

CERTIFICATE


**STATE OF WISCONSIN
DEPARTMENT OF REGULATION AND LICENSING**

TO ALL WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, Marlene A. Cummings, Secretary, Wisconsin Department of Regulation and Licensing and custodian of the official records of the Department of Regulation and Licensing, hereby certify that the annexed rules were duly approved and adopted by the Department of Regulation and Licensing on the 30th day of September, 1996.

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 30th day of September, 1996.



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

STATE OF WISCONSIN
DEPARTMENT OF REGULATION AND LICENSING

IN THE MATTER OF RULE-MAKING : ORDER OF THE
PROCEEDINGS BEFORE THE : DEPARTMENT OF REGULATION AND
DEPARTMENT OF REGULATION : LICENSING ADOPTING RULES
AND LICENSING : (CLEARINGHOUSE RULE 96-033)

ORDER

An order of the Department of Regulation and Licensing to amend RL 120.02 (intro.); and to create ch. RL 128 relating to education required for registered auctioneers to renew their registration for the biennium commencing on January 1, 1999.

Analysis prepared by the Department of Regulation and Licensing.

ANALYSIS

Statutes authorizing promulgation: ss. 227.11 (2) and 480.08 (6), Stats.

Statutes interpreted: s. 480.08 (6), Stats.

In this proposed rule-making order the Department of Regulation and Licensing sets forth policies and procedures relating to the satisfaction of education requirements by registered auctioneers prior to renewal of their registration for the January 1, 1999-December 31, 2000 biennium. It also sets forth policies and procedures relating to the approval of instructors and courses which satisfy the education requirements. The education required by the proposed rule applies only to the renewal of an auctioneer registration for the specific biennium commencing on January 1, 1999, and not to succeeding bienniums.

Section RL 128.01 sets forth the authority for the proposed rules. These proposed rules were developed in conjunction with advice and recommendations received from the Auctioneer Board and the board supports the education requirement.

Section RL 128.02 establishes a one-time 9-hour education requirement which all registered auctioneers would be required to satisfy prior to renewing their registration for the biennium commencing on January 1, 1999. This section also defines "hour," permits instructors to receive credit for instructing, permits the department to extend the time for completing the education to those who fall under at least one of 2 conditions stated in the rule, requires auctioneers to submit a certificate of completion or to certify completion of the education at the time of renewal and prohibits the department from renewing the registration of an auctioneer who has not completed the education. This section further provides an exception to the education requirements for registered auctioneers who pass an examination provided in RL 128.06, in lieu of completing the education.

Section RL 128.03 breaks the 9 hours of required education into three 3-hour courses and requires auctioneers to successfully complete each 3-hour course.

Section RL 128.04 sets forth policies and procedures relating to approval of courses and instructors. It states conditions concerning the availability of courses, monitoring attendance, evaluating courses, and conducting courses without the instructor physically present in the classroom. Finally, this section states 2 qualifications, one of which must be met by an individual who wishes to be approved by the department to teach the education courses.

Section RL 128.05 sets forth the requirement that auctioneers must attend all the required hours in order to receive credit for attending a course. Program providers must give a certificate of completion to each auctioneer who successfully completes a course.

Section RL 128.06 describes the examination which a registered auctioneer may take in lieu of the educational program. It provides that a registered auctioneer who passes the examination is not required to complete the education program. It permits one retake of the examination in the event the registered auctioneer is not successful on the first examination attempt. This section also provides a process for registered auctioneers to review the examination results. A registered auctioneer who fails the examination twice would be required to complete the educational program.

Section RL 128.07 "sunsets" the educational requirements of the chapter after the January 1, 1999 biennium registration period. The education requirements of the chapter apply only to registration renewals for the January 1, 1999 biennium, and not to succeeding registration renewal periods.

TEXT OF RULE

SECTION 1. RL 120.02 (intro.) is amended to read:

RL 120.02 DEFINITIONS. (intro.) As used in chs. RL 120 to ~~426~~ 128:

SECTION 2. Chapter RL 128 is created to read:

Chapter RL 128

EDUCATIONAL PROGRAM

RL 128.01 AUTHORITY. This chapter is adopted pursuant to ss. 227.11 (2) and 480.08 (6), Stats.

RL 128.02 EDUCATION REQUIREMENTS PRIOR TO FIRST RENEWAL.

(1) Except as provided in s. RL 128.06, every registered auctioneer applying to renew a registration for the January 1, 1999-December 31, 2000 biennium shall complete at least 9 hours in an educational program prior to January 1, 1999.

(2) An hour consists of a period of 50 minutes of actual classroom instruction.

(3) A registered auctioneer may attend approved courses of one or more program providers in order to complete the courses which are part of the educational program.

(4) A registered auctioneer who acts as an instructor of an approved educational program or course shall receive credit toward satisfaction of the registered auctioneer's educational requirement. An instructor shall receive 1 hour of credit for each 50 minutes of instruction. The registered auctioneer may not receive credit for teaching a specific course more than one time.

(5) The department may grant an extension of time for completion of the educational program by a registered auctioneer and the registered auctioneer may obtain a renewal registration for the extension period granted for one of the following:

(a) Health reasons which prevented attendance at the educational program or course.

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

(6) The department may either require a registered auctioneer to certify on a renewal application form that he or she has met the educational requirements when applying for renewal of the registration or the department may require a registered auctioneer to submit a certificate of completion which a registered auctioneer received from a program provider pursuant to s. RL 128.05. The department shall deny the renewal application until the certificate or certification is provided.

RL 128.03 COURSES. The educational program shall consist of 3 courses and shall cover all of the topics under each subsection title, be presented during no less than the number of hours stated after each subsection title, and include:

(1) COURSE A. 3 hours.

(a) Auction contracts.

(b) Trust accounts.

(c) Conduct.

(2) COURSE B. 3 hours.

(a) Registration requirements.

(b) Advertising.

(3) COURSE C. 3 hours.

(a) Real estate auctions.

(b) Federal and state laws related to auctions.

RL 128.04 APPROVAL OF EDUCATIONAL PROGRAMS; COURSES AND INSTRUCTORS. (1) A program provider seeking initial approval from the department of an educational program or a course shall submit its application on a form provided by the department prior to the first date the program or course is offered. The program provider shall include a designation of the courses to be provided, the name and outline of the courses, the name and qualifications of the instructors, and the date, time segments, and location of the courses. The department shall notify the provider whether the program or course has been approved or denied within 20 business days from the date the application is received. The department shall approve an educational program or course if the program provider submits to the department the information required by this subsection and agrees to comply with the provisions in subs. (2) to (6).

Note: Applications for educational program and course approval are available from the Department of Regulation and Licensing, Bureau of Direct Licensing and Real Estate, 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708.

(2) The educational program and courses shall be available to all registered auctioneers regardless of membership in any organization.

(3) Program providers shall agree to monitor attendance at the beginning and end of each course and to furnish each participant an individual certificate of completion. Program providers shall retain copies of attendance records and evidence of completion of the courses by registered auctioneers for at least 5 years from the date the courses were presented.

(4) Program providers shall agree to distribute course evaluation survey forms to registered auctioneers who attend the courses offered by the providers. Program providers shall retain the originals of the completed forms for at least 12 months after the date of completion of the course and, upon request from the department, make them available to the department.

(5) Program providers shall make arrangements so that when instruction is provided by some means without the instructor physically present in the classroom and the students are unable to interact with the person doing the instructing another approved instructor

will be present in the classroom. If the students are able to interact with the person doing the instructing, then a monitor, but not necessarily an approved instructor, shall be present.

(6) Course instructors shall be approved by the department. An instructor whose auctioneer registration has been limited, suspended or revoked in Wisconsin or any other jurisdiction may not instruct in approved courses while the disciplinary action is in effect. An approved instructor shall possess at least one of the following qualifications:

(a) Be an auctioneer registered in this state who is currently practicing auctioneering, and who has engaged in such practice for at least 5 years.

(b) Be an attorney who is engaged in the field of auctioneering-related law.

Note: Applications for approval of instructors are available from the Department of Regulation and Licensing, Bureau of Direct Licensing and Real Estate, 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708.

RL 128.05 CERTIFICATION OF COMPLETION OF COURSES. (1) **COMPLETION REQUIREMENTS.** A registered auctioneer shall attend all the required hours before the program provider may give a certificate of completion to the registered auctioneer.

(2) **CERTIFICATION OF COMPLETION.** Program providers shall provide an individual certificate of completion to all registered auctioneers upon satisfactory completion of courses.

RL 128.06 EDUCATION EXAMINATION. (1) The department shall conduct an education examination. A registered auctioneer may take the education examination conducted by the department in lieu of the educational program set forth in s. RL 128.03. A registered auctioneer who passes the education examination shall not be required to complete the educational program.

(2) The education examination shall cover the courses required for the educational program approved by the department under s. RL 12.03, and shall have no less than 5 questions for each hour of instruction in the approved education program or courses.

(3) The department shall permit a registered auctioneer to retake the education examination one time. If the registrant fails the examination a second time, the registrant shall attend an approved educational program or courses.

(4) The department shall require a minimum passing score of 70 on the education examination.

(5) The department shall permit registrants who take the education examination to review the examination and the examination results, as provided in s. RL 122.06.

(6) Passing the examination for original registration as an auctioneer under s. 480.10, Stats., does not satisfy the requirements under this section.

RL 128.07 SUNSET PROVISION. This chapter only applies to registered auctioneers when renewing a registration as an auctioneer pursuant to s. 440.08 (2) (a), Stats., for the January 1, 1999-December 31, 2000 biennium. The education requirements for renewal in this chapter do not apply thereafter.

(END OF TEXT OF RULE)

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.

Date 9/30/96

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

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9/28/96



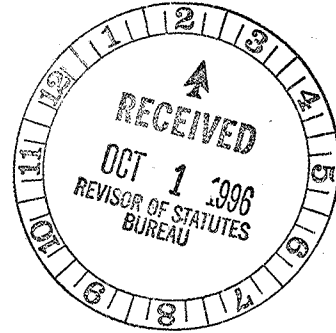
State of Wisconsin
DEPARTMENT OF REGULATION AND LICENSING
CORRESPONDENCE/MEMORANDUM

DATE: October 1, 1996

TO: Gary Poulson
Assistant Revisor of Statutes

FROM: Pamela A. Haack, Rules Center Coordinator
Office of Administrative Rules

SUBJECT: Final Order Adopting Rules



Agency: DEPARTMENT OF REGULATION AND LICENSING

Clearinghouse Rule 96-033

Attached is a copy and a certified copy of a final order adopting rules. Would you please publish these rules in the register.

Please stamp or sign a copy of this letter to acknowledge receipt.

Thank you.