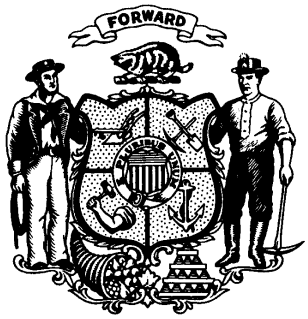
State of Wisconsin



Date of enactment: December 9, 2025
2025 Assembly Bill 456 Date of publication*: December 10, 2025

2025 WISCONSIN ACT 69

AN ACT ***to renumber*** 452.19; ***to amend*** 452.133 (3) (a) and 452.133 (3) (c); ***to repeal and recreate*** 452.19 (title); ***to create*** 452.1355, 452.136 (1m), 452.19 (3) and 452.19 (4) of the statutes; **relating to:** changes regarding the laws governing real estate practice.

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

SECTION 1. 452.133 (3) (a) of the statutes is amended to read:

452.133 **(3)** (a) Accept any fee or compensation related to the transaction from any person other than the licensee's client~~, principal firm,~~ or firm~~,~~ without the prior written consent of all parties to the transaction. This paragraph does not prohibit an out-of-state broker from accepting a fee or compensation in the case of a cooperative agreement under s. 452.137 (2) (am).

SECTION 2. 452.133 (3) (c) of the statutes is amended to read:

452.133 **(3)** (c) Except as provided in s. 452.19 ~~(1)~~ (1m) (a), refer, recommend, or suggest to a party to the transaction the services of an individual or entity from which the licensee may receive compensation for a referral or in which the licensee has an interest, unless the licensee has disclosed in writing the fact that the licensee may receive compensation or has disclosed in writing an interest in the individual or entity providing the services.

SECTION 3. 452.1355 of the statutes is created to read:

452.1355 Transactions involving residential property. (1) A listing firm representing an owner in a transaction involving the owner's residential property containing one to 4 dwelling units shall, except as provided in sub. (4), do all of the following:

(a) Share information on the property with any licensees representing prospective buyers or tenants.

(b) Respond to inquiries from any licensees representing prospective buyers or tenants.

(c) Make the property available for showing to prospective buyers or tenants.

(d) Within one business day from the start date of any agency agreement authorizing the listing firm to sell or lease the owner's property, advertise or market the owner's property for sale or lease on one or more Internet platforms or websites accessible to the general public and any real estate licensees representing prospective buyers or tenants, unless the owner completes and signs a disclosure and opt-out form prescribed by the department that includes all of the following:

1. The owner's written request that the listing firm withhold the owner's property from public marketing or advertising identified by the owner, along with a statement of the reason for the request.

2. The owner's written acknowledgment, initialed by the owner, that all of the following apply:

a. Real estate licensees and prospective buyers or tenants may not be aware that the owner's property is available for sale or lease.

* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."

b. The owner's property will not appear on Internet platforms or websites that are used by the general public to search for property listings.

c. Licensees and prospective buyers or tenants may not be aware of the terms and conditions under which the owner is offering the property for sale or lease.

d. The reduced exposure of the property may reduce the number of offers to purchase or lease the property, may result in reduced sales or lease price for the property, and may negatively affect the owner's ability to sell or lease the property at terms favorable to the owner.

(2) A licensee who, in good faith, acts to fulfill the duties under sub. (1) may not be held civilly liable for any disclosure or representation made in fulfilling those duties, unless the licensee knowingly makes a false, deceptive, or misleading representation.

(3) The owner of a residential property containing one to 4 dwelling units may authorize the use of electronic signatures for all documents related to any agency agreement or any disclosure for which a signature is required.

(4) The owner of a residential property containing one to 4 dwelling units may identify by name any licensee, prospective buyer, or prospective tenant that the owner does not wish to work with or allow to view the property, provided that such restrictions comply with all applicable state and federal laws.

(5) The board shall develop and make publicly available a consumer brochure that includes all of the following:

(a) An explanation of the benefits of publicly marketing property to increase exposure and attract interest from prospective buyers or tenants.

(b) Information on the potential impacts of limiting the marketing of a property.

(c) An explanation of the purpose and implications of signing the disclosure and opt-out form under sub. (1) (d).

(d) Guidance on how marketing restrictions may affect exposure, competition, and final sale price.

(e) Sample questions for consumers to ask listing firms regarding their marketing strategies.

SECTION 4. 452.136 (1m) of the statutes is created to read:

452.136 **(1m)** ADVERTISING ENHANCED BY TECHNOLOGY. A licensee shall in all advertising disclose if the advertising has been altered or modified using technology, including artificial intelligence, to add, remove, or change elements of the property that creates a false or misleading impression of the property.

SECTION 5. 452.19 (title) of the statutes is repealed and recreated to read:

452.19 (title) **Fees, commissions, and other compensation.**

SECTION 6. 452.19 of the statutes is renumbered 452.19 (1m).

SECTION 7. 452.19 (3) of the statutes is created to read:

452.19 **(3)** (a) 1. A firm shall not accept compensation of any kind from another firm in connection with brokerage services performed as part of a real estate transaction involving a residential property containing one to 4 dwelling units.

2. The prohibition under subd. 1. applies regardless of whether the firm represents different parties, such as buyer and seller, or whether a non-listing firm is acting as a buyer's agent, as a subagent, or in another cooperative capacity.

3. Subdivision 1. does not prohibit the payment of compensation for a referral fee or a finder's fee as described in sub. (1m).

(b) Any agreement or arrangement that violates this subsection is void and unenforceable.

SECTION 8. 452.19 (4) of the statutes is created to read:

452.19 **(4)** (a) In any transaction involving a residential property containing one to 4 dwelling units, if a seller agrees to pay compensation to a firm that is not the listing firm for brokerage services provided to a buyer, the agreement must satisfy all of the following:

1. Be expressly stated in the fully executed offer to purchase or option to purchase.

2. Be signed by the buyer and the seller as part of the contract.

(b) A firm that is not the listing firm may not receive compensation from a party to a transaction who is not the client of the firm unless the agreement to pay the compensation is documented in the executed offer to purchase or option to purchase.

(c) A listing contract may not require or imply that a seller will pay compensation to a firm that is not the listing firm, as prohibited under par. (b), unless such obligation is contingent upon its inclusion in the executed offer to purchase or option to purchase as provided in par. (a).

(d) A listing contract shall include a statement as to whether the seller authorizes the listing firm to disclose if the seller is offering compensation to a firm other than the listing firm.

SECTION 9. Effective date.

(1) This act takes effect on January 1, 2027.