

Clearinghouse Rule 15-010

STATE OF WISCONSIN
REAL ESTATE EXAMINING BOARD

IN THE MATTER OF RULEMAKING :
PROCEEDINGS BEFORE THE :
REAL ESTATE EXAMINING BOARD : NOTICE OF PUBLIC HEARING
:

NOTICE IS HEREBY GIVEN that pursuant to authority vested in the Real Estate Examining Board in ss. 15.08(5)(b), 452.05(1)(c), and 452.07(1), Wis. Stats., and interpreting ss. 452.09 and 452.11, Wis. Stats., the Real Estate Examining Board will hold a public hearing at the time and place indicated below to consider an order to repeal REEB 12.015, 12.02, 12.025(1), 12.03, 12.04(2), 25.01(2m), 25.01(5) and (5m), 25.01(8), 25.02, 25.025, 25.03, 25.035, 25.05, 25.06, 25.065(2)(note), 25.065(6m) and (7), 25.066, 25.07, 25.075 and 25.08; to renumber REEB 12.01(2)(a) and (b), 12.026; to consolidate, renumber, and amend REEB 12.04(1)(intro) and (a); to amend REEB 12.025(title), 12.025(2), 12.04 (title), 12.04(1)(c), 25.01(6), 25.065(1)(note) and (2), 25.065(5), 25.065(8), 25.065(9)(a) and (b); and to create REEB 12.011, REEB 12.013, REEB 12.017, 12.025(1m), 12.04(2m) and (3), 25.023, 25.028, 25.033, 25.038, 25.055, 25.065(10), 25.068, 25.09 relating to real estate applications and education.

Hearing Date, Time and Location

Date: February 26, 2015
Time: 10:15 a.m.
Location: 1400 East Washington Avenue
Room 121C
Madison, Wisconsin

APPEARANCES AT THE HEARING:

Interested persons are invited to present information at the hearing. Persons appearing may make an oral presentation but are urged to submit facts, opinions and argument in writing as well. Facts, opinions and argument may also be submitted in writing without a personal appearance by mail addressed to the Department of Safety and Professional Services, Division of Policy Development, P.O. Box 8366, Madison, Wisconsin 53708. Written comments must be received at or before the public hearing to be included in the record of rule-making proceedings.

Analysis prepared by the Department of Safety and Professional Services.

ANALYSIS

Statutes interpreted: ss. 452.09 and 452.11, Wis. Stats.

Statutory authority: ss. 15.08(5)(b), 452.05(1)(c), and 452.07(1), Wis. Stats.

Explanation of agency authority:

The board shall promulgate rules for the guidance of the profession.

After consultation with the council on real estate curriculum and examinations, the board shall promulgate rules establishing criteria for the approval of education programs and training sessions.

Related statute or rule: N/A

Plain language analysis:

Section 1 moves these two sections to the general application sections.

Section 2 creates the procedures for the Board to do a criminal conviction predetermination prior to the individual applying for a license. A person would need to submit the police report, criminal complaint, judgment of conviction and sentencing and a personal statement. The Board will review the information and make a determination whether the conviction would disqualify the individual from obtaining a license or certificate. The determination would be binding.

Sections 3, 4, 5 and 6 repeal the current application and exam requirements and create new sections designating the requirements for salesperson and broker licenses. An applicant for salesperson is required to complete education and pass an examination. An applicant for broker is required to complete education, pass an examination and have real estate experience.

Sections 7, 8, 9, 10, and 11 changes the title to examinations and addresses the passing score for an examination as set by the board, the process for review, and consequences for cheating on the exam.

Section 12 repeals the time for completing the licensure requirements.

Sections 13, 14, 15, 16 and 17 address renewal and reinstatement. Renewal less than 5 years after license expiration requires a renewal fee, a late renewal fee if applicable, and proof of completion of continuing education. Renewal more than 5 years after the license expiration requires an applicant to complete education and pass an examination. There is a provision which would recognize practice in another state. If renewing a broker's license, the experience would have to be demonstrated. A person reinstating a license is required to meet the renewal requirements, any disciplinary requirements and provide evidence of rehabilitation or change in circumstances warranting a reinstatement of the license.

Sections 18, 19 and 21 repeal definitions no longer used in the rule.

Section 20 changes the term being defined to “evidence of completion” rather than attendance.

Section 22 repeals the education requirements for broker’s license.

Section 23 specifies the requirements for prelicensure broker business management program curriculum.

Section 24 repeals the out-of-state broker education requirements.

Section 25 creates the requirements for the nonresident broker education equivalency.

Section 26 repeals the education requirements for salesperson license.

Section 27 specifies the requirements for prelicensure salesperson curriculum.

Section 28 repeals the out-of-state salesperson requirements.

Section 29 creates the requirements for the nonresident salesperson education equivalency.

Section 30 and 32 repeal the requirements for approval of courses taken for academic credit and the noncredit programs.

Section 31 creates the approval process for pre-licensure education programs or courses. The school or organization is required to obtain approval at least 30 days prior to offering the course and provide specified information about the program or course as well as documentation that the instructor meets specified qualifications. Any substantive changes made after approval has been obtained would require notification to the board. A school or organization is required to provide a certificate of completion to the student and maintain records for at least 5 years.

Section 33 removes the outdated reference to continuing education examination.

Section 34 repeals a note which is no longer necessary due to this rule change.

Section 35 specifies a person is required to satisfy the continuing education requirement during the biennium in which the license is received unless the person receives an original salesperson’s license after October 1 in an even year.

Section 36 is repealed due to being obsolete provisions.

Section 37 is amended to clarify the sentence relating to receiving credit for teaching a course.

Section 38 removes the provision relating to the obsolete continuing education examination.

Section 39 creates a provision for a licensee to maintain continuing education records.

Section 40 repeals the requirements for approval of continuing education schools, courses and instructors.

Section 41 creates the approval process of continuing education programs or courses. The school or organization is required to obtain approval at least 30 days prior to offering the course and provide specified information about the program or course as well as documentation that the instructor meets specified qualifications. Any substantive changes made after approval has been obtained would require notification to the board. A school or organization is required to provide a certificate of completion to the student and maintain records for at least 5 years.

Section 42 repeals the sections relating to certification of attendance at pre-licensure and continuing education programs, continuing education examination and investigation and review of programs.

Section 43 creates a section indicating the board may deny or withdraw approval of a program or course.

Section 44 has an initial applicability of January 1, 2016 for the education content and approval requirements.

Section 45 has an effective date of the first day of the month following publication.

Summary of, and comparison with, existing or proposed federal regulation: None

Comparison with rules in adjacent states:

Illinois: Illinois requires an applicant for a broker's license to be at least 21 years of age, graduated from high school or equivalent, complete 120 credit hours of specified education or be admitted to practice law in Illinois and pass an examination. An applicant for a managing broker's license is required to be at least 21 years of age, graduated from high school or equivalent, complete 165 credit hours of specified education or be admitted to practice law in Illinois, be actively licensed for 2 of the last 3 years and pass an examination. An out of state applicant who holds a license in a state with standards substantially equivalent to Illinois is required to take a Illinois specific real estate brokerage laws exam. Illinois brokers are required to complete 12 hours of continuing education and managing brokers are required to complete 6 hours of continuing education and a 12 hours broker management continuing education course. Illinois approves school with curriculum which conforms to the requirements, have instructors with a valid instructor's license, administer a final course exam and maintain student records for a period of 5 years.

Iowa: Iowa requires an applicant for a salesperson's license to complete 96 hours of specified education and pass an examination. An applicant for a broker's license is required to complete 72 hours of education in addition to the required salesperson's education, have engaged in real estate practice for a period of at least 24 months and pass an examination. An application may be denied for convictions. Iowa licensees shall complete 36 hours of continuing education approved programs, courses or activities. A licensee who fails to renew expired license within 3

years must start over in the licensing process. Iowa approves schools, courses and instructors. The school is required to provide course outlines at least 30 days prior to the first offering, have no more than 8 hours of instruction per day, maintain records for a period of five years and issue certificates of attendance. Instructors must demonstrate ability to teach by meeting specific requirements and demonstrate in-depth knowledge of subject matter by meeting specific requirements.

Michigan: Michigan requires an applicant for a salesperson's license to complete 40 hours of education and pass an examination. An applicant for a broker's license must complete 90 hours of education (a law degree counts towards 60 hours of education and a master's degree in business administration counts as 60 hours of education), have real estate experience and pass an examination. Schools or sponsors of education shall obtain pre-approval. Instructors are approved as determined by the department.

Minnesota: Minnesota requires an applicant for salesperson to complete 30 hours of instruction prior to passing an examination and then additional 60 hours of education after passing the examination. An applicant for a broker's license is required to complete 30 hours of education and 3 years of experience as a licensed salesperson. Minnesota requires schools to be approved and specify required curriculum content.

Summary of factual data and analytical methodologies:

The Council on Real Estate Curriculum and Examinations made curriculum revision recommendations to the Board based on current law and practices. The Board updated the rules based on recent legislative changes as well as changes in the profession.

Analysis and supporting documents used to determine effect on small business or in preparation of economic impact analysis:

This rule was posted for 14 days for economic comments and none were received. The Board determines that the modification of existing rules relating to applications and education does not create an effect on small business nor have an economic impact.

Fiscal estimate and Economic Impact Analysis:

The Fiscal Estimate and Economic Impact Analysis is attached.

Initial Regulatory Flexibility Analysis or Summary:

These proposed rules do not have an economic impact on small businesses, as defined in s. 227.114 (1), Stats. The Department's Regulatory Review Coordinator may be contacted by email at Tom.Engels@wisconsin.gov, or by calling (608) 266-8608.

Agency contact person:

Sharon Henes, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 1400 East Washington Avenue, Room 151, P.O. Box 8366, Madison, Wisconsin 53708; telephone 608-261-2377; email at Sharon.Henes@wisconsin.gov.

Place where comments are to be submitted and deadline for submission:

Comments may be submitted to Sharon Henes, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 1400 East Washington Avenue, Room 151, P.O. Box 8366, Madison, WI 53708-8935, or by email to Sharon.Henes@wisconsin.gov. Comments must be received at or before the public hearing to be held February 26, 2015 at 10:15 a.m. to be included in the record of rule-making proceedings.

TEXT OF RULE

SECTION 1. REEB 12.01(2)(a) and (b) are renumbered to REEB 12.01 (1) (g) and (h).

SECTION 2. REEB 12.011 is created to read:

REEB 12.011 Criminal conviction predetermination. (1) An individual who does not possess a broker's or salesperson's license or a time-share salesperson's certificate may apply to the board, without submitting a full application and payment of application fee, for a determination of whether the individual would be disqualified from obtaining a license or certificate based upon a criminal conviction by submitting all of the following:

- (a) An application for predetermination.
 - (b) Police report.
 - (c) Criminal complaint.
 - (d) Judgment of conviction and sentencing.
 - (e) Verification of compliance or completion with the terms of the sentencing.
 - (f) Personal statement describing the facts that led to each offense and any rehabilitation completed.
- (2) An individual who has been convicted of a felony shall meet the requirements of s. 452.25 (1) (b), Stats. prior to submitting a request for predetermination.
- (3) The board shall review the information related to the conviction and consider all of the following factors in making a determination:
- (a) The severity and nature of the conviction.
 - (b) The amount of time that has elapsed.
 - (c) The number or pattern of convictions or other similar incidents that gave rise to the conviction.
 - (d) The circumstances surrounding the conviction that may have a bearing on whether the individual might repeat the behavior that was the subject of the conviction.
 - (e) The relationship of the conviction to real estate practice.
 - (f) The individual's activities since the conviction, including employment, education, participation in treatment, payment of restitution, and any other factor that may be evidence of rehabilitation.

(4) The individual shall receive notification of the board's determination whether the criminal convictions would disqualify the individual from obtaining a license or certificate due to the individual's criminal record.

(5) The determination is binding upon the board and the department if the individual subsequently applies for license or certificate, unless there is information relevant to the determination that was not available to the board at the time of the determination.

SECTION 3. REEB 12.013 is created to read:

REEB 12.013 Salesperson application requirements. (1) EDUCATION REQUIREMENTS. Each applicant for a real estate salesperson's license shall submit satisfactory evidence of any of the following:

(a) Completion, within 4 years of licensure, of real estate salesperson's education under s. REEB 25.033 through an education program that has been approved by the board or nonresident salesperson education equivalency under s. REEB 25.038.

(b) Completion of 10 semester hour credits in real estate or real estate law courses at an accredited institution of higher education. A quarter hour credit equals 2/3 of a semester hour credit.

(2) **EXAMINATION REQUIREMENTS.** Each applicant shall read and write a comprehensive examination in English, testing the applicant's competency to transact the business of a real estate salesperson. The examination shall be in conformity with s. 452.09(3), Stats.

(3) **RECIPROCITY.** Applicants who are licensed as salespersons in a state or territory that has entered into a reciprocal agreement with this state, shall be licensed according to the terms of the reciprocal agreement.

SECTION 4. REEB 12.015 is repealed.

SECTION 5. REEB 12.017 is created to read:

REEB 12.017 Broker application requirements. (1) EDUCATION REQUIREMENTS. Each applicant for a real estate broker's license shall submit satisfactory evidence of any of the following:

(a) Completion, within 4 years of broker's licensure, of a real estate broker's education program in business management under s. REEB 25.023 through an education program that has been approved by the board and evidence of any of the following:

1. Licensure as a real estate salesperson.

2. Completion of a real estate salesperson's education program under s. REEB 25.033 or completion of 10 semester hour credits in real estate or real estate related law courses from an accredited institution of higher education.

(b) Completion of nonresident broker equivalency under s. REEB 25.028.

(c) Completion of 20 semester hour credits in real estate or real estate law courses at an accredited institution of higher education. A quarter hour credit equals 2/3 of a semester hour credit.

(d) The applicant is licensed to practice law in this state.

(2) EXAMINATION REQUIREMENTS. Each applicant for a real estate broker's license shall read and write a comprehensive examination in English, testing the applicant's competency to transact the business of a real estate broker. The examination shall be in conformity with s. 452.09(3), Stats.

(3) EXPERIENCE REQUIREMENTS. (a) Each applicant for a real estate broker's license shall submit evidence satisfactory to the board that the applicant has practiced as a licensed salesperson under the direct supervision of a licensed broker for at least 2 years within the last 4 years preceding the date of application, excluding any time the applicant spent in an apprenticeship. The evidence, except as provided in pars. (b) to (d), shall demonstrate that the applicant's experience as a licensed salesperson qualifies the applicant for a total of at least 40 points based on the following point system:

1. Each completed or closed residential transaction is worth 5 points.
2. Each completed or closed commercial transaction is worth 10 points.
3. Each property management contract is worth 0.5 points per month.
4. Each completed or closed time share is worth one point.

(b) An applicant who is licensed to practice law in this state may satisfy the requirement under par. (a) by submitting to the board any of the following:

1. Evidence satisfactory to the board that the applicant has experience related to real estate.
2. Evidence that the applicant has at least one year experience as a licensed salesperson under the direct supervision of a licensed broker that qualifies the applicant for a total of at least 20 points based upon the point system in par. (a) 1 to 4.

(c) An applicant who holds a current certificate of financial responsibility under s. 101.654, Stats. may satisfy the requirement under par. (a) by submitting to the board any of the following:

1. Evidence satisfactory to the board that the applicant has experience related to real estate sales.
2. Evidence that the applicant has at least one year experience as a licensed salesperson under the direct supervision of a licensed broker that qualifies the applicant for a total of at least 20 points based upon the point system in par. (a) 1 to 4.

(d) A nonresident applicant may satisfy the requirement under par. (a) by submitting to the board evidence satisfactory to the board that the applicant has been a licensed broker under the laws of another state for at least 2 years within the last 4 years preceding the date of the applicant's application.

(4) RECIPROCITY. Applicants who are licensed as brokers in a state or territory that has entered into a reciprocal agreement with this state, shall be licensed according to the terms of the reciprocal agreement.

SECTION 6. REEB 12.02 is repealed.

SECTION 7. REEB 12.025(title) is repealed and recreated to read:

REEB 12.025 ~~Review of examinations and examination results~~ Examinations.

SECTION 8. REEB 12.025 (1) is repealed.

SECTION 9. REEB 12.025 (1m) is created to read:

REEB 12.025 (1m) PASSING SCORE. The board shall determine the level of examination performance required for minimum acceptable competence after consultation with subject matter experts who have received a representative sample of the examination questions and available candidate performance statistics. The board shall set the passing score at the point that represents minimum acceptable competence in the profession.

SECTION 10. REEB 12.025(2) is amended to read:

REEB 12.025(2) REPORTS-REVIEW. All applicants who obtain a failing grade shall receive a report, ~~for facilitating further study,~~ detailing the results in the major content areas of the examination.

SECTION 11. REEB 12.026 is renumbered REEB 12.025(3).

SECTION 12. REEB 12.03 is repealed.

SECTION 13. REEB 12.04 (title) is amended to read:

REEB 12.04 Renewal after license expiration and reinstatement.

SECTION 14. REEB 12.04(1)(intro) and (a) are consolidated, renumbered REEB 12.04 (1) (a), and amended to read:

REEB 12.04(1) RENEWAL LESS THAN 5 YEARS AFTER LICENSE EXPIRATION. (a) If an applicant files an application for renewal of the applicant's a licensee renews his or her real estate license with the department less than 5 years after the renewal date, as defined in s. 440.01 (1) (dm), Stats., and the applicant is not registered as an inactive licensee, the applicant licensee shall pay the applicable renewal fee and ~~penalty~~ late renewal fee specified in s. 440.08, Stats., and provide evidence of having satisfied the continuing education required by s. 452.12 (5), Stats., ~~in one of the following manners:~~

~~(a) The applicant shall either provide proof of having successfully completed the classroom education which was required during the biennium preceding the date of renewal of the applicant's license, provide proof of having successfully passed the test-out examination which was administered during the biennium preceding the date of renewal of the applicant's license, or provide proof of having successfully completed any 8 of the 15 hours of education in s. REEB 25.03 (3) (h) and the 4 hours of education in s. REEB 25.03 (3) (m), or of having successfully completed the educational program in s. REEB 25.035 (2). In this paragraph "successfully completed" means passing an examination pursuant to s. REEB 25.066 (6) (d).~~

SECTION 15. REEB 12.04 (1) (c) is amended to read:

(c) The applicant licensee shall also before the next renewal date satisfy the continuing education required of all licensees during the biennium in which the applicant licensee renews his or her the license.

SECTION 16. REEB 12.04 (2) is repealed.

SECTION 17. REEB 12.04 (2m) and (3) are created to read:

REEB 12.04(2m) RENEWAL OF LICENSE MORE THAN 5 YEARS AFTER LICENSE EXPIRATION. (a)

General. A licensee who has failed to renew a license within 5 years of the renewal date holds an expired license. A licensee with an expired license may not reapply for the license using the initial application process.

(b) *Salesperson license.* A licensee who renews a salesperson license more than 5 years after the license expiration shall submit evidence of all of the following:

1. 'Education'. Completion of any of the following:
 - a. Real estate salesperson education under s. REEB 25.033 within 5 years of renewal of license.
 - b. Ten semester hour credits in real estate or real estate law courses from an accredited institution of higher education.
 - c. Real estate salesperson education under s. REEB 25.038. This option only applies to a licensee who held an active license in another jurisdiction within 2 years of renewal of Wisconsin license.
2. 'Examination'. Passing the examination required under s. REEB 12.013(2).
3. 'Continuing education'. Completion of the continuing education required by s. 452.12, Stats. for the biennium preceding the date of renewal of the license. A licensee completing education under subs. 1.a. and c. meets the continuing education requirement.

(c) *Broker license.* A licensee who renews a broker license more than 5 years after the license expiration shall submit evidence of all of the following:

1. 'Education'. Completion of any of the following:
 - a. Real estate business management education under s. REEB 25.023 and real estate salesperson's education under s. REEB 25.033 within 5 years of renewal of license. The real estate salesperson education is not required if the license is currently licensed in this state as a real estate salesperson.
 - b. Completion of 20 semester hours credits in real estate or real estate law at an accredited institution of higher education.
 - c. Education under s. REEB 25.028. This option only applies to a licensee who held an active license in another jurisdiction within 2 years of renewal of Wisconsin license.
 - d. A licensee who is also licensed to practice law in this state meets the education requirement.
2. 'Examination'. Passing the broker and salesperson examinations required under ss. REEB 12.013 (2) and 12.01 (2).
3. 'Experience'. Practicing as a licensed salesperson under the direct supervision of a licensed broker for at least 2 years within the last 4 years preceding the date of renewal or has experience related to real estate by any of the following:
 - a. Accumulation of a total of at least 40 points based on the point system under s. REEB 12.017 (3) (a).
 - b. Meeting the requirement under s. REEB 12.017 (3) (b).
 - c. Meeting the requirement under s. REEB 12.017 (3) (c).
 - d. A licensee who held an active broker license in another jurisdiction within 2 years of renewal of a Wisconsin license meets the experience requirement.

4. 'Continuing education'. Completion of the continuing education required by s. 452.12, Stats. for the biennium preceding the date of renewal of the license. A licensee completing education under subs. 1.a. and c. meets the continuing education requirement.

(d) *Continuing Education Requirement*. All licensees renewing under pars. (b) and (c) shall before the next renewal date satisfy the continuing education required during the biennium in which the license is renewed.

(3) LICENSE REINSTATEMENT. (a) A licensee who has a license with unmet disciplinary requirements that has not been renewed within 5 years of the renewal date or whose license has been surrendered or revoked may submit an application for reinstatement with all the following:

1. Evidence of completion of requirements in sub. (2m) (a) or (b) if the licensee has not held an active Wisconsin license within the last 5 years.
2. Evidence of completion of disciplinary requirements, if applicable.
3. Evidence of rehabilitation or change in circumstances warranting reinstatement of license.

(b) A licensee may not reapply for a license through the initial application process if the licensee has unmet disciplinary requirements and failed to renew the license within 5 years of the renewal date or whose credential has been surrendered or revoked. A licensee may not practice real estate prior to being granted reinstatement of the license.

SECTION 18. REEB 25.0 1(2m) is repealed.

SECTION 19. REEB 25.01 (5) and (5m) are repealed.

SECTION 20. REEB 25.01 (6) is amended to read:

REEB 25.01 (6) "Evidence of ~~attendance~~ completion" means an official transcript, student grade report, or board-approved certificate showing satisfactory completion of education programs or courses.

SECTION 21. REEB 25.01 (8) is repealed.

SECTION 22. REEB 25.02 is repealed.

SECTION 23. REEB 25.023 is created to read:

REEB 25.023 Real estate broker's pre-license business management program. An education program in business management for applicants for a real estate broker's license shall consist of 72 hours. The education program in business management shall contain all of the following topics:

- (1) CONTRACTS. Instruction relating to real estate contracts shall include all of the following:
 - (a) The definition of a contract, including the difference between a contract and an agreement.
 - (b) Elements of a contract, including all of the following:
 1. Offer.
 2. Acceptance.
 3. Consideration.
 4. Competent parties.

- (c) Parties to a contract, including all of the following:
 - 1. Parties to an agency agreement.
 - 2. Parties to a sales contract, option, or lease.
 - 3. Multiple parties.
- (d) Creating binding contracts, including all of the following:
 - 1. Signatures.
 - 2. Acceptance and binding acceptance.
 - 3. Delivery.
 - 4. Deadlines.
 - 5. Time is of the essence.
- (e) Validity of contracts.
- (f) Drafting contracts and contingencies, including all of the following:
 - 1. Properly drafting.
 - 2. Pre-printed.
 - 3. Customized.
- (g) Ending the contractual relationship, including all of the following:
 - 1. Rescission.
 - 2. Termination.
 - 3. Modification.
 - 4. Death of a party.
 - 5. Default and breach.
- (h) Acceptance and counteroffers, including the difference between acceptance and counteroffers.
- (i) The law of conveyances, including all of the following:
 - 1. Conveyance defined.
 - 2. Requirements for a valid conveyance.
- (j) Agreement to arbitrate real estate transaction disputes under s. 788.015, Stats.
- (k) Commercial real estate commission lien under s. 779.32, Stats.
- (2) APPROVED FORMS. Instruction relating to real estate approved forms shall include all of the following:
 - (a) The forms approval process, including all of the following:
 - 1. Forms committee.
 - 2. Real estate examining board.
 - 3. Department of safety and professional services.
 - (b) The authorized practice of law, including all of the following:
 - 1. Reynolds v. Dinger, 14 Wis. 2d 193.
 - 2. Chapter REEB 16.
 - (c) Review of forms, including all of the following:
 - 1. Listing contract for sale.
 - 2. Offer.
 - 3. Counteroffer.
 - 4. Amendment.
 - 5. Buyer agency agreement.
 - 6. Listing contract for lease.
 - 7. Option.
 - 8. Bill of sale.

9. Exchange.
 10. Cancellation agreement and mutual release.
 11. State bar forms under s. REEB 16.03 (1).
 12. Uniform commercial code forms.
 13. Forms used in other states.
- (d) Developing a form and contingency manual
- (e) Supervising salesperson's use of approved forms.
- (3) TRUST ACCOUNTS, ESCROW, CLOSING STATEMENT.** Instruction relating to real estate trust accounts, escrow and closing statement shall include all of the following:
- (a) Trust accounts under ch. REEB 18, including all of the following:
1. Trust account definition.
 2. Trust funds definition.
 3. When is a trust account required.
 4. Registering a trust account.
 5. Procedure to open a trust account.
 6. Authorization to sign trust account checks.
 7. Depositing of trust funds.
 8. Disbursement of trust funds.
 9. Bookkeeping system.
 10. Closing a trust account.
- (b) Escrow agreement procedures, including all of the following:
1. Escrows requiring separate escrow agreements.
 2. Pre-closing earnest money escrows.
 3. Post closing escrows.
 4. Escrows not requiring separate escrow agreements.
 5. Drafting escrow agreements.
- (c) Closing procedures, including all of the following:
1. Licensees are not required by license law to perform closings.
 2. Choosing a closing statement.
 3. Closing preparation procedures.
 4. Setting a closing date.
 5. Preparing closing documentation.
 6. Closing procedures.
 7. Post closing procedures.
- (4) BROKER MANAGEMENT AND MARKETING.** Instruction relating to real estate broker management and marketing shall include all of the following:
- (a) The legal environment, including all of the following:
1. Requirements for licensure.
 2. Liability concerns and risk reduction.
 3. Policy manual under s. REEB 17.08.
- (b) The business plan, including all of the following:
1. Form of ownership.
 2. Start up.
 3. Capital budget.
 4. Operation budget.
 5. Marketing strategies.

- (c) Professional services, including all of the following:
 1. Attorneys.
 2. Accountants.
- (d) Operational policies, including all of the following:
 1. Policy and procedures manual.
 2. Independent contractors agreement.
- (5) FINANCIAL AND OFFICE MANAGEMENT.** Instruction relating to financial and office management shall include all of the following:
 - (a) Financial management, including all of the following:
 1. System of income and expense accounting.
 2. Accounts used for handling funds.
 3. Bank reconciliations.
 4. Financial reports.
 - (b) Budgeting, including all of the following:
 1. Definition of a budget.
 2. Purpose of the budget.
 3. Comparison of budget income and expenses.
 4. Preparing the budget.
 - (c) Office management under ch. REEB 15 including retention of records.
- (6) PERSONNEL.** Instruction relating to personnel shall include all of the following:
 - (a) Hiring, including all of the following:
 1. Agents.
 2. Personal assistants.
 3. The difference between employee and independent contractor.
 4. Equal opportunity.
 5. Workers' compensation.
 - (b) Policy manual, including all of the following:
 1. Purpose.
 2. Recommended content.
 3. Maintenance.
 4. Access.
 - (c) Training.
 - (d) Licensure and supervision of employees under ch. REEB 17.
- (7) BUSINESS ETHICS.** Instruction relating to real estate business ethics shall include all of the following:
 - (a) Dealing with the public, including all of the following:
 1. Avoiding discrimination as required under s. REEB 24.03(1).
 2. Competence in the area of service under s. REEB 24.03(2).
 3. Legal counsel are not to be discouraged under s. REEB 24.06.
 4. Tie-in arrangements under s. REEB 24.075.
 5. Agreements in writing under s. REEB 24.08.
 6. Misleading market values under s. REEB 24.09.
 7. No net listings under s. REEB 24.10.
 - (b) Advertising, including all of the following:
 1. False advertisements.
 2. Disclosure to the public.

3. Obtain permission.
 4. Advertised price.
- (c) Offers under ss. REEB 24.12 and 24.13, including all of the following:
1. Confidentiality.
 2. Drafting and submitting all offers.
 3. Submitting promptly.
 4. Presenting fairly.
 5. Prompt notification
- (d) Disclosure of compensation and interest under s. REEB 24.05, including all of the following:
1. Disclosure of profits.
 2. Disclosure of intent.
 3. Property owned by licensee.
 4. Referral of service.
 5. Compensation from more than one party.
- (e) Disclosure under s. REEB 24.07, including all of the following:
1. Material facts.
 2. Material adverse facts.
 3. Property inspection.
 4. Agency.
 5. “As-is” sales.
 6. Optional disclosure
- (f) Dealings with fellow licensees, including all of the following:
1. Negotiations through a listing broker under s. REEB 24.13 (5).
 2. Obtaining a seller’s permission for subagent under s. REEB 24.0 7(8) (b) 2.
 3. Confidentiality of offer under s. REEB 24.12.
 4. Disclosing material adverse facts under s. REEB 24.07 (2).
 5. False information under s. REEB 24.07 (3).
 6. Disclosing buyer agent and seller subagent under s. REEB 24.07(8).
- (g) Dealings with licensee and salespeople, including all of the following:
1. Licensee supervision under s. REEB 17.08.
 2. Office supervision under s. REEB 17.08.
- (h) Commercial real estate broker’s commission under s. 779.32, Stats.
- (i) Agency relationships, including all of the following:
1. Multiple representation with designated agency.
 2. Multiple representation without designated agency.
 3. Single agency.
- (8) CONSUMER PROTECTION.** Instruction relating to real estate consumer protection shall include all of the following:
- (a) Disclosure, including all of the following:
1. Property inspections under s. REEB 24.07 (1) (a).
 2. Investigation of other facts under s. REEB 24.07 (1) (b).
 3. Use of third party inspectors under s. REEB 24.07 (2).
 4. Property condition under s. 452.23, Stats.
 5. Civil liability for misrepresentation.
 6. Seller’s disclosure duties under ch. 709, Stats.
 7. Buyer’s inspection obligation.

- (b) Fair housing, including all of the following:
 - 1. Federal law.
 - 2. State of Wisconsin law.
 - 3. Local fair housing law.
 - 4. Sanctions for violations.
 - 5. Testers and fair housing organizations.
 - 6. Conduct prohibited by fair housing law.
 - 7. Responding to fair housing questions.
 - 8. Instituting equal professional service procedures.
- (c) Antitrust: conspiracy and group boycotts, including all of the following:
 - 1. Section 1 of the Sherman Act.
 - 2. "Conspiracy" requirement.
 - 3. "Restraint of trade" requirement.
 - 4. Compensation and "prices" that have been fixed.
 - 5. Situations creating inferences of price fixing.
 - 6. How to respond to antitrust situations.
 - 7. Elements same as price fixing, including conspiracy and restraint of trade.
 - 8. Situations creating inference of boycott.
- (d) Complaint handling procedures, including all of the following:
 - 1. Consumer satisfaction.
 - 2. Liability avoidance.
 - 3. Feedback on fair housing or other law violations.
 - 4. Preventing complaint through education.
 - 5. Documenting the complaint handling program in policy and procedures manual.
 - 6. Informing the parties of the complaint handling program.
 - 7. Dispute resolution systems.
- (e) Environmental factors, including all of the following:
 - 1. Underground storage tanks, including registration and closure.
 - 2. Asbestos.
 - 3. Radon.
 - 4. Lead-based paint.
 - 5. Procedures for high risk properties.
 - 6. Wetlands and floodplain.
- (f) Education buyers and sellers, including all of the following:
 - 1. Property inspection and disclosing of defects.
 - 2. Earnest money procedures.
 - 3. Licensees' responsibilities and expertise.
 - 4. Utilizing third party experts.
- (9) SPECIALTY AREAS.** Instruction relating to real estate specialty areas shall include all of the following:
 - (a) Property management, including all of the following:
 - 1. Management contracts.
 - 2. Insurance liability.
 - 3. Security deposits.
 - 4. Breach of lease.
 - 5. Property inspections.

- 6. Tenant and landlord rights and obligations under ch. ATCP 134.
- 7. Rules regarding negotiating leases.
- (b) Business opportunities, including all of the following:
 - 1. Special expertise and licensing requirements under s. REEB 24.03.
 - 2. Approved forms.
- (c) Selling specialized properties as a brokerage activity.
- (d) Alternative marketing methods, including all of the following:
 - 1. Exchanges.
 - 2. Installment sales.
 - 3. Cooperatives.
- (e) Mortgage banking, including all of the following:
 - 1. Definitions of mortgage banker, loan originator and loan solicitor.
 - 2. When separate registration is needed.
 - 3. Real Estate Settlement Procedures Act.
- (f) Real estate appraisal.
- (g) Farms.
- (h) Auctions.
- (i) Mobile homes.
- (j) Time-Share, including familiarity with ch. 707, Stats, when selling time-shares.
- (10) NOTIFYING THE DEPARTMENT.** Instruction relating to notifying the department shall include all of the following:
 - (a) Change of name, address or trade name under ch. REEB 23
 - (b) Criminal conviction under s. 440.03(13)(am), Stats.

SECTION 24. REEB 25.025 is repealed

SECTION 25. REEB 25.028 is created to read:

REEB 25.028 Nonresident broker education equivalency. An applicant who has held an active real estate broker's license in another licensing jurisdiction within the 2 year period prior to filing an application for a real estate broker's license in this state is deemed to have met the equivalency to the business management and salesperson program education based upon his or her education required to obtain a license in the other licensing jurisdiction and completion of Wisconsin specific education consisting of 19 hours and containing all of the following content:

- (1) Business management education consisting of 6 hours, including all of the following:
 - (a) Broker-only contracts and contract issues, including all of the following:
 - 1. Reynolds v. Dinger, 14 Wis. 2d 193.
 - 2. State bar forms under s. REEB 16.03(1).
 - 3. Uniform commercial code forms under s. REEB 16.03(1).
 - 4. Forms used in other states.
 - 5. Developing forms and contingency manual.
 - 6. Supervising salesperson's use of approved forms.
 - 7. Commercial real estate broker's commission under s. 779.32, Stats.
 - (b) Agency relationships, including all of the following:
 - 1. Multiple representation with designated agency.
 - 2. Multiple representation without designated agency.

3. Single agency.
- (c) Disclosure, including all of the following:
 1. Property inspections.
 2. "As-is" sales.
 3. Optional disclosure.
- (d) Trust accounts under ch. REEB 18, including all of the following:
 1. When is a trust account required.
 2. Registering a trust account.
 3. Procedure to open a trust account.
 4. Authorization to sign trust account checks.
 5. Deposit of trust funds.
 6. Disbursement of trust funds.
 7. Bookkeeping system.
 8. Closing a trust account.
- (e) Notifying the department, including all of the following:
 1. Change of name, address or trade name under ch. REEB 23.
 2. Criminal conviction under s. 440.03(13)(am), Stats.
- (f) Wisconsin fair housing law under s. REEB 24.03(1), and ss. 66.1011 and 106.50, Stats.
- (g) Licensure and supervision of employees under ch. REEB 17, including all of the following:
 1. Licensee supervision under s. REEB 17.08.
 2. Office supervision under s. REEB 17.08.
 3. Policy manual under s. REEB 17.08.
- (2) Salesperson education consisting of 13 hours, including all of the following:
 - (a) Contracts, including all of the following:
 1. Law of conveyances, including all of the following:
 - a. Conveyance defined under s. 706.01, Stats.
 - b. Requirements for a valid conveyance under ss. 706.02, and 706.03, Stats.
 2. Chapter REEB 16.
 3. Review of forms approved by the board, including all of the following:
 - a. Listing contracts.
 - b. Offers to purchase.
 - c. Addenda.
 - d. Buyer agency agreements.
 - e. Counter offers.
 - f. Multiple counter proposals.
 - g. Amendment.
 - h. Notices.
 - i. Option.
 - j. Bill of sale.
 - k. Exchange.
 - l. Cancellation agreement and mutual release.
 - (b) Agency, including all of the following:
 1. Duties owed to parties and clients under s. 452.133, Stats.
 2. The requirement for an agency agreement and disclosure of agency under s. 452.135, Stats.
 3. Revisions to common law duties and responsibilities under s. 452.139, Stats.

- (c) Agency relationship, including all of the following:
 1. Multiple representation with designated agency.
 2. Multiple representation without designated agency.
 3. Single agency.
- (d) Business conduct, including all of the following.
 1. Direct contact with the public, including all of the following:
 - a. Competence in area of service under s. REEB 24.03.
 - b. Tie-ins arrangements under s. REEB 24.075.
 - c. Agreements in writing under s. REEB 24.08.
 - d. Misleading market values under s. REEB 24.09.
 - e. Net listings under s. REEB 24.10.
 2. Advertising under s. REEB 24.04.
 3. Completing and presenting written proposals under ss. REEB 24.12 and 24.13., including all of the following:
 - a. Confidentiality.
 - b. Drafting and submitting offers.
 - c. Prompt delivery to buyer.
 - d. Fair presentation of offers.
 - e. Prompt notification.
 4. Disclosure of compensation and interest under s. REEB 24.05
 - a. Disclosure of interest.
 - b. Referral services.
 - c. Disclosure of profits.
 - d. Disclosure of licensure.
- (e) Consumer protection, including all of the following:
 1. Property inspections under s. REEB 24.07 (1) (a).
 2. Inquiry by listing broker under s. REEB 24.07 (1) (b).
 3. Disclosure of material adverse facts under s. REEB 24.07 (2).
 4. Disclosure of material suggesting adverse material facts under s. REEB 24.07 (3).
 5. Disclosure of side agreements under s. REEB 24.07 (4).
 6. Reliance upon third parties under s. REEB 24.07 (5).
 7. Investigations and inspections under s. 452.23, Stats.
 8. Civil liability for misrepresentation.
 9. Seller's disclosure duties under ch. 709, Stats.
- (f) Wisconsin fair housing law under s. REEB 24.03(1), and ss. 66.1011 and 106.50, Stats.
- (g) Environmental factors, including all of the following:
 1. Underground storage tanks under ch. ATCP 93.
 2. Floodplains under s. 87.30, Stats., and ss. NR 116.01 and 116.06.
 3. Wetlands under s. 23.32, Stats.
 4. Farmland preservation under ss. 91.60 to 91.70, Stats.
 5. Rental unit energy efficiency standards under ss. SPS 367.03 and 367.08.
- (h) Trust accounts and escrows, including all of the following:
 1. Trust accounts under s. 452.13, Stats., and ch. REEB 18, including all of the following:
 - a. Definition of trust account.
 - b. Interest-bearing and non-interest bearing accounts.

- c. Definition of trust funds.
 - d. When a trust account is required.
 - e. Depositing of trust funds.
2. Escrow agreement procedures, including all of the following:
 - a. Escrows requiring separate escrow agreements.
 - b. Pre-closing earnest money escrows.
 - c. Post-closing escrows.
 - d. Escrows not requiring separate escrow agreement.
 - e. Drafting escrow agreements.
- (i) Miscellaneous issues, including all of the following:
1. Condominiums under ss. 703.08, 703.21 and 703.33, Stats.
 2. Homestead under ss. 706.01(7) and 766.605, Stats.
 3. Taxes under ss. 74.15, and 74.47(1) and (2), Stats.
 4. Taxation and transfer fees under ss. 77.22 and 77.27, Stats.
 5. Residential rental practices under ss. ATCP 134.02, 134.06, 134.09, Stats.
 6. Documents and records under ch. REEB 15.
 7. Licensure and supervision of employees under ch. REEB 17.
 8. Property rights of married persons under ss. 766.31, 766.51, 766.60, and 766.63, Stats.
 9. Mortgage banking under s. 224.71, Stats.

SECTION 26. REEB 25.03 is repealed.

SECTION 27. REEB 25.033 is created to read:

REEB 25.033 Salesperson's pre-license program. An education program for applicants for a real estate salesperson's license shall consist of 72 hours. The education program shall contain all of the following topics:

(1) REAL PROPERTY. Instruction relating to real property shall include all of the following:

- (a) Land, real estate and real property.
- (b) The difference between real property and personal property.
- (c) Classification of fixtures.
- (d) Characteristics of real estate.
- (e) Types of home ownership.
- (f) Mobile homes under s. 70.043, Stats.
- (g) Ownership expenses.
- (h) Property features.
- (i) Investment considerations.
- (j) Tax benefits for home ownership.
- (k) Homeowner's insurance.

(2) THE REAL ESTATE BUSINESS. Instruction relating to the real estate business shall include all of the following:

- (a) Real estate specialties.
- (b) The real estate market.
- (c) Factors affecting supply and demand.
- (d) Business cycles.
- (e) Real estate practice under ch. 452, Stats.

(3) REAL ESTATE BROKERAGE. Instruction relating to real estate brokerage shall include all of the following:

- (a) Law of agency.
- (b) Creating and terminating of agency.
- (c) Fiduciary duties.
- (d) Responsibilities to third parties.
- (e) Broker's and salesperson's compensation.
- (f) Antitrust laws.
- (g) The difference between independent contractor and employee.
- (h) Broker-to-broker relationships.
- (i) Sales associate-to-sales associate relationships.
- (j) Agency, including all of the following:
 - 1. Duties owed to parties and clients under s. 452.133, Stats.
 - 2. The requirement for an agency agreement and disclosure of agency under s. 452.135, Stats.
 - 3. Revisions to common law duties and responsibilities under s. 452.139, Stats.
- (k) Agency relationship, including all of the following:
 - 1. Multiple representation with designated agency.
 - 2. Multiple representation without designated agency.
 - 3. Single agency.

(4) LISTING AGREEMENTS. Instruction relating to real estate listing agreements shall include all of the following:

- (a) Listing property.
- (b) Listing agreements under ch. REEB 16.
- (c) Special listing provisions.
- (d) Terminating listings.
- (e) Obtaining listings.
- (f) Pricing the property.
- (g) Disclosures.
- (h) Home warranties.

(5) INTERESTS IN REAL ESTATE. Instruction relating to interests in real estate shall include all of the following:

- (a) Government powers.
- (b) Estates in land.
- (c) Encumbrances.
- (d) Water rights.
- (e) Forms of ownership.
- (f) Trusts.
- (g) Ownership by business organizations.
- (h) Cooperatives.
- (i) Time-shares under ss. 70.095, 707.02, 707.05, 707.40, 707.47, and 707.49, Stats.
- (j) Condominiums under ss. 703.08, 703.21 and 703.33, Stats.
- (k) Homestead under ss. 706.01(7) and 766.605, Stats.

(6) LEGAL DESCRIPTIONS. Instruction relating to real estate legal descriptions shall include all of the following:

- (a) Methods of describing real estate.

- (b) Land units and measurements.
- (7) TAXES AND OTHER LIENS.** Instruction relating to taxes and other liens shall include all of the following:
 - (a) Liens.
 - (b) Tax liens.
 - (c) General tax assessment, equalization, and tax bills.
 - (d) Mortgage liens.
 - (e) Construction liens.
 - (f) Judgments.
 - (g) Estate and inheritance tax liens.
 - (h) Other liens.
 - (i) Taxes under ss. 74.15 and 74.47(1) and (2), Stats.
 - (j) Taxation and transfer fees under ss. 77.22 and 77.27, Stats.
- (8) REAL ESTATE CONTRACTS.** Instruction relating to real estate contracts shall include all of the following:
 - (a) Contract law.
 - (b) Elements of a valid contract.
 - (c) Performance of contract.
 - (d) Discharging of contract.
 - (e) Defaulting or breach of contract.
 - (f) Forms used in real estate under ch. REEB 16, including all of the following:
 - 1. Listing agreements under s. 240.10, Stats.
 - 2. Offers to purchase.
 - 3. Addenda.
 - 4. Buyer agency agreements.
 - 5. Counteroffers.
 - 6. Multiple counter proposals.
 - 7. Amendments.
 - 8. Notices.
 - 9. Understanding closing statements.
 - 10. Disclosure forms, including all of the following:
 - a. Seller condition report.
 - b. Agency.
 - c. Buyer and seller disclosure.
 - 11. Cancellation agreement and mutual release agreements.
 - 12. Option.
 - 13. Bill of sale.
 - 14. Exchange.
 - (g) Agreement to arbitrate real estate transaction disputes under s. 788.015, Stats.
- (9) TITLE RECORDS AND TRANSFERS OF TITLE.** Instruction relating to real estate title records and transfers of title shall include all of the following:
 - (a) Requirements of a valid conveyance under ss. 240.10, 706.02 and 706.03, Stats.
 - (b) Types of deeds.
 - (c) Involuntary alienation.
 - (d) Probate.
 - (e) Transferring of a title by will.

- (f) Public records and recording.
- (g) Evidence of title.
- (h) Conveyance defined under s. 706.01, Stats.
- (10) REAL ESTATE FINANCE AND BASIC MATH.** Instruction relating to real estate finance and basic math shall include all of the following:
 - (a) Buyer qualification.
 - (b) Mortgage instruments.
 - (c) Payment plans.
 - (d) Provisions for default; assignment; release and subject to.
 - (e) Land contracts.
 - (f) Secondary mortgage market.
- (11) APPRAISAL AND MARKET ANALYSIS.** Instruction relating to real estate appraisal and market analysis shall include all of the following:
 - (a) Basic principles of value.
 - (b) Direct market comparison approach.
 - (c) Cost approach.
 - (d) Income approach.
 - (e) Appraisal process.
- (12) FAIR HOUSING LAWS.** Instruction relating to real estate fair housing laws shall include all of the following:
 - (a) Equal opportunity in housing.
 - (b) Federal fair housing law.
 - (c) Blockbusting, steering and redlining.
 - (d) Equal rights under s. 106.50, Stats.
 - (e) Organizations.
- (13) ETHICAL REAL ESTATE PRACTICES.** Instruction relating to ethical real estate practices shall include all of the following:
 - (a) Chapter REEB 24.
 - (b) Ethical business conduct, including all of the following:
 1. Direct contact with the public, including all of the following:
 - a. Competence in area of service under s. REEB 24.03.
 - b. Tie-in arrangements under s. REEB 24.075.
 - c. Agreements in writing under s. REEB 24.08.
 - d. Misleading market values under s. REEB 24.09.
 - e. Net listings under s. REEB 24.10.
 2. Advertising under s. REEB 24.04.
 3. Completing and presenting written proposals under ss. REEB 24.12 and 24.13., including all of the following:
 - a. Confidentiality.
 - b. Drafting and submitting offers.
 - c. Prompt delivery to buyer.
 - d. Fair presentation of offers.
 - e. Prompt notification.
 4. Disclosure of compensation and interest under s. REEB 24.05, including all of the following:
 - a. Disclosing of interest.

- b. Referral services.
- c. Disclosing of profits.
- d. Disclosing of licensure.

(14) CONSUMER PROTECTION. Instruction relating to consumer protection shall include all of the following:

- (a) Property inspections under s. REEB 24.07 (1) (a).
- (b) Inquiry by listing broker under s. REEB 24.07 (1) (b).
- (c) Disclosing of material adverse facts under s. REEB 24.07 (2).
- (d) Disclosing of material suggesting adverse material facts under s. REEB 24.07 (3).
- (e) Disclosing of side agreements under s. REEB 24.07 (4).
- (f) Reliance upon third parties under s. REEB 24.07 (5).
- (g) Investigations and inspections under s. 452.23, Stats.
- (h) Civil liability for misrepresentation.
- (i) Seller's disclosure duties under ch. 709, Stats.

(15) LEASES. Instruction relating to real estate leases shall include all of the following:

- (a) Leasehold estates.
- (b) Standard lease provisions.
- (c) Lease documents.
- (d) Legal principles of leases.
- (e) Improvements.
- (f) Maintenance.
- (g) Breach.
- (h) Residential rental practices under ss. ATCP 134.02, 134.06, and 134.09.

(16) PROPERTY MANAGEMENT. Instruction relating to property management shall include all of the following:

- (a) Functions of property manager.
- (b) Management agreement.
- (c) Management considerations.
- (d) Renting and maintaining the property.
- (e) Risk management.

(17) LAND USE CONTROL AND DEVELOPMENT. Instruction relating to land use control and development shall include all of the following:

- (a) Public controls.
- (b) The master plan.
- (c) Zoning.
- (d) Subdivision regulations.
- (e) Private land-use controls.
- (f) Building codes.
- (g) Land development.
- (h) Subdividing.

(18) ENVIRONMENTAL CONCERNS. Instruction relating to real estate environmental concerns shall include all of the following:

- (a) Radon.
- (b) Asbestos.
- (c) Lead-based paint.
- (d) Toxic waste.

- (e) Underground storage tanks under ch. ATCP 93.
- (f) Floodplains under s. 87.30, Stats., and ss. NR 116.01 and 116.06.
- (g) Flood insurance.
- (h) Wetlands under s. 23.32, Stats.
- (i) Farmland preservation under ss. 91.01, and 91.60 to 91.70, Stats.
- (j) Rental unit energy efficiency standards under ss. SPS 367.03 and 367.08.
- (k) Disclosure documents under s. 452.23 and ch. 709 Stats., and s. REEB 24.07.
- (19) MISCELLANEOUS WISCONSIN LICENSE LAWS.** Instruction relating to miscellaneous Wisconsin license laws shall include all of the following:
 - (a) Chapter REEB 15.
 - (b) Chapter REEB 16.
 - (c) Chapter REEB 17.
 - (d) Chapter REEB 18, including all of the following:
 - 1. Definition of trust account.
 - 2. Interest-bearing and non-interest bearing accounts.
 - 3. Definition of trust funds.
 - 4. When a trust account is required.
 - 5. Deposit of trust funds.
 - (e) Chapter REEB 23.
 - (f) Property rights of married persons under ss. 766.31, 766.51, 766.60 and 766.63, Stats.
 - (g) Mortgage banking under s. 224.71, Stats.
 - (h) Escrow agreement procedures, including all of the following:
 - 1. Escrows requiring separate escrow agreements.
 - 2. Pre-closing earnest money escrows.
 - 3. Post-closing escrows.
 - 4. Escrows not requiring separate escrow agreement.
 - 5. Drafting escrow agreements.

SECTION 28. REEB 25.035 is repealed

SECTION 29. REEB 25.038 is created to read:

REEB 25.038 Nonresident salesperson education equivalency. An applicant who has held an active real estate salesperson's license in another licensing jurisdiction within the 2 year period prior to filing an application for a real estate salesperson's license in this state is deemed to have met the equivalency to the salesperson program education based upon their education required to obtain a license in the other licensing jurisdiction and completion of Wisconsin specific education consisting of 13 hours and containing the following content:

- (1) Contracts, including all of the following:**
 - (a) Law of conveyances, including all of the following:
 - a. Conveyance defined under s. 706.01, Stats.
 - b. Requirements for a valid conveyance under ss. 706.02 and 706.03, Stats.
 - (b) Chapter REEB 16.
 - (c) Review of forms approved by the board, including all of the following:
 - 1. Listing contracts.
 - 2. Offers to purchase.

3. Addenda.
 4. Buyer agency agreements.
 5. Counter offers.
 6. Multiple counter proposals.
 7. Amendment.
 8. Notices.
 9. Option.
 10. Bill of sale.
 11. Exchange.
 12. Cancellation agreement and mutual release.
- (2) Agency, including all of the following:
- (a) Duties owed to parties and clients under s. 452.133, Stats.
 - (b) Requirement for an agency agreement and disclosure of agency under s. 452.135, Stats.
 - (c) Revisions to common law duties and responsibilities under s. 452.139, Stats.
- (3) Agency relationship, including all of the following:
- (a) Multiple representation with designated agency.
 - (b) Multiple representation without designated agency.
 - (c) Single agency.
- (4) Business conduct, including all of the following:
- (a) Direct contact with the public, including all of the following:
 1. Competence in area of service under s. REEB 24.03.
 2. Tie-ins under s. REEB 24.075.
 3. Agreements in writing under s. REEB 24.08.
 4. Misleading market values under s. REEB 24.09.
 5. Net listings under s. REEB 24.10.
 - (b) Advertising under s. REEB 24.04.
 - (c) Completing and presenting written proposals under ss. REEB 24.12 and 24.13., including all of the following:
 - a. Confidentiality.
 - b. Drafting and submitting offers.
 - c. Prompt delivery to buyer.
 - d. Fair presentation of offers.
 - e. Prompt notification.
 - (d) Disclosure of compensation and interest under s. REEB 24.05
 - a. Disclosure of interest.
 - b. Referral services.
 - c. Disclosure of profits.
 - d. Disclosure of licensure.
- (5) Consumer Protection, including all of the following:
- (a) Property inspections under s. REEB 24.07 (1)(a).
 - (b) Inquiry by listing broker under s. REEB 24.07 (1)(b).
 - (c) Disclosure of material adverse facts under s. REEB 24.07 (2).
 - (d) Disclosure of material suggesting adverse material facts under s. REEB 24.07 (3).
 - (e) Disclosure of side agreements under s. REEB 24.07 (4).
 - (f) Reliance upon third parties under s. REEB 24.07 (5).

- (g) Investigations and inspections under s. 452.23, Stats.
- (h) Civil liability for misrepresentation.
- (i) Seller's disclosure duties under ch. 709, Stats.
- (6) Wisconsin fair housing law under s. REEB 24.03(1), and ss. 66.1011 and 106.50, Stats.
- (7) Environmental factors, including all of the following:
 - (a) Underground storage tanks under ch. ATCP 93.
 - (b) Floodplains under s. 87.30, Stats., and ss. NR 116.01 and 116.06.
 - (c) Wetlands under s. 23.32, Stats.
 - (d) Farmland preservation under ss. 91.01 and 91.60 to 91.70, Stats.
 - (e) Rental unit energy efficiency standards under ss. SPS 367.03 and 367.08.
- (8) Trust accounts and escrows, including all of the following:
 - (a) Trust accounts under s. 452.13, Stats., and ch. REEB 18, including all of the following:
 - 1. Definition of trust account.
 - 2. Interest-bearing and non-interest bearing accounts.
 - 3. Definition of trust funds.
 - 4. When a trust account is required.
 - 5. Deposit of trust funds.
 - (b) Escrow agreement procedures, including all of the following:
 - 1. Escrows requiring separate escrow agreements.
 - 2. Pre-closing earnest money escrows.
 - 3. Post-closing escrows.
 - 4. Escrows not requiring separate escrow agreement.
 - 5. Drafting escrow agreements.
- (9) Miscellaneous issues, including all of the following:
 - (a) Condominiums under ss. 703.08, 703.21, and 703.33, Stats.
 - (b) Homestead under ss. 706.01(7) and 766.605, Stats.
 - (c) Taxes under ss. 74.15, and 74.47(1) and (2), Stats.
 - (d) Taxation and transfer fees under ss. 77.22 and 77.27, Stats.
 - (e) Residential rental practices under ss. ATCP 134.02, 134.06 and 134.09.
 - (f) Documents and records under ch. REEB 15.
 - (g) Licensure and supervision of employees under ch. REEB 17.
 - (h) Property rights of married persons under ss. 766.31, 766.51, 766.60, and 766.63, Stats.
 - (i) Mortgage banking under s. 224.71, Stats.

SECTION 30. REEB 25.05 is repealed.

SECTION 31. REEB 25.055 is created to read:

REEB 25.055 Approval for pre-licensure education programs or courses.

(1) GENERAL. (a) The board may approve a pre-licensure education program if it covers all of the required content and hours in ss. REEB 25.023, 25.028, 25.033, or 25.038. The board may approve a pre-licensure education course if it alone or in conjunction with one or more other courses covers the content and hours required under ss. REEB 25.023, 25.028, 25.033, or 25.038.

(b) Instructors shall be knowledgeable in the subject that they are teaching. An instructor whose real estate license has been limited, suspended or revoked may not instruct in a program or a course while the disciplinary action is in effect.

(c) A school or organization may not discriminate against anyone on the basis of sex, race, color, sexual orientation as defined in s. 111.32(13m), Stats., handicap, religion, age, physical disability or national origin in its education program or courses.

(2) APPROVAL. A school or organization seeking approval of a pre-licensure education program or course shall submit to the board at least 30 days prior to offering the program or course all of the following:

(a) Application provided by the board.

(b) Organizational structure of the school or organization.

(c) Registration policies.

(d) Promotional materials.

(e) Detailed outline of each program or course with specific allocations of hours to each topic. A school or organization utilizing a curriculum, which has already been approved by the board, may provide verification of utilization of the approved curriculum to meet this requirement.

(f) Method of instruction.

(g) Method for ensuring the students who complete the course are the enrolled students.

(h) Method for evaluating instructors and program.

(i) Names of all instructors.

(j) Evidence that each instructor is one of the following:

1. A person who is or has been engaged in the practice of teaching real estate courses at an accredited institution of higher education.

2. A person who is properly licensed or certified by the board or other governmental agency who, for at least 5 years continuously, has been engaged in the real estate aspects of any of the following:

a. Appraising.

b. Financing.

c. Marketing.

d. Brokerage management.

e. Real property management.

f. Real estate counseling.

g. Real property law.

3. A member of the Wisconsin state bar who is engaged in the field of real estate related law.

4. A person who, in the judgment of the board, is qualified by experience or education to teach a course of study.

(3) CHANGES TO PROGRAM OR COURSE. A school or organization shall inform the board of any change in instructors and any substantive change in the information submitted in par. (2)(a) to (j) within 10 days following the date of the change.

(4) EVIDENCE OF COMPLETION. (a) A school or organization shall provide all students with evidence of completion of the education program or course.

(b) A certificate of completion may not be issued unless the student received all the required contents of the education program and course. A certificate of completion shall include all of the following:

1. Name of the school or organization.

2. Name of the student.
3. Name of the program or course
4. Number of hours.
5. Date of completion.
6. Signature of authorized person at the school or organization.

(c) A school or organization shall maintain attendance and completion records for at least 5 years after a program or course has been conducted.

SECTION 32. REEB 25.06 is repealed.

SECTION 33. REEB 25.065 (1) (note) and (2), are amended to read:

REEB 25.065 (1) Note: The contents of the continuing education programs and courses are not designated in the Wisconsin administrative code, pursuant to an exemption under s. 227.01 (13) (zj), Stats. ~~This information may be obtained from the Wisconsin Department of Safety and Professional Services, Division of Professional Credential Processing, 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708.~~

(2) A licensee may only satisfy the continuing education requirement by successfully completing the continuing education program or courses that are approved by the board before the programs or courses are conducted, ~~except that pursuant to s. 452.12 (5) (e) 2., Stats., the licensee may take the continuing education examination conducted by the department in lieu of the education.~~

SECTION 34. REEB 25.065 (2)(note) is repealed.

SECTION 35. REEB 25.065 (5) is amended to read:

REEB 25.065 (5) A person who receives an original salesperson's or broker's license ~~during a licensing biennium~~ is not required to satisfy the continuing education requirement during the biennium in which the person receives that license, except a person who receives an original salesperson's license after October 1 in an even year is not required to satisfy the continuing education requirement during that biennium.

SECTION 36. REEB 25.065 (6m) and (7) are repealed.

SECTION 37. REEB 25.065 (8) is amended to read:

REEB 25.065 (8) A licensee who acts as an instructor of an approved continuing education program or course may receive credit toward satisfaction of the licensee's continuing education requirement, ~~provided the licensee successfully completes the program or course examination, as specified in s. REEB 25.05.~~ The licensee may not receive credit for teaching a specific course more than one time.

SECTION 38. REEB 25.065 (9) (a) and (b) are amended to read:

REEB 25.065 (9) (a) Health reasons ~~which that~~ prevented attendance at continuing education courses ~~or the continuing education examination~~;

(b) Active duty in the military service with assignment to a duty station outside Wisconsin; ~~or~~.

SECTION 39. REEB 25.065 (10) is created to read:

REEB 25.065 (10) A licensee shall retain for a minimum period of 5 years and shall make available to the board, or its agent upon request, the evidence of completion issued by the school or organization for all continuing education programs for which the licensee claims credit for purposes of renewal of the license.

SECTION 40. REEB 25.066 is repealed.

SECTION 41. REEB 25.068 is created to read:

REEB 25.068 Approval for continuing education programs or courses.

(1) GENERAL. (a) A school or organization shall conduct an examination at the end of each continuing education program or course consisting of at least 15 multiple-choice questions for each program or course. The passing score shall be no less than 70%, unless the school or organization provides substantial justification to the board for a lower score and the board approves the lower passing score. A school or organization may not count examination time as part of the number of hours of the program or course.

(b) Instructors of continuing education programs or courses shall be knowledgeable in the subject that they are teaching. An instructor whose real estate license has been limited, suspended or revoked may not instruct in a program or a course while the disciplinary action is in effect.

(c) A school or organization may not discriminate against anyone on the basis of sex, race, color, sexual orientation as defined in s. 111.32 (13m), Stats., handicap, religion, age, physical disability or national origin in their education program or courses.

(2) APPROVAL. A school or organization seeking approval of a continuing education program or course shall submit to the board at least 30 days prior to offering the program or course all of the following:

(a) Application provided by the board.

(b) Organizational structure of the school or organization.

(c) Registration policies.

(d) Promotional materials.

(e) Detailed outline of each program or course with specific allocations of hours to each topic.

A school or organization utilizing a curriculum that has already been approved by the board may provide verification of utilization of the approved curriculum to meet this requirement.

(f) Method of instruction.

(g) Method for ensuring the students who complete the course are the enrolled students.

(h) Method for evaluating instructors and program.

(i) Names of all instructors.

(j) Evidence that each instructor is any of the following:

1. A person who is or has been engaged in the practice of teaching real estate courses at an accredited institution of higher education.

2. A person who is properly licensed or certified by the board or other governmental agency who, for at least 5 years continuously, has been engaged in the real estate aspects of any of the following:
 - a. Appraising.
 - b. Financing.
 - c. Marketing.
 - d. Brokerage management.
 - e. Real property management.
 - f. Real estate counseling.
 - g. Real property law.
 3. A member of the Wisconsin state bar who is engaged in the field of real estate related law.
 4. A person who, in the judgment of the board, is qualified by experience or education to teach a course of study.
- (k) A minimum of 15 multiple-choice questions for each program or course, the answer to each question, the portion of the course outline to which the question relates and the passing score for the examination. The questions shall comply with reasonable standards of test development and relate to the substantive contents of the continuing education program or course.
- (3) CHANGES TO PROGRAM OR COURSE.** A school or organization shall inform the board of any change in instructors and any substantive change in the information submitted in par. (2) (a) to (k) within 10 days following the date of the change.
- (4) EVIDENCE OF COMPLETION.** (a) A school or organization shall provide all students with evidence of completion of the continuing education program or course.
- (b) A certification of completion may not be issued unless the student received all the required contents of the education program and course. A certificate of completion shall include all of the following:
1. Name of the school or organization.
 2. Name of the student.
 3. Name of the program or course
 4. Number of hours.
 5. Date of completion.
 6. Signature of authorized person at the school or organization.
- (c) A school or organization shall maintain attendance and completion records for at least 5 years after a program or course has been conducted.

SECTION 42. REEB 25.07, 25.075 and 25.08 are repealed.

SECTION 43. REEB 25.09 is created to read:

REEB 25.09 Denial or withdrawal of approval. The board may deny or withdraw approval of a program or course that had been approved under ss. REEB 25.055 or REEB 25.068.

SECTION 44. INITIAL APPLICABILITY. The education content and approval requirements first apply on January 1, 2016.

SECTION 45. EFFECTIVE DATE. The rules adopted in this order shall take effect on the first day of the month following publication in the Wisconsin administrative register, pursuant to s. 227.22 (2) (intro.), Stats.

(END OF TEXT OF RULE)

COPIES OF RULE

Copies of this proposed rule are available upon request to Sharon Henes, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 1400 East Washington Avenue, P.O. Box 8366, Madison, Wisconsin 53708, or by email at Sharon.Henes@wisconsin.gov.