

**Chapter SPS 52**

**WAREHOUSES STORING CEMETERY MERCHANDISE SOLD UNDER A PRENEED SALES CONTRACT**

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**Note:** Chapter RL 52 was renumbered chapter SPS 52 under s. 13.92 (4) (b) 1., Stats., Register November 2011 No. 671.

**SPS 52.01 Authority.** This chapter is adopted pursuant to ss. 227.11 and 440.92 (7), Stats.

**History:** Cr. Register, November, 1992, No. 443, eff. 12-1-92.

**SPS 52.02 Applications. (1) FORMS.** Applications for approval of a warehouse to store cemetery merchandise sold under a preneed sales contract shall be made on forms provided by the department and shall be delivered through the mails or otherwise to the department's office.

**Note:** Application forms may be obtained upon request from the Department of Safety and Professional Services, Division of Professional Credential Processing, 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708.

**(2) COMPLETE ANSWERS; CERTIFICATION.** No application shall be processed until all questions appearing on the application are fully completed and certified as accurate, and all required documents are received by the department.

**(3) DETERMINATION OF APPROVAL.** The department shall provide the applicant with its determination upon the application within 60 days after receipt of the completed application and required documents.

**History:** Cr. Register, November, 1992, No. 443, eff. 12-1-92; am. (2), Register, July, 1997, No. 499, eff. 8-1-97.

**SPS 52.03 Approval of warehouses located in this state.** The department shall approve a warehouse located in this state only if the person who operates the warehouse is licensed as a public warehouse keeper by the department of agriculture, trade and consumer protection under ch. 99, Stats. Proof of licensure as a public warehouse keeper shall be made through the submission of a copy of the current license with the application.

**History:** Cr. Register, November, 1992, No. 443, eff. 12-1-92.

**SPS 52.04 Approval of warehouses located outside this state.** The department shall approve a warehouse located outside this state upon the following conditions:

**(1)** Submission of proof that the warehouse is authorized to store cemetery merchandise within its state of location. Proof of such authorization may be made through the submission of a copy of the current license, permit, certificate, registration or other document issued by the agency regulating warehouses in that state, or through the submission of such other information or statements acceptable to the department.

**(2) (a)** The filing with the department of a bond furnished by a surety company authorized to do business in this state in an amount that is sufficient to guarantee the delivery of cemetery merchandise to purchasers under preneed sales contracts.

**(b)** The bond shall be payable to the department of safety and professional services for the benefit of purchasers of stored property or their assignees.

**(c)** The amount of the bond shall be in an amount approved by the department, and in no case less than 100% of the wholesale value of the cemetery merchandise that is stored and to be transported to this state as of the date of the application.

**(d)** The bond shall remain in effect throughout the time that the warehouse remains approved by the department and the warehouse keeper shall submit a copy of each bond renewal certificate to the department.

**History:** Cr. Register, November, 1992, No. 443, eff. 12-1-92; am. (2) (b), cr. (2) (d), Register, July, 1997, No. 499, eff. 8-1-97; **correction in (2) (b) made under s. 13.92 (4) (b) 6., Stats., Register November 2011 No. 671.**

**SPS 52.05 Term of approval.** An approval of a warehouse by the department entitles the warehouse to store cemetery merchandise sold under a preneed sales contract for a period of one year following the issuance of the approval.

**History:** Cr. Register, November, 1992, No. 443, eff. 12-1-92.

**SPS 52.06 Cancellation of approval. (1)** Any approval previously granted by the department may be cancelled upon the occurrence of any of the following:

**(a)** The failure to maintain the license in this or any other state necessary to operate a warehouse.

**(b)** The failure of a warehouse located outside this state to maintain the bond required under this chapter. When the department determines that a bond is insufficient, or if the bond lapses or is canceled, the warehouse shall correct the defect within 30 days after written notice from the department and, if the defect is not corrected within that period, the approval of the warehouse automatically rescinds at the expiration of the 30 day period.

**(2)** The owner or operator of a warehouse shall notify the department within 30 days after the occurrence of any of the events described in sub. (1).

**Note:** A current list of the names and addresses of all approved warehouses may be obtained from the department's Division of Professional Credential Processing, 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708.

**History:** Cr. Register, November, 1992, No. 443, eff. 12-1-92.