

CR 89-113

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CERTIFICATE

FEB 14 1990
3:35 pm
Revisor of Statutes
Bureau

STATE OF WISCONSIN

DEPARTMENT OF REGULATION AND LICENSING

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, Marlene A Cummings, Secretary of the Wisconsin Department of Regulation and Licensing and custodian of the official records of the Department, do hereby certify that the annexed rules were duly approved and adopted by the Department of Regulation and Licensing on the 9th day of February, 1990.

I further certify that said copy has been compared by me with the original on file in this office and that the same is a true copy thereof, and of the whole of such 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 9th day of February, 1990.



Marlene A. Cummings
Secretary
Department of Regulation
and Licensing

4-1-90

STATE OF WISCONSIN
DEPARTMENT OF REGULATION AND LICENSING

IN THE MATTER OF RULEMAKING	:	ORDER OF THE
PROCEEDINGS BEFORE THE	:	DEPARTMENT OF REGULATION AND
DEPARTMENT OF REGULATION	:	LICENSING ADOPTING RULES
AND LICENSING	:	(CLEARINGHOUSE RULE 89-113)

ORDER

The Department of Regulation and Licensing proposes an order to repeal and recreate s. RL 12.04 and to amend s. RL 26.03 (2) (a) and (b) relating to fees and examination requirements for real estate licensees whose status is expired or who have been inactive.

Analysis prepared by the Department of Regulation and Licensing.

ANALYSIS

Statutory authority: ss. 15.08(5) (b), 227.11 (2) (a) and
s. 452.07, Stats.
Statute interpreted: 452.12 (5) (b), Stats.

In this proposed rulemaking order the Department of Regulation and Licensing proposes to repeal and recreate RL 12.04 relating to examination requirements for applicants applying for license renewal whose license has expired or who have held an inactive status for less than 5 years.

Under section 452.12, if an application for renewal is not filed with the department within one year after the license expires the department may not thereafter grant a license until the applicant passes a written examination. The nature of the examination which must be taken by those who wish to renew their licenses after the one-year grace period is not defined in the statutes.

In 1987, an inactive license was created by statute. s. 452.12 (6), Stats. Under this provision a person who has been in inactive status for up to five years is required to demonstrate to the department that he or she has a general and fair understanding of any changes that have occurred in real estate regulations during the time that he or she was an inactive licensee. Under this change in rules, an applicant in this situation would demonstrate competency by taking the state portion of the examination. Thereafter, the individual is required to meet the same competency standards required for original applicants.

This order also repeals an administrative rule which established transition requirements for original applicants and which is no longer used. The rule repealed is recreated to describe the fees and the examinations required for applicants seeking to renew following license expiration.

TEXT OF RULE

SECTION 1. RL 12.04 is repealed and recreated to read:

RL 12.04 RENEWAL AFTER LICENSE EXPIRATION. (1) If an application for renewal is filed with the department during the year after the license expires and the applicant is not registered as an inactive licensee, the applicant shall pay the applicable renewal and penalty fees specified in s. 440.05 (3) to (5), Stats. Completion of an examination is not required.

(2) If an application for renewal is filed with the department more than one year but less than 5 years after expiration of the license and the applicant is not registered as an inactive licensee, the applicant shall pay the fee specified in s. 440.05 (1), Stats. and pass the state part of the written examination specified in s. RL 12.02 (1) (b).

Note: The applicant shall apply to and pay the cost of the examination directly to the testing agency under contract with the department for administration of the examination, pursuant to s. 440.07 (2), Stats.

(3) If an application for renewal is filed with the department 5 or more years after expiration of the license and the applicant is not registered as an inactive licensee, the applicant shall pay the fee specified in s. 440.05 (1), Stats. and pass both the uniform part and the state part of the written examination specified in s. RL 12.02 (1) (a) and (b).

Note: The applicant shall apply to and pay the cost of the examination directly to the testing agency under contract with the department for administration of the examination, pursuant to s. 440.07 (2), Stats.

SECTION 2. RL 26.03 (2) (a) and (b) are amended to read:

RL 26.03 (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~~ shall demonstrate competency in changes in Wisconsin real estate law which have occurred during the approximate period of the applicant's inactive status by passing the state part of the written examination specified in s. RL 12.02 (1) (b).

Note: The applicant shall apply to and pay the cost of the examination directly to the testing agency under contract with the department for administration of the examination, pursuant to s. 440.07 (2), Stats.

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

Note: The applicant shall apply to and pay the cost of the examination directly to the testing agency under contract with the department for administration of the examination, pursuant to s. 440.07 (2), Stats.

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

Dated 2/9/90

Agency Marlene A. Cummings
Marlene A. Cummings, Secretary
Department of Regulation and Licensing

RULES-165

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FEB 13 1990

CORRESPONDENCE/MEMORANDUM

Revisor of Statutes
Bureau

STATE OF WISCONSIN

DATE: February 13, 1990

FILE REF:

TO: Gary Poulson
Assistant Revisor of Statutes

FROM: Pamela Haack, Rules Center Coordinator
Department of Regulation and Licensing

SUBJECT: Final Rulemaking Order

Agency: DEPARTMENT OF REGULATION AND LICENSING

Clearinghouse Rule: 89-113

Attached is a copy and a certified copy of a final order adopting rules.

Would you please publish these rules in the code. Thanks, Gary.