

1985 Assembly Bill 749

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1985 Wisconsin Act 174

AN ACT to renumber and amend 77.22 (1); to amend 77.23 (2), 101.122 (6), 101.122 (7) (b) and 706.05 (12); and to create 77.22 (1) (b) of the statutes, relating to real estate transfer forms.

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

SECTION 1. 77.22 (1) of the statutes is renumbered 77.22 (1) (a) and amended to read:

77.22 (1) (a) There is imposed on the grantor of real estate a real estate transfer fee at the rate of 30 cents for each \$100 of value or fraction thereof on every conveyance not exempted or excluded under this subchapter. This fee shall be collected by the register at the time the instrument of conveyance is submitted for recording. At the time of submission the grantee or his or her duly authorized agent or other person acquiring an ownership interest under the instrument shall execute a return, signed by both grantor and grantee, in on the form ~~the secretary prescribes setting forth the value of the ownership interest transferred by the instrument, the amount of the fee payable and other information that the secretary requires prescribed under par. (b).~~ The register shall enter the fee paid on the face of the deed or other instrument of

conveyance before recording, and submission of a completed real estate transfer return and collection by the register of the fee shall be prerequisites to acceptance of the conveyance for recording. The register shall have no duty to determine either the correct value of the real estate transferred or the validity of any exemption or exclusion claimed. If the transfer is not subject to a fee as provided in this subchapter, the reason for exemption shall be stated on the face of the conveyance to be recorded by reference to the proper subsection under s. 77.25. All returns related to conveyances exempt from the fee need not report the value of the ownership transferred except conveyances exempt under ~~ss. 77.22 sub.~~ (2) (a) and s. 77.25 (8).

SECTION 2. 77.22 (1) (b) of the statutes is created to read:

77.22 (1) (b) The secretary of revenue shall prescribe the form required under par. (a). The form shall provide for the submission of the following:

1. The value of the ownership interest transferred by the instrument of conveyance.

2. The amount of the fee payable under this section.

3. Whether the real estate transferred is subject to certification under s. 101.122 (4) (a), waiver under s. 101.122 (4) (b) or stipulation under s. 101.122 (4) (c).

4. If the real estate transferred is not subject to certification under s. 101.122 (4) (a), waiver under s. 101.122 (4) (b) or stipulation under s. 101.122 (4) (c), the reason why it is not so subject or the form prescribed by the department of industry, labor and human relations under s. 101.122 (6).

5. Any other information the secretary requires.

SECTION 3. 77.23 (2) of the statutes is amended to read:

77.23 (2) The returns filed under this subchapter shall be deemed privileged information, for use in any proceeding involving the amount of the requisite fee, for the use of the department of industry, labor and human relations under s. 101.122, or for use of the department of revenue, county real property listers under s. 70.09 and local assessors or their agents or employes and of governmental agencies acquiring real property for public purposes; but in a condemnation proceeding or an appeal from an assessment of real property, returns shall be open to inspection by the property owner or agent.

SECTION 4. 101.122 (6) of the statutes is amended to read:

101.122 (6) (title) **PROOF OF CERTIFICATION OR EXCLUSION REQUIRED FOR RECORDATION.** A register of deeds may not accept for recording any deed or other document of transfer of real estate which includes a

rental unit unless the deed or document is accompanied by the certificate required under sub. (4) (a), a waiver under sub. (4) (b) or a stipulation under sub. (4) (c). The department shall prescribe for use under s. 77.22 (1) (b) a form setting forth the reasons why transferred real estate is not subject to certification under sub. (4) (a), waiver under sub. (4) (b) or stipulation under sub. (4) (c). A register of deeds shall record the certificate, waiver or stipulation.

SECTION 5. 101.122 (7) (b) of the statutes is amended to read:

101.122 (7) (b) *New owners.* Any person who offers documents evidencing transfer of ownership for recordation and who, with intent to evade the requirements of this section, falsely states on the form under s. ~~706.05 (12)~~ 77.22 (1) that the real property involved does not include a rental unit, may be required to forfeit not more than \$500 per dwelling unit in the rental unit being transferred.

SECTION 6. 706.05 (12) of the statutes is amended to read:

706.05 (12) Every conveyance of any interest in real property offered for recordation shall be accompanied by ~~a statement setting forth whether the real property includes a rental unit, as defined in s. 101.122 (1) (e) the form under s. 77.22 (1) (b).~~ If the property includes a rental unit is subject to certification under s. 101.122 (4) (a), waiver under s. 101.122 (4) (b) or stipulation under s. 101.122 (4) (c), the documents of conveyance offered for recordation shall have appended the certificate required under s. 101.122 (4) (a), a waiver under s. 101.122 (4) (b) or a stipulation under s. 101.122 (4) (c).

SECTION 7. **Cross-reference changes.** In the sections of the statutes listed in Column A, the cross-references shown in Column B are changed to the cross-references shown in Column C:

A	B	C
Statute Sections	Old Cross-References	New Cross-References
77.22 (2)(b)	sub. (1)	sub. (1)(a)