



CR 86-189

State of Wisconsin \ DEPARTMENT OF REGULATION & LICENSING

Anthony S. Earl
Governor

Barbara Nichols
Secretary

CERTIFICATE

1400 E. WASHINGTON AVENUE
P.O. Box 8935
MADISON, WISCONSIN 53708
608 266-2112

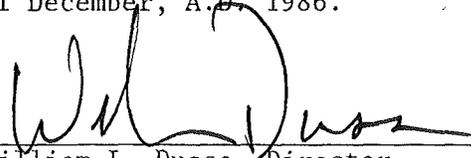
STATE OF WISCONSIN)
) SS
DEPARTMENT OF REGULATION AND LICENSING)

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, William L. Dusso, administrator of the Division of Administrative Services in the Department of Regulation and Licensing, and custodian of the official records of the Division, do hereby certify that the annexed rules, relating to experience and education requirements and inactive status for real estate licensees, were duly approved and adopted by the secretary of the Department of Regulation and Licensing on December 23, 1986.

I further certify that the attached copy has been compared by me with the original on file in this department and that the same is a true copy thereof, and of the whole of the original.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the department at 1400 East Washington Avenue, Madison, Wisconsin, this 23rd day of December, A.D. 1986.



William L. Dusso, Director
Administrative Services
Department of Regulation & Licensing

WLD:lml
WILMA-Q

RECEIVED

DEC 23 1986
10:30 am
Revisor of Statutes
Bureau

Regulatory Boards

3-1-87

Accounting, Architects, Professional Engineers, Designers and Land Surveyors, Barbers, Bingo, Boxing, Charitable Organizations, Chiropractic, Cosmetology, Dentistry, Funeral Directors, Hearing Aid Dealers and Fitters, Medical, Nursing, Nursing Home Administrator, Optometry, Pharmacy, Private Detectives, Psychology, Real Estate, and Veterinary.

Committed to Equal Opportunity in Employment and Licensing

STATE OF WISCONSIN
BEFORE THE
DEPARTMENT OF REGULATION & LICENSING

IN THE MATTER OF RULEMAKING : ORDER OF THE DEPARTMENT OF
PROCEEDINGS BEFORE THE DEPARTMENT : REGULATION & LICENSING REPEALING,
OF REGULATION & LICENSING : AMENDING OR ADOPTING RULES
: (CLEARINGHOUSE RULE 86-189)

AN ORDER to repeal RL 25.05, RL 25.06(2)(d), (2)(e), and (2)(f),
RL 25.07(1)(d), (1)(e) and (2), and RL 25.075(2); to renumber RL 25.05,
RL 25.07(3) and RL 25.075(1); to amend RL 12.02(1), RL 25.02(3)(intro.),
(3)(a)(intro.), (3)(b)(intro.) and (3)(c)(intro.), RL 25.05(1)(a),
RL 25.07(2), RL 25.075 and RL 25.076; to repeal and recreate RL 25.02(2),
RL 25.03, RL 25.04 and RL 25.10; and to create RL 12.015, RL 25.02(5),
RL 25.06(1)(a)1.(intro.) and Chapter RL 26 of the Wisconsin Administrative
Code, relating to experience and education requirements and inactive status
for real estate brokers and salespersons.

ORDER

Pursuant to authority vested in the Department of Regulation and Licensing
in ss. 227.11, 452.07, 452.09, 452.10 and 452.12, Stats., the Department of
Regulation and Licensing hereby repeals, renumbers, amends and creates
rules, interpreting 1985 Wisconsin Act 305 and ss. 452.09 and 452.12(6),
Stats., as follows:

SECTION 1. RL 12.015 is created to read:

RL 12.015 APPLICATION REQUIREMENTS. (1) EDUCATIONAL REQUIREMENTS.
Each applicant for an original real estate broker's license or an original
real estate salesperson's license shall submit evidence of compliance with
the educational requirements of ch. RL 25.

(2) EXPERIENCE REQUIREMENT. (a) Each applicant for an original real
estate broker's license shall verify that the applicant has obtained at
least one year of experience as a salesperson under the direct supervision
of a licensed broker. Verification shall consist of a statement by the
applicant that the applicant has obtained the required experience, and
shall contain the name of the supervising broker or brokers and the dates
during which the applicant was employed as a salesperson.

(b) An applicant meets the requirements of par. (a) if the applicant
notifies the department of employment under s. RL 17.04 and is, thereafter,
employed as a salesperson for a cumulative period of not less than 365 days.

(c) An applicant who is or has been a real estate licensee in another
state meets the requirements of par. (a) if the applicant has obtained at
least one year of experience working as a real estate licensee under the
direct supervision of a licensed real estate broker.

SECTION 2. RL 25.02(1) is amended to read:

(1) Each applicant for an original real estate broker's license shall present evidence of attendance at ~~60~~ 90 hours of an educational program approved by the department in accordance with this chapter.

SECTION 3. RL 25.02(2) is repealed and recreated to read:

(2) The educational requirement in sub. (1) is not required of the following applicants:

(a) An applicant who submits proof that the applicant has received 20 semester hour credits in real estate or real estate related law courses at an accredited institution of higher education. A quarter hour credit equals 2/3 of a semester hour credit.

(b) An applicant who submits proof that the applicant is licensed to practice law in the state of Wisconsin.

(c) An applicant who submits proof that the applicant has successfully completed an equivalent educational program that has been approved in advance by the department.

SECTION 4. RL 25.02(3)(intro), (3)(a)(intro), (3)(b)(intro) and (3)(c)(intro) are amended to read:

(3) The ~~60~~ 90 hours of educational programs for applicants for an original real estate broker's license shall include:

(a) Real property law (a total of ~~30~~ 45 hours which shall include a substantial amount of time on each of the following 17 topics):

(b) Real estate appraising and financing (a total of ~~15~~ 22.5 hours which shall include a substantial amount of time on each of the following 5 topics):

(c) Marketing real estate (a total of ~~15~~ 22.5 hours which shall include a substantial amount of time on each of the following 7 topics):

SECTION 5. RL 25.02(5) is created to read:

(5) To qualify for approval, educational programs shall have been completed within 5 years of application for a license, unless the applicant has been licensed as a broker or salesperson within 5 years from the date of application.

SECTION 6. RL 25.03 is repealed and recreated to read:

RL 25.03 EDUCATIONAL REQUIREMENTS OF APPLICANT FOR AN ORIGINAL REAL ESTATE SALESPERSON'S LICENSE. (1) Each applicant for an original real estate salesperson's license shall present evidence of attendance at 45 hours of an educational program approved by the department in accordance with this chapter.

(2) The educational requirement in sub. (1) is not required of an applicant who submits proof that the applicant has received 10 semester hour credits in real estate or real estate related law courses at an accredited institution of higher education. A quarter hour credit equals 2/3 of a semester hour credit.

(3) The 45 hours of educational programs for applicants for an original real estate salesperson's license shall cover real property law (a total of 45 hours which shall include a substantial amount of time on each of the following 17 topics):

1. Real estate licensing and the licensing law.
2. Legal environment, law of agency and civil rights and securities.
3. Contractual aspects of listings.
4. Law of contracts as they relate to selling.
5. Offer, acceptance, and closing.
6. Descriptions of real estate.
7. The land contract and options.
8. Deeds.
9. Mortgages.
10. Analysis of seller's property rights.
11. Leases, and landlord-tenant law.
12. Real estate trust funds.
13. The law against discrimination in housing.
14. Legal aspects of financing.
15. Consumer protection.
16. Code of ethics.
17. Recent changes in real property law.

(4) An applicant who has held a real estate license in another state within the 12-month period prior to filing an application for an original real estate salesperson's license may satisfy the requirements of sub. (3) if the applicant submits evidence of attendance at educational programs in another state which are substantially in compliance with requirements in sub. (3).

(5) To qualify for approval educational programs shall have been completed within 5 years of application for a license unless the applicant has been licensed as a broker or salesperson within 5 years of application.

SECTION 7. RL 25.04 is repealed and recreated to read:

RL 25.04 EDUCATIONAL REQUIREMENTS OF APPLICANT FOR AN ORIGINAL REAL ESTATE BROKER'S LICENSE WHO HAS BEEN A LICENSED REAL ESTATE SALESPERSON AND WHO HAS COMPLETED THE REQUIREMENT IN RL 25.03. An applicant for an original real estate broker's license who has been a licensed real estate salesperson and who has completed the educational requirement for an original real estate salesperson's license shall be permitted to apply those hours toward the 90-hour requirement under s. RL 25.02. The applicant shall submit to the department evidence of attendance at the additional hours needed to meet the 90-hour requirement.

SECTION 8. RL 25.05 is repealed.

SECTION 9. RL 25.055 is renumbered as RL 25.05 and RL 25.05(1)(a) (title) as renumbered is amended to read:

RL 25.05(1)(a)(title) 90-hour and 45-hour requirements.

SECTION 10. RL 25.06(1)(a)1.(intro.) is amended to read:

1. 'Education and experience.' Instructors of non-credit programs shall be approved by the department. Instructors shall be experienced in the subject which they are teaching; the ~~board~~ department may limit its approval to specific content areas set forth in ss. RL 25.02(3) and ~~25.05(5) 25.03(3)~~. Instructors shall possess at least one of the following minimum qualifications:

SECTION 11. RL 25.06(2)(d), (2)(e), and (2)(f), RL 25.07(1)(d), (1)(e) and (2) are repealed.

SECTION 12. RL 25.07(3) is renumbered RL 25.07(2) and RL 25.07(2) as renumbered is amended to read:

(2) A school shall maintain for 5 years records sufficient to establish the attendance record submitted for non-credit ~~60-hour~~ 90-hour and ~~30-hour~~ 45-hour programs and ~~continuing education programs~~.

SECTION 13. RL 25.075(1) is renumbered RL 25.075 and amended to read:

RL 25.075 ATTENDANCE REQUIREMENTS FOR NON-CREDIT COURSES. Students shall attend all the required hours and receive substantially all the required contents, before a certificate of attendance may be granted for satisfying any of the requirements in ss. RL 25.02(3) and 25.03(3). Schools may make arrangements for make-up classes to enable students to meet the attendance requirements.

SECTION 14. RL 25.075(2) is repealed.

SECTION 15. RL 25.076 is amended to read:

RL 25.076 CORRESPONDENCE COURSES. Correspondence courses do not satisfy educational requirements in this chapter except to satisfy requirements in ~~s:~~ ss. RL 25.02(2)(a) and (c) and 25.03(2).

SECTION 16. RL 25.10 is repealed and recreated to read:

RL 25.10 FORMS. The following forms are available from the Bureau of Direct Licensing and Real Estate, Department of Regulation and Licensing, Room 281, 1400 East Washington Avenue, P.O. Box 8935, Madison, WI 53708:

- (1) Applications for approval of non-credit programs.
 - (a) Applications for approval of instructors for 90-hour and 45-hour programs.
 - (b) Applications for reapproval of 90-hour and 45-hour programs.
- (2) Certificates of approval of non-credit programs.
 - (a) Approval of programs and instructors.
 - (b) Approval of additional instructors.
- (3) Certificates of attendance at non-credit programs.
 - (a) Certificate for 90 hours in s. RL 25.02(3).
 - (b) Certificate for 45 hours in s. RL 25.02(3)(b) and (c).
 - (c) Certificate for 45 hours in s. RL 25.02(3)(a) or 25.03(3).
 - (d) Certificate for 22.5 hours in s. RL 25.02(3)(b).
 - (e) Certificate for 22.5 hours in s. RL 25.02(3)(c).
- (4) Application for approval of credit courses.
- (5) Report for review of approved programs.

SECTION 17. Chapter RL 26 is created to read:

RL 26 INACTIVE LICENSES.

RL 26.01 REGISTRATION AS AN INACTIVE LICENSEE. (1) Application for an inactive license shall be made on the license renewal form issued by the department.

(2) Registration as an inactive licensee shall be effective on January 1 of the odd-numbered year following receipt of the licensee's completed application.

RL 26.02 INACTIVE LICENSEES PROHIBITED TO PRACTICE REAL ESTATE.

(1) An inactive licensee may not engage in any conduct which requires a license under ch. 452, Stats.

(2) Inactive licensees are not considered to be licensees within the meaning of s. 452.01(5), Stats.

(3) Inactive licensees may be investigated and disciplined for conduct which occurred when the licensee held an active license.

RL 26.03 REINSTATEMENT OF ORIGINAL LICENSE. (1) An inactive licensee shall be reinstated to active licensure upon submission of a completed application for reinstatement, payment of the required fee under s. 440.05(1), and successful completion of the examination requirement in sub. (2).

(2) (a) If the applicant for reinstatement has been an inactive licensee for less than 5 consecutive years, the applicant must pass an examination given by the department which emphasizes changes in Wisconsin real estate law which have occurred during the approximate period of the applicant's inactive status.

(b) If the applicant for reinstatement has been an inactive licensee for 5 consecutive years or more, the applicant must pass the complete examination given by the department to applicants for original licensure.

EFFECTIVE DATE: This rule shall take effect on June 1, 1987.

Dated this 23rd day of December, 1986.

By: *Barbara Nichols*
Barbara Nichols, Secretary
Wisconsin Department of Regulation & Licensing

BN:WD:rjt
RULES1-E
12/16/86