1999 SENATE BILL 286

November 9, 1999 – Introduced by Senators Clausing, Moen and Rude, cosponsored by Representatives Wieckert, Meyer, Pocan and Johnsrud. Referred to Committee on Economic Development, Housing and Government Operations.

AN ACT to repeal 452.12 (3) (b); to renumber and amend 452.12 (3) (a); to amend 452.139 (2) (c); and to create 452.07 (1m) of the statutes; relating to:
employe supervision by real estate brokers and requiring the exercise of rule-making authority.

Analysis by the Legislative Reference Bureau

Under current law, an individual may not act as a real estate broker unless he or she is licensed as a broker by the department of regulation and licensing (DORL). A licensed broker is responsible for the acts of any other broker or real estate or time—share salesperson employed by him or her. In addition, if a licensed broker maintains any branch office in this state, each such branch office must be under the direct, full—time supervision of a licensed broker.

This bill eliminates the requirement regarding direct, full-time supervision of branch office employes and requires instead that a real estate broker must supervise any broker or real estate or real estate time-share salesperson employed by the broker. In addition, the bill requires DORL to promulgate rules that specify the supervisory duties of brokers regarding such employes.

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

SECTION 1. 452.07 (1m) of the statutes is created to read:

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1	452.07 (1m) The department shall promulgate rules that specify the
2	supervisory duties of brokers under s. 452.12 (3).
3	SECTION 2. 452.12 (3) (a) of the statutes is renumbered 452.12 (3) and amended
4	to read:
5	452.12 (3) Broker's liability for acts of employes. Each broker shall
6	supervise, and is responsible for the acts of, any broker, salesperson or time-share
7	salesperson employed by the broker.
8	SECTION 3. 452.12 (3) (b) of the statutes is repealed.
9	SECTION 4. 452.139 (2) (c) of the statutes is amended to read:
10	452.139 (2) (c) Nothing in this subsection limits the liability of a broker under
11	s. 452.12 (3) (a) for misrepresentations made by an employe who is a broker. Nothing
12	in this subsection limits the liability of a client for a misrepresentation that the client
13	makes in connection with brokerage services.
14	(END)