch. 136 * * *.

SECTION 2. 106.03 of the statutes is created to read:

106.03 REAL ESTATE APPRENTICESHIPS EXCLUDED. This chapter shall not apply to apprenticeships under ch. 136.

SECTION 3. 136.04 (2) of the statutes is renumbered 136.04 (2) (a).

SECTION 4. 136.04 (2) (b) of the statutes is created to read:

136.04 (2) (b) The board may issue letters and bulletins, and conduct clinics disseminating information to its licensees.

SECTION 5. 136.05 (3) of the statutes is created to read:

136.05 (3) APPRENTICESHIPS. Any person who is a resident of this state and a citizen of the United States, 20 years of age or over, may upon application filed in accordance with sub. (1) be indentured to a licensed resident broker in accordance with rules promulgated by the board. These rules shall be drawn so as to protect the public and may limit the real estate sales and brokerage activity of the apprentice. The board further may require a preliminary examination covering general knowledge and prescribe the character and extent of his work during his apprenticeship. The board is authorized to issue a temporary salesman's permit to said individual for a period of not to exceed one year upon payment of a \$15 fee. This temporary permit shall not be renewable.

SECTION 6. 136.06 (2) of the statutes is repealed and recreated to read:

136.06 (2) (a) Each new application for a real estate or business opportunity broker's license or for a real estate, cemetery or business opportunity salesman's license shall be for the remainder of the calendar year. Each new applicant shall receive a free copy of the current study manual.

(b) Each renewal application shall be for the ensuing calendar year, except that business opportunity brokers and salesmen shall make application for a 6 months' license for the period of July 1 to December 31, 1960, and thereafter on a calendar year basis.

(c) Unless an application is withdrawn in writing before the board has made any investigation thereon, no part of the fee shall be returned.

SECTION 7. 136.06 (3) of the statutes is renumbered 136.06 (6).

SECTION 8. 136.06 (3) of the statutes is created to read:

136.06 (3) The board may by rule establish fees which shall accompany applications for new and renewal licenses, but such fees shall not exceed the following:

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

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

(c) For renewal of a business opportunity broker's license for the period of July 1 to December 31, 1960, \$7.50; and of a business opportunity salesman's license during the same period, \$5. After December 31, 1960, such fees shall not exceed \$15 and \$10, respectively.

SECTION 9. 136.07 (1) (b) of the statutes is amended to read:

136.07 (1) (b) *For 1960 and subsequent years* to act as a business opportunity broker or salesman, as the case may be, up to and including * * * *December 31* following issuance of the license.

SECTION 10. 136.07 (3) of the statutes is renumbered 136.07 (3) (a).

SECTION 11. 136.07 (3) (b) of the statutes is created to read:

136.07 (3) (b) *Branch offices.* If a real estate broker maintains any branch offices within this state, each branch office must be under the direct

full-time supervision of a licensed real estate broker (who is also a licensed salesman of employer licensee) residing in the county in which said branch office is located. The employer broker shall be responsible for the acts and conduct of all licensed employees of the branch office, including the broker who is supervisor of the branch office.

SECTION 12. 136.07 (5) of the statutes is created to read:

136.07 (5) RENEWAL. After January 1, 1960, renewal applications for all licenses for the ensuing year shall be submitted with the required fee on or before August 31 of the current year. If a renewal application is filed with the board after August 31 it shall be accompanied by a late filing fee of \$10 in addition to the required renewal fee. If an application for renewal is not filed with the board on or before December 31 of the current license year, the applicant shall be prohibited from engaging in any of the activities covered by such license until his license is renewed or a new license issued. The board shall accept renewal applications at any time during the year after the license expired upon payment of the renewal fee and penalty. The board shall not thereafter issue a license until the applicant passes the required written examination.

SECTION 13. 136.075 of the statutes is created to read:

136.075 TRUST ACCOUNTS. All down payments, earnest money deposits or other trust funds received by a broker or salesman on behalf of his principal or any other person, shall be deposited in a common trust account, maintained by said broker for such purpose in a bank designated by the broker, pending the consummation or termination of the transaction, except as such moneys may be paid to one of the parties pursuant to such contract or option. The name of said bank shall at all times be registered with the board, along with a letter authorizing the board to examine and audit said trust account when said board deems it necessary.

SECTION 14. 136.12 (1) of the statutes is amended to read:

136.12 (1) A nonresident of this state may become a real estate or business opportunity broker or salesman by conforming to all the provisions of this chapter, except that a nonresident real estate broker shall maintain an active place of business in the state in which he holds a license and a nonresident business opportunity broker shall maintain an active place of business in this state, *and said nonresident real estate brokers and business opportunity brokers shall not employ real estate or business opportunity salesmen in this state.*

SECTION 15. 136.16 of the statutes is amended to read:

136.16 (1) Any person who engages in or follows the business or occupation of, or advertises or holds himself out as or acts temporarily or otherwise as a real estate broker or salesman in this state without a license, or who otherwise violates any provision of this chapter, *shall be prosecuted by the district attorney in the county where violation occurs and shall be fined not less than \$25 nor more than \$5,000 or imprisoned not less than 10 days nor more than 6 months or both.*

(2) Any person who engages in or follows the business or occupation of, or advertises or holds himself out as or acts temporarily or otherwise as a business opportunity broker or salesman in this state without a license, or who otherwise violates any provision of this chapter, *shall be prosecuted by the district attorney in the county where violation occurs and shall be fined not less than \$25 nor more than \$200 or imprisoned not less than 10 days nor more than 6 months or both.*

Approved August 28, 1959.