

# STATEMENT OF SCOPE

## REAL ESTATE EXAMINING BOARD

Rule No.: REEB 11 - 25

Relating to: Real Estate Practice

Rule Type: Both Permanent and Emergency

### 1. Finding/nature of emergency (Emergency Rule only):

2015 Act 258 nonstatutory provision allows for emergency rules that are necessary to implement the changes in the act without a requirement to provide evidence that promulgating an emergency rule is necessary for the preservation of the public peace, health, safety or welfare and is not required to provide a finding of emergency.

### 2. Detailed description of the objective of the proposed rule:

The objective of the rule is to implement 2015 Act 258.

### 3. Description of the existing policies relevant to the rule, new policies proposed to be included in the rule, and an analysis of policy alternatives:

The proposed rule will update the real estate rules to reflect current real estate as provided in 2015 Act 258 including: terminology, provisions relating to independent contractor relationship, duties of licensees, supervision of licensees, use of unlicensed personal assistants, business representatives, inactive license references, fees for predeterminations on criminal records, electronic records retention, use of forms and elimination of timeshare registration.

### 4. Detailed explanation of statutory authority for the rule (including the statutory citation and language):

15.08 (5) (b) Each examining board shall promulgate rules for its own guidance and for the guidance of the profession to which it pertains, and define and enforce professional conduct and unethical practices not inconsistent with the law relating to the particular trade or profession.

2015 Act 258 Section 179 Using the procedure under s. 227.24, Stats, the Real Estate Examining Board may promulgate rules under chapter 452 of the statutes that are necessary to implement the changes in this act for the period before the effective date of any corresponding permanent rules, but not to exceed the period authorized under s. 227.24(1)(c), Stats. Notwithstanding s. 227.24 (1) (a), (2)(b) and (3) of the statutes, the Board is not required to provide evidence that promulgating a rule under this subsection as an emergency rule is necessary for the preservation

of the public peace, health, safety or welfare and is not required to provide a finding of emergency for a rule promulgated under this subsection.

**5. Estimate of amount of time that state employees will spend developing the rule and of other resources necessary to develop the rule:**

150 hours

**6. List with description of all entities that may be affected by the proposed rule:**

Licensees of the Real Estate Examining Board and the public.

**7. Summary and preliminary comparison with any existing or proposed federal regulation that is intended to address the activities to be regulated by the proposed rule:**

None

**8. Anticipated economic impact of implementing the rule (note if the rule is likely to have a significant economic impact on small businesses):**

None to minimal and is not likely to have a significant economic impact on small businesses.

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