



2013 SENATE BILL 208

June 5, 2013 – Introduced by Senators GUDEx, ERPENBACH, SCHULTZ, KEDZIE, COWLES, L. TAYLOR and SHILLING, cosponsored by Representatives STEINEKE, SPIROS, BEWLEY, OHNSTAD, KNUDSON, RIEMER and KRUG. Referred to Energy, Consumer Protection, and Government Reform.

1 **AN ACT** *to amend* 452.09 (3) (d); and *to create* 452.09 (4) of the statutes;
2 **relating to:** experience requirements for real estate brokers and granting
3 rule-making authority.

Analysis by the Legislative Reference Bureau

Under current law, the Real Estate Examining Board (board) issues licenses for real estate brokers and real estate salespersons. Generally, the board may not grant a broker's license to an applicant who does not already hold a salesperson's license or who has not passed the examination for licensure as a salesperson in addition to passing the broker's examination.

This bill establishes the requirement that an applicant for a broker's license must submit evidence satisfactory to the board that the applicant has practiced as a salesperson under the direct supervision of a licensed broker for at least two years within the last four years preceding the date of the applicant's application for the broker's license. Any time spent as an apprentice may not be applied to satisfy that requirement. If the applicant is an attorney licensed to practice law in Wisconsin, the applicant may satisfy that requirement by demonstrating to the board's satisfaction that the applicant has real estate-related experience. If the applicant is a building contractor that holds a current certificate of financial responsibility issued by the Department of Safety and Professional Services, the applicant may satisfy that requirement by demonstrating to the board's satisfaction that the applicant has experience related to real estate sales. If the applicant is a nonresident, the applicant may satisfy that requirement by demonstrating to the

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board's satisfaction that the applicant has been licensed as a real estate broker under the laws of another state for at least two of the last four years preceding the person's application for a broker's license in Wisconsin.

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

1 **SECTION 1.** 452.09 (3) (d) of the statutes is amended to read:

2 452.09 (3) (d) Except as provided under s. 452.12 (2) or in a reciprocal
3 agreement under s. 452.05 (3), the board may not grant a broker's license to an
4 applicant who does not hold a salesperson's license unless the applicant passes the
5 salesperson's examination and the broker's examination meet the requirements
6 under this section.

7 **SECTION 2.** 452.09 (4) of the statutes is created to read:

8 452.09 (4) EXPERIENCE REQUIREMENTS FOR BROKER'S LICENSE APPLICANTS. (a) An
9 applicant for a broker's license who is an individual shall submit to the board
10 evidence satisfactory to the board that the applicant has practiced as a salesperson
11 under the direct supervision of a licensed broker for at least 2 years within the last
12 4 years preceding the date of the applicant's application for a broker's license,
13 excluding any time the applicant spent in an apprenticeship under sub. (5).

14 (b) An applicant who is licensed to practice law in this state may satisfy the
15 requirement under par. (a) by submitting to the board evidence satisfactory to the
16 board that the applicant has experience related to real estate.

17 (c) An applicant who holds a current certificate of financial responsibility under
18 s. 101.654 may satisfy the requirement under par. (a) by submitting to the board
19 evidence satisfactory to the board that the applicant has experience related to real
20 estate sales.

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1 (d) Except as provided in a reciprocal agreement under s. 452.05 (3), an
2 applicant for a broker's license who is a nonresident may satisfy the requirement
3 under par. (a) by submitting to the board evidence satisfactory to the board that the
4 applicant has been a licensed broker under the laws of another state for at least 2
5 years within the last 4 years preceding the date of the applicant's application for a
6 broker's license.

7 (e) The board may waive any requirement under par. (a), (b), (c), or (d) for any
8 applicant based on standards established by the board by rule, and the board may
9 promulgate other rules, including rules that establish standards concerning an
10 applicant's practice or experience related to real estate, including ancillary services
11 used in transactions.

12 **SECTION 3. Initial applicability.**

13 (1) This act first applies to an application for a real estate broker's license
14 submitted to the real estate examining board on the effective date of this subsection.

15 **SECTION 4. Effective date.**

16 (1) This act takes effect on July 1, 2014.

17 **(END)**