



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

Ronald Sklansky
Clearinghouse Director

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CLEARINGHOUSE REPORT TO AGENCY

[THIS REPORT HAS BEEN PREPARED PURSUANT TO S. 227.15, STATS. THIS IS A REPORT ON A RULE AS ORIGINALLY PROPOSED BY THE AGENCY; THE REPORT MAY NOT REFLECT THE FINAL CONTENT OF THE RULE IN FINAL DRAFT FORM AS IT WILL BE SUBMITTED TO THE LEGISLATURE. THIS REPORT CONSTITUTES A REVIEW OF, BUT NOT APPROVAL OR DISAPPROVAL OF, THE SUBSTANTIVE CONTENT AND TECHNICAL ACCURACY OF THE RULE.]

CLEARINGHOUSE RULE 02-067

AN ORDER to repeal RL 81.01 (4); to renumber RL 84.01 (7g); to renumber and amend RL 84.02 (2) and 84.04 (2); to amend RL 81.01 (3), 84.01 (11), 84.02 (1), 84.03 (1) and (2) (intro.) and (a), 84.04 (1) and 85.01 (1); and to create RL 84.01 (6) (c) 1. and 2., 84.02 (2) (a), (b) and Note, 84.03 (2) (b) Note, 84.04 (2) (a), (b) and Note, 85.01 (1) Note and 85.02 (7) (d) and (8) (e), relating to applications, examinations, experience, education, renewal requirements and unprofessional conduct with regard to real estate appraisers.

Submitted by **DEPARTMENT OF REGULATION AND LICENSING**

05-09-2002 RECEIVED BY LEGISLATIVE COUNCIL.

06-05-2002 REPORT SENT TO AGENCY.

RS:DD

LEGISLATIVE COUNCIL RULES CLEARINGHOUSE REPORT

This rule has been reviewed by the Rules Clearinghouse. Based on that review, comments are reported as noted below:

1. STATUTORY AUTHORITY [s. 227.15 (2) (a)]

Comment Attached YES NO

2. FORM, STYLE AND PLACEMENT IN ADMINISTRATIVE CODE [s. 227.15 (2) (c)]

Comment Attached YES NO

3. CONFLICT WITH OR DUPLICATION OF EXISTING RULES [s. 227.15 (2) (d)]

Comment Attached YES NO

4. ADEQUACY OF REFERENCES TO RELATED STATUTES, RULES AND FORMS
[s. 227.15 (2) (e)]

Comment Attached YES NO

5. CLARITY, GRAMMAR, PUNCTUATION AND USE OF PLAIN LANGUAGE [s. 227.15 (2) (f)]

Comment Attached YES NO

6. POTENTIAL CONFLICTS WITH, AND COMPARABILITY TO, RELATED FEDERAL
REGULATIONS [s. 227.15 (2) (g)]

Comment Attached YES NO

7. COMPLIANCE WITH PERMIT ACTION DEADLINE REQUIREMENTS [s. 227.15 (2) (h)]

Comment Attached YES NO



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CLEARINGHOUSE RULE 02-067

Comments

[NOTE: All citations to "Manual" in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated September 1998.]

1. Statutory Authority

It is assumed that the requirements of s. 458.05, Stats., have been or will be met.

2. Form, Style and Placement in Administrative Code

- a. There is no mention of the creation of s. RL 85.02 (8) (e) in the department's analysis.
- b. The treatment clause of SECTION 3 should read: "RL 84.01 (6) (c) is created to read:".
- c. The second sentence of the note to s. RL 84.02 (2) (a) is arguably substantive and should be included in the text of the rule. This comment also applies to the remaining notes in the rule.
- d. In the treatment clause of SECTION 13, "and" should be substituted for the comma and "a" deleted.
- e. In s. RL 85.01 (1), the reference to the "7-hour update course" in the first sentence is inadequate. Compare the second sentence, which refers to the national USPAP update course. Note that use of the acronym "USPAP" is inconsistent with the references to the national uniform standards of professional appraisal practice course elsewhere in the rule.

f. The rule contains no initial applicability provisions. Is it clear when and to whom the revised rules first apply?

4. Adequacy of References to Related Statutes, Rules and Forms

It appears that the third numbered paragraph of the department's analysis should also reference s. RL 81.01 (3).

5. Clarity, Grammar, Punctuation and Use of Plain Language

a. The second numbered paragraph of the department's analysis refers to course approval by the "department." Reference to "department" appears to be too narrow; the text of the rule refers to the "licensing or certifying jurisdiction where the course is offered."

b. In s. RL 85.01 (1), the requirement that seven hours of continuing education include the update course or its equivalent appears to apply to the entire biennium and not to each year of the biennium. The text could be clarified.

STATE OF WISCONSIN
DEPARTMENT OF REGULATION AND LICENSING

IN THE MATTER OF RULE-MAKING : PROPOSED ORDER OF THE
PROCEEDINGS BEFORE THE : DEPARTMENT OF REGULATION AND
DEPARTMENT OF REGULATION : LICENSING ADOPTING RULES
AND LICENSING : (CLEARINGHOUSE RULE 02-)

PROPOSED ORDER

An order of the Department of Regulation and Licensing to repeal RL 81.01 (4); to renumber RL 84.01 (7g); to renumber and amend RL 84.02 (2) and 84.04 (2); to amend RL 81.01 (3), 84.01 (11), 84.02 (1), 84.03 (1), (2) (intro.) and (a), 84.04 (1) and 85.01 (1); and to create RL 84.01 (6) (c), 1. and 2., 84.02 (2) (a), (b) and a Note, a Note following 84.03 (2) (b), 84.04 (2) (a), (b) and a Note, a Note following RL 85.01 (1), 85.02 (7) (d) and (8) (e), relating to applications, examinations, experience, education, renewal requirements and unprofessional conduct with regard to real estate appraisers.

Analysis prepared by the Department of Regulation and Licensing.

ANALYSIS

Statutes authorizing promulgation: ss. 227.11 (2), 458.03 (1) (b) and 458.085, Stats. → see 458.05

Statutes interpreted: ss. 458.06 (3) (b), 458.06 (4) (b), 458.08 (3) (c) and 458.13, Stats.

In this proposed rule-making order the Department of Regulation and Licensing amends, renumbers, repeals and recreates several provisions contained in chs. RL 81, 84 and 85, Wis. Admin. Code.

1. Section RL 81.01 (4) is being repealed because the 15 hours of instruction in professional standards and code of ethics course referred to in the rule is also included in the 90, 120 and 180 hours of instruction required under sub. (3).

2. Sections RL 84.01 (6) (c) and RL 85.02 (7) (d) are created to state that credit may be granted for a distance education course that is approved by the International Distance Education Certification Center for the course design and delivery mechanism; provided the course is approved by the Appraiser Qualifications Board of the Appraisal Foundation or by the department. → content of rule

3. Sections RL 84.02, RL 84.03 and RL 84.04 are being revised to clarify that an applicant must submit evidence of completion of an approved program of study. In addition, an approved program of study must include the fifteen-hour National Uniform Standards of Professional Appraisal Practice (USPAP) Course or its equivalent. The fifteen-hour National USPAP Course is approved by the Appraiser Qualifications Board (AQB) of the Appraisal Foundation. Equivalency shall be determined through the AQB Course Approval Program or by an alternate method established by the AQB. 81.01 (3)

No mention of ✓
SEC 17

4. Section RL 85.01 (1) is being revised to state that credential holders must complete the 7-hour National USPAP Update Course or its equivalent. Appraisers initially licensed or certified within a biennium shall complete 14 hours of continuing education for each year of licensure or certification, 7 of which shall include the National USPAP Update Course or its equivalent. The 7-hour National USPAP Update Course is approved by the Appraiser Qualifications Board (AQB) of the Appraisal Foundation. Equivalency shall be determined through the AQB Course Approval Program or by an alternate method established by the AQB.

TEXT OF RULE

RL 80 to 87

SECTION 1. RL 81.01 (3) is amended to read:

RL 81.01 (3) A transcript or proof of completion of 90, 120 or 180 hours of instruction as provided for required in ss. RL 84.02, 84.03 and 84.04.

US 8.06(2)(d) ✓

SECTION 2. RL 81.01 (4) is repealed.

covered by D. [unclear] → see analysis

SECTION 3. RL 84.01 (6) (c), 1. and 2. are created to read:

RL 84.01 (6) (c) The course is approved by the international distance education certification center for the course design and delivery mechanism and is approved for the course content by one of the following bodies:

→ definition of (b) (control) - see notes to section 84

1. The appraiser qualifications board through its course approval program.
2. The licensing or certifying jurisdiction where the course is offered.

SECTION 4. RL 84.01 (7g) is renumbered RL 84.01 (8).

SECTION 5. RL 84.01 (11) is amended to read:

RL 84.01 (11) The licensed and certified residential appraiser programs of study are expected to provide all appraisers with a foundation of knowledge. The courses which that satisfy the requirements for appraiser licensure and residential appraiser certification may be acceptable towards satisfying the course work requirement for general appraiser certification.

SECTION 6. RL 84.02 (1) is amended to read:

RL 84.02 Certified residential appraiser course requirements. (1) A program of study for certified residential appraisers shall include at least 120 hours of instruction. An applicant seeking certification as a certified residential appraiser shall submit evidence satisfactory to the department that the applicant has completed an approved program of study for certified residential appraisers that consists of at least 120 hours of instruction.

SECTION 7. RL 84.02 (2) is renumbered 84.04 (2) (intro.) and amended to read:

RL 84.02 (2) (intro.) Any approved program of study for certified residential appraisers shall include ~~not less than 15 hours of instruction in the uniform standards of professional appraisal practice and not less than 20 hours of instruction in commercial income approach as described in sub. (3) (r).~~ all of the following:

SECTION 8. RL 84.02 (2) (a), (b) and a Note are created to read:

RL 84.02 (2) (a) The 15-hour national uniform standards of professional appraisal practice course or its equivalent.

(b) Not less than 20 hours of instruction in commercial income approach as described in sub. (3) (r).

Note: The 15-hour National USPAP Course is approved by the Appraiser Qualifications Board (AQB) of the Appraisal Foundation. Equivalency shall be determined through the AQB Course Approval Program or by an alternate method established by the AQB.

SECTION 9. RL 84.03 (1), (2) (intro.) and (a) are amended to read:

RL 84.03 Certified general appraiser course requirements. (1) ~~A program of study for certified general appraisers shall include at least 180 hours of instruction.~~ An applicant seeking certification as a certified general appraiser shall submit evidence satisfactory to the department that the applicant has completed an approved program of study for certified general appraisers that consists of at least 180 hours of instruction.

(2) (intro.) Any approved program of study for certified general appraisers shall include ~~within the 180 hours~~ all of the following:

(a) ~~Not less than 15 hours of instruction in the~~ The 15-hour national uniform standards of professional appraisal practice course or its equivalent.

SECTION 10. A Note following RL 84.03 (2) (b) is created to read:

Note: The 15-hour National USPAP Course is approved by the Appraiser Qualifications Board (AQB) of the Appraisal Foundation. Equivalency shall be determined through the AQB Course Approval Program or by an alternate method established by the AQB.

SECTION 11. RL 84.04 (1) is amended to read:

RL 84.04 Licensed appraiser course requirements. (1) An applicant seeking licensure as an appraiser shall submit evidence satisfactory to the department that the applicant has completed an approved program of study for licensed appraisers that consists of at least 90 hours of instruction.

SECTION 12. RL 84.04 (2) is renumbered 84.04 (2) (intro.) and amended to read:

RL 84.04 (2) (intro.) Any approved program of study for licensed appraisers shall include, ~~within the 90 hours, not less than 15 hours of instruction in the uniform standards of professional appraisal practice and not less than 20 hours of instruction in commercial income approach as described in sub. (3) (r),~~ all of the following:

SECTION 13. RL 84.04 (2) (a), (b) and a Note are created to read:

RL 84.04 (2) (a) The 15-hour national uniform standards of professional appraisal practice course or its equivalent.

(b) Not less than 20 hours of instruction in commercial income approach as described in sub. (3) (r).

Note: The 15-hour National USPAP Course is approved by the Appraiser Qualifications Board (AQB) of the Appraisal Foundation. Equivalency shall be determined through the AQB Course Approval Program or by an alternate method established by the AQB.

SECTION 14. RL 85.01 (1) is amended to read:

RL 85.01 Continuing education. (1) Every certified and licensed appraiser shall complete at least 28 hours of continuing education in each biennial period ~~at least 4 of which shall include instruction in the uniform standards of professional appraisal practice~~ successful completion of the 7-hour update course or its equivalent. Appraisers initially licensed or certified within a biennium shall complete 14 hours of continuing education for each year of licensure or certification, 7 of which shall include the national USPAP update course or its equivalent.

SECTION 15. A Note following RL 85.01 (1) is created to read:

Note: The 7-hour National USPAP Update Course is approved by the Appraiser Qualifications Board (AQB) of the Appraisal Foundation. Equivalency shall be determined through the AQB Course Approval Program or by an alternate method established by the AQB.

SECTION 16. RL 85.02 (7) (d) is created to read:

RL 85.02 (7) (d) The course is approved by the international distance education certification center for the course design and delivery mechanism and is approved for the course content by one of the following bodies:

1. The appraiser qualifications board through its course approval program.
2. The licensing or certifying jurisdiction where the course is

offered.

qualifications for CE course instructors

SECTION 17. RL 85.02 (8) (e) is created to read:

RL 85.02 (8) (e) Be an instructor who teaches appraisal courses approved for college credit by the American council on education.

(END OF TEXT OF RULE)

The rules adopted in this order shall take effect on the first day of the month following publication in the Wisconsin administrative register pursuant to s. 227.22 (2) (intro.), Stats.

initial app. ? ✓

Dated _____

Agency _____

Oscar Herrera, Secretary
Department of Regulation and Licensing

FISCAL ESTIMATE

1. The anticipated fiscal effect on the fiscal liability and revenues of any local unit of government of the proposed rule is: \$0.00.
2. The projected anticipated state fiscal effect during the current biennium of the proposed rule is: \$0.00.
3. The projected net annualized fiscal impact on state funds of the proposed rule is: \$0.00.

INITIAL REGULATORY FLEXIBILITY ANALYSIS

These proposed rules will be reviewed by the department through its Small Business Review Advisory Committee to determine whether there will be an economic impact on a substantial number of small businesses, as defined in s. 227.114 (1) (a), Stats.

g:\rules\app10.doc
5/8/02

**STATE OF WISCONSIN
DEPARTMENT OF REGULATION AND LICENSING**

**IN THE MATTER OF RULE-MAKING : PROPOSED ORDER OF THE
PROCEEDINGS BEFORE THE : DEPARTMENT OF REGULATION
DEPARTMENT OF REGULATION : AND LICENSING ADOPTING RULES
AND LICENSING : (CLEARINGHOUSE RULE 02-067)**

TO: Senator Judy Robson, Senate Co-Chairperson
Joint Committee for the Review of Administrative Rules
Room 15 South, State Capitol
Madison, Wisconsin 53702

PLEASE TAKE NOTICE that the DEPARTMENT OF REGULATION AND LICENSING is submitting in final draft form rules relating to applications, examinations, experience, education, renewal requirements and unprofessional conduct with regard to real estate appraisers.

Please stamp or sign a copy of this letter to acknowledge receipt. If you have any questions concerning the final draft form or desire additional information, please contact Pamela Haack at 266-0495.

**STATE OF WISCONSIN
DEPARTMENT OF REGULATION AND LICENSING**

**IN THE MATTER OF RULE-MAKING : REPORT TO THE LEGISLATURE
PROCEEDINGS BEFORE THE : ON CLEARINGHOUSE RULE 02-067
DEPARTMENT OF REGULATION : (s. 227.19 (3), Stats.)
AND LICENSING :**

I. THE PROPOSED RULE:

The proposed rule, including the analysis and text, is attached.

II. REFERENCE TO APPLICABLE FORMS:

No new or revised forms are required by these rules.

III. FISCAL ESTIMATES:

These rules will have no significant impact upon state or local units of government.

IV. STATEMENT EXPLAINING NEED:

Section RL 81.01 (4) is being repealed because the 15 hours of instruction in professional standards and code of ethics course referred to in the rule is also included in the 90, 120 and 180 hours of instruction required under sub. (3).

Sections RL 84.01 (6) (c) and RL 85.02 (7) (d) are created to state that credit may be granted for a distance education course that is approved by the International Distance Education Certification Center for the course design and delivery mechanism; provided the course is approved by the Appraiser Qualifications Board (AQB) of the Appraisal Foundation or by the licensing or certifying jurisdiction where the course is offered.

Sections RL 84.02, RL 84.03 and RL 84.04 are being revised to clarify that, as provided in s. RL 81.01 (3), an applicant must submit evidence of completion of an approved program of study. In addition, an approved program of study must include the 15-hour Uniform Standards of Professional Appraisal Practice (USPAP) Course and examination or its equivalent that is approved by the Appraiser Qualifications Board (AQB) of the Appraisal Foundation. Course equivalency shall be determined through the AQB Course Approval Program or by an alternate method established by the AQB.

Section RL 85.01 (1) is being revised to state that credential holders must complete the 7-hour AQB-approved USPAP Update Course or its equivalent. Appraisers initially licensed or certified within a biennium shall complete 14 hours of continuing education for each year of licensure or certification, 7 of which shall include the AQB-approved USPAP Update Course or its equivalent. The 7-hour USPAP Update Course is approved

by the Appraiser Qualifications Board (AQB) of the Appraisal Foundation. Equivalency shall be determined through the AQB Course Approval Program or by an alternate method established by the AQB.

Sections RL 84.01 (6) (b) and 85.02 (7) (c) provide that credit may be granted for a distance education course that is approved for college credit by the American Council on Education if certain requirements are met. Paragraph (e) of s. RL 85.02 (8), is being created to clarify that an individual who teaches appraisal courses approved for college credit by the American Council on Education may be approved as a course instructor. Note that this language is already contained in paragraph (e) of s. RL 84.01 (7).

V. NOTICE:

A public hearing was held on June 26, 2002. There were no appearances at the public hearing nor were any written comments received.

VI. RESPONSE TO LEGISLATIVE COUNCIL STAFF RECOMMENDATIONS:

Comment 5.f. The rule contains no initial applicability provisions. Is it clear when and to whom the revised rules first apply?

Response: The proposed revisions in ch. RL 84 that relate to the 15-hour AQB-approved USPAP course first apply to credential applications received by the department on or after January 1, 2003. The proposed revisions in ch. RL 85 that relate to the 7-hour AQB-approved USPAP course first apply to renewal applications received by the department in conjunction with the January 1, 2006 renewal date. All other proposed revisions will become effective on the first day of the month following publication in the Wisconsin administrative register pursuant to s. 227.22 (2) (intro.), Stats.

The other recommendations suggested in the Clearinghouse Report were accepted in whole.

VII. FINAL REGULATORY FLEXIBILITY ANALYSIS:

These rules will have no significant economic impact on small businesses, as defined in s. 227.114 (1) (a), Stats.

STATE OF WISCONSIN
DEPARTMENT OF REGULATION AND LICENSING

IN THE MATTER OF RULE-MAKING : PROPOSED ORDER OF THE
PROCEEDINGS BEFORE THE : DEPARTMENT OF REGULATION AND
DEPARTMENT OF REGULATION : LICENSING ADOPTING RULES
AND LICENSING : (CLEARINGHOUSE RULE 02-067)

PROPOSED ORDER

An order of the Department of Regulation and Licensing to repeal RL 81.01 (4); to renumber RL 84.01 (7g); to renumber and amend RL 84.02 (2) and 84.04 (2); to amend RL 81.01 (3), 84.01 (11), 84.02 (1), 84.03 (1), (2) (intro.) and (a), 84.04 (1) and 85.01 (1); and to create RL 84.01 (6) (c), 84.02 (2) (a) and (b), 84.04 (2) (a) and (b), 85.01 (1m), 85.02 (7) (d) and (8) (e), relating to applications, examinations, experience, education, renewal requirements and unprofessional conduct with regard to real estate appraisers.

Analysis prepared by the Department of Regulation and Licensing.

ANALYSIS

Statutes authorizing promulgation: ss. 227.11 (2), 458.03 (1) (b) and 458.085, Stats.

Statutes interpreted: ss. 458.06 (3) (b), 458.06 (4) (b), 458.08 (3) (c) and 458.13, Stats.

Section RL 81.01 (4) is being repealed because the 15 hours of instruction in professional standards and code of ethics course referred to in the rule is also included in the 90, 120 and 180 hours of instruction required under sub. (3).

Sections RL 84.01 (6) (c) and RL 85.02 (7) (d) are created to state that credit may be granted for a distance education course that is approved by the International Distance Education Certification Center for the course design and delivery mechanism; provided the course is approved by the Appraiser Qualifications Board (AQB) of the Appraisal Foundation or by the licensing or certifying jurisdiction where the course is offered.

Sections RL 84.02, RL 84.03 and RL 84.04 are being revised to clarify that, as provided in s. RL 81.01 (3), an applicant must submit evidence of completion of an approved program of study. In addition, an approved program of study must include the 15-hour Uniform Standards of Professional Appraisal Practice (USPAP) Course and examination or its equivalent that is approved by the Appraiser Qualifications Board (AQB) of the Appraisal Foundation. Course equivalency shall be determined through the AQB Course Approval Program or by an alternate method established by the AQB.

Section RL 85.01 (1) is being revised to state that credential holders must complete the 7-hour AQB-approved USPAP Update Course or its equivalent. Appraisers initially licensed or certified within a biennium shall complete 14 hours of continuing education for each year of licensure or certification, 7 of which shall include the AQB-approved USPAP Update Course or

its equivalent. The 7-hour USPAP Update Course is approved by the Appraiser Qualifications Board (AQB) of the Appraisal Foundation. Equivalency shall be determined through the AQB Course Approval Program or by an alternate method established by the AQB.

Sections RL 84.01 (6) (b) and 85.02 (7) (c) provide that credit may be granted for a distance education course that is approved for college credit by the American Council on Education if certain requirements are met. Paragraph (e) of s. RL 85.02 (8), is being created to clarify that an individual who teaches appraisal courses approved for college credit by the American Council on Education may be approved as a course instructor. Note that this language is already contained in paragraph (e) of s. RL 84.01 (7).

TEXT OF RULE

SECTION 1. RL 81.01 (3) is amended to read:

RL 81.01 (3) A transcript or proof of completion of 90, 120 or 180 hours of instruction as ~~provided for~~ required in ss. RL 84.02, 84.03 and 84.04.

SECTION 2. RL 81.01 (4) is repealed.

SECTION 3. RL 84.01 (6) (c) is created to read:

RL 84.01 (6) (c) The course is approved by the international distance education certification center for the course design and delivery mechanism and is approved for the course content by one of the following bodies:

1. The appraiser qualifications board through its course approval program.
2. The licensing or certifying jurisdiction where the course is offered.

SECTION 4. RL 84.01 (7g) is renumbered RL 84.01 (8).

SECTION 5. RL 84.01 (11) is amended to read:

RL 84.01 (11) The licensed and certified residential appraiser programs of study are expected to provide all appraisers with a foundation of knowledge. The courses ~~which that~~ satisfy the requirements for appraiser licensure and residential appraiser certification may be acceptable towards satisfying the course work requirement for general appraiser certification.

SECTION 6. RL 84.02 (1) is amended to read:

RL 84.02 Certified residential appraiser course requirements. (1) ~~A program of study for certified residential appraisers shall include at least 120 hours of instruction. An applicant seeking certification as a certified residential appraiser shall submit evidence~~

satisfactory to the department that the applicant has completed an approved program of study for certified residential appraisers that consists of at least 120 hours of instruction.

SECTION 7. RL 84.02 (2) is renumbered 84.04 (2) (intro.) and amended to read:

RL 84.02 (2) (intro.) Any approved program of study for certified residential appraisers shall include ~~not less than 15 hours of instruction in the uniform standards of professional appraisal practice and not less than 20 hours of instruction in commercial income approach as described in sub. (3) (r).~~ all of the following:

SECTION 8. RL 84.02 (2) (a) and (b) are created to read:

RL 84.02 (2) (a) The 15-hour uniform standards of professional appraisal practice course and examination or its equivalent that is approved by the appraiser qualifications board (AQB) of the appraisal foundation. Course equivalency shall be determined through the AQB course approval program or by an alternate method established by the AQB.

(b) Not less than 20 hours of instruction in commercial income approach as described in sub. (3) (r).

SECTION 9. RL 84.03 (1), (2) (intro.) and (a) are amended to read:

RL 84.03 Certified general appraiser course requirements. (1) ~~A program of study for certified general appraisers shall include at least 180 hours of instruction.~~ An applicant seeking certification as a certified general appraiser shall submit evidence satisfactory to the department that the applicant has completed an approved program of study for certified general appraisers that consists of at least 180 hours of instruction.

(2) (intro.) Any approved program of study for certified general appraisers shall include ~~within the 180 hours~~ all of the following:

(a) ~~Not less than 15 hours of instruction in the~~ The 15-hour uniform standards of professional appraisal practice course and examination or its equivalent that is approved by the appraiser qualifications board (AQB) of the appraisal foundation. Course equivalency shall be determined through the AQB course approval program or by an alternate method established by the AQB.

SECTION 10. RL 84.04 (1) is amended to read:

RL 84.04 Licensed appraiser course requirements. (1) An applicant seeking licensure as an appraiser shall submit evidence satisfactory to the department that the applicant has completed a an approved program of study for licensed appraisers that consists of at least 90 hours of instruction.

SECTION 11. RL 84.04 (2) is renumbered 84.04 (2) (intro.) and amended to read:

RL 84.04 (2) (intro.) Any approved program of study for licensed appraisers shall include, ~~within the 90 hours, not less than 15 hours of instruction in the uniform standards of professional appraisal practice and not less than 20 hours of instruction in commercial income approach as described in sub. (3) (r).~~ all of the following:

SECTION 12. RL 84.04 (2) (a) and (b) are created to read:

RL 84.04 (2) (a) The 15-hour uniform standards of professional appraisal practice course and examination or its equivalent that is approved by the appraiser qualifications board (AQB) of the appraisal foundation. Course equivalency shall be determined through the AQB course approval program or by an alternate method established by the AQB.

(b) Not less than 20 hours of instruction in commercial income approach as described in sub. (3) (r).

SECTION 13. RL 85.01 (1) is amended to read:

RL 85.01 Continuing education. (1) Every certified and licensed appraiser shall complete at least 28 hours of continuing education in each biennial period ~~at least 4 of which shall include instruction in the uniform standards of professional appraisal practice~~ successful completion of the 7-hour uniform standards of professional appraisal practice course and examination or its equivalent that is approved by the appraiser qualifications board (AQB) of the appraisal foundation. Course equivalency shall be determined through the AQB course approval program or by an alternate method established by the AQB.

SECTION 14. RL 85.01 (1m) is created to read:

RL 85.01 (1m) Appraisers initially licensed or certified within a biennium shall complete 14 hours of continuing education for each year of licensure or certification, which shall include, of the total number of hours completed within the biennium, the 7-hour uniform standards of professional appraisal practice course and examination or its equivalent that is approved by the appraiser qualifications board (AQB) of the appraisal foundation. Course equivalency shall be determined through the AQB course approval program or by an alternate method established by the AQB.

SECTION 15. RL 85.02 (7) (d) is created to read:

RL 85.02 (7) (d) The course is approved by the international distance education certification center for the course design and delivery mechanism and is approved for the course content by one of the following bodies:

1. The appraiser qualifications board through its course approval program.

2. The licensing or certifying jurisdiction where the course is offered.

SECTION 16. RL 85.02 (8) (e) is created to read:

RL 85.02 (8) (e) Be an instructor who teaches appraisal courses approved for college credit by the American council on education.

(END OF TEXT OF RULE)

The proposed revisions in ch. RL 84 that relate to the 15-hour AQB-approved USPAP course first apply to credential qualifications received by the department on or after January 1, 2003. The proposed revisions in ch. RL 85 that relate to the 7-hour AQB-approved USPAP course first apply to renewal applications received by the department in conjunction with the January 1, 2006 renewal date. All other proposed revisions will become effective on the first day of the month following publication in the Wisconsin administrative register pursuant to s. 227.22 (2) (intro.), Stats.

Dated _____

Agency _____

Oscar Herrera, Secretary
Department of Regulation and Licensing

FISCAL ESTIMATE

1. The anticipated fiscal effect on the fiscal liability and revenues of any local unit of government of the proposed rule is: \$0.00.
2. The projected anticipated state fiscal effect during the current biennium of the proposed rule is: \$0.00.
3. The projected net annualized fiscal impact on state funds of the proposed rule is: \$0.00.

FINAL REGULATORY FLEXIBILITY ANALYSIS

These rules will have no significant economic impact on a substantial number of small businesses, as defined in s. 227.114 (1) (a), Stats.