

1985 Wisconsin Act 305

AN ACT to repeal 452.02 (2) and 452.12 (5) (c); to renumber and amend 452.09 (2); to amend 452.01 (5), 452.02 (title), 452.02 (3) and (5), 452.05 (1) (a), 452.09 (4), 452.10 (4) (a), 452.13 and 452.14 (1); and to create 452.09 (2) (b) and 452.12 (6) of the statutes, relating to creating an inactive licensee category for real estate brokers and salespersons, changing the educational requirements for brokers and salespersons, eliminating the designated cemetery broker category and granting rule-making authority.

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

SECTION 1. 452.01 (5) of the statutes is amended to read:

452.01 (5) "Licensee" means any person licensed or registered under this chapter, other than an inactive licensee registered under s. 452.12 (6).

SECTION 1d. 452.02 (title) of the statutes is amended to read:

452.02 (title) Cemetery associations and corporations and cemetery salespersons.

SECTION 1h. 452.02 (2) of the statutes is repealed.

SECTION 1p. 452.02 (3) and (5) of the statutes are amended to read:

452.02 (3) Every person engaging in or following the business or occupation of a cemetery salesperson shall be registered upon the written request of any ~~broker designated under sub. (2)~~ cemetery association or corporation and the payment of the fee specified in s. 440.05 (1). The ~~broker~~ cemetery association or corporation shall certify in writing to the department that the salesperson is competent to act as a cemetery salesperson. The person shall be registered by the department as a salesperson and agent of the ~~broker and of the cemetery association or corporation designating the broker.~~

(5) Every ~~broker~~ cemetery association or corporation requesting the registration of any cemetery salesperson shall be responsible for the acts of that salesperson while acting as a cemetery salesperson. ~~The cemetery association or corporation designating the broker shall be equally responsible for the acts of the broker's salespersons while they act as salespersons for the cemetery association or corporation.~~

SECTION 1t. 452.05 (1) (a) of the statutes is amended to read:

452.05 (1) (a) Grant and issue licenses to brokers, and salespersons, and registrations to cemetery brokers associations and corporations and cemetery salespersons.

SECTION 2. 452.09 (2) of the statutes is renumbered 452.09 (2) (a) and amended to read:

452.09 (2) (a) (title) *Educational requirement.* Each applicant for an original broker's license shall submit

to the department proof of attendance at ~~60~~ 90 classroom hours of educational programs approved by the department. The department ~~shall~~ may waive the educational requirement upon proof that the applicant has received 20 academic credits in real estate or real estate related law courses at an accredited institution of higher education ~~or~~, upon proof that the applicant is licensed to practice law in this state or upon proof that the applicant has successfully completed an alternative educational program, approved in advance by the department.

SECTION 3. 452.09 (2) (b) of the statutes is created to read:

452.09 (2) (b) *Experience requirement.* Each applicant for an original broker's license shall submit to the department proof of at least one year of experience as a salesperson under the direct supervision of a licensed broker. This requirement may not be satisfied by completion of an apprenticeship under sub. (5). The department may promulgate rules defining the type and scope of experience required under this paragraph.

SECTION 4. 452.09 (4) of the statutes is amended to read:

452.09 (4) SALESPERSON'S EDUCATIONAL PROGRAMS. ~~Within the 24-month period commencing with the last day of December following the granting of the licensee's~~ Each applicant for an original salesperson's license, each licensed salesperson shall submit to the department proof of attendance at ~~30~~ 45 classroom hours of educational programs approved by the department. The department ~~may give credit toward the completion of this requirement for approved educational programs attended by the licensee before the commencement of the 24-month period~~ waive the education requirement upon proof that the applicant has received 10 academic credits in real estate or real estate related law courses at an accredited institution of higher education.

SECTION 4m. 452.10 (4) (a) of the statutes is amended to read:

452.10 (4) (a) Any licensed salesperson or broker may transfer to the employment of a licensed broker and any registered cemetery salesperson may transfer to the employment of a registered cemetery associa-

tion or corporation by first paying the transfer fee specified in s. 440.05 (7) and filing a transfer form with the department.

SECTION 5. 452.12 (5) (c) of the statutes is repealed.

SECTION 6. 452.12 (6) of the statutes is created to read:

452.12 (6) INACTIVE LICENSEES. (a) Any licensee, except a cemetery salesperson registered under s. 452.02 (3), may apply for registration as an inactive licensee on or before December 31 of the even-numbered year in which the person's license is due to expire.

(b) Unless an applicant's license has been revoked or suspended under s. 452.14 (3), the department may register the applicant under par. (a) as an inactive licensee upon payment of a \$15 fee.

(c) Inactive licensees may not engage in real estate practice.

(d) Except as provided under par. (e), the department shall reinstate an inactive licensee's original license if the person files a timely application, pays the fee under s. 440.05 (1), and has not been investigated or disciplined under s. 452.14 as an inactive licensee.

(e) The department shall not reinstate an applicant's original license unless the applicant furnishes the department with evidence of the following:

1. If the applicant has been an inactive licensee for less than 5 years, he or she shall demonstrate to the department that he or she has a general and fair understanding of any changes that have occurred in this chapter or related rules during the time he or she was an inactive licensee.

2. If the applicant was an inactive licensee for 5 years or more, he or she shall demonstrate to the department that he or she still meets the competency standards required for original applicants under s. 452.09 (3).

SECTION 6g. 452.13 of the statutes is amended to read:

452.13 Trust accounts. All downpayments, earnest money deposits or other trust funds received by a broker ~~or~~, salesperson or cemetery salesperson on behalf of the broker's ~~or~~, salesperson's or cemetery salesperson's principal or any other person shall be deposited in a common trust account maintained by the broker, salesperson or cemetery salesperson for that purpose in a bank, ~~or~~ saving savings and loan association or credit union which is authorized to do business in this state and is designated by the broker, salesperson or cemetery salesperson pending the consummation or termination of the transaction, except that the money may be paid to one of the parties pursuant to the contract or option. The name of the bank, ~~or~~ saving 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 deems it necessary.

SECTION 6r. 452.14 (1) of the statutes is amended to read:

452.14 (1) The department shall, upon motion of the board or upon its own determination, conduct investigations in regard to the action of any broker, salesperson ~~or~~, cemetery association or corporation or cemetery salesperson.

SECTION 7. **Cross-reference changes.** In the sections of the statutes listed in Column A, the cross-references shown in Column B are changed to the cross-references shown in Column C:

(1) REGULATION AND LICENSING.

(a) *Continuing education requirements.*

A	B	C
Statute Sections	Old Cross-References	New Cross-References
452.02 (2)	ss. 452.09 (2) and 452.12 (5)(c)	s. 452.09 (2)
452.05 (1)(c)	ss. 452.09 (2) and (4) and 452.12 (5)(c)	s. 452.09 (2) and (4)

SECTION 8. **Effective date.** This act takes effect on June 1, 1987.