

## Chapter SPS 121

### APPLICATIONS

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**Note:** Chapter RL 121 was renumbered chapter SPS 121 under s. 13.92 (4) (b) 1., Stats., Register November 2011 No. 671.

**SPS 121.01 Authority.** The rules in this chapter are adopted pursuant to ss. 227.11 (2), 440.03, 440.05, 440.08, 480.06, 480.08 and 480.10, Stats.

**History:** Cr. Register, June, 1995, No. 474, eff. 7-1-95.

**SPS 121.02 Initial registration. (1) AUCTIONEER.** The department may register as an auctioneer an applicant who satisfies the requirements in s. 480.08 (2) or (2m), Stats. The department shall consider s. 480.08 (2) (d), Stats., as having been satisfied, if the applicant has either received a seller's permit from the department of revenue under s. 77.52 (9), Stats., or the applicant has determined that he or she is not required to have a seller's permit and is, therefore, not eligible to obtain a permit.

**(2) AUCTION COMPANY.** The department may register as an auction company an applicant who satisfies the requirements in s. 480.08 (3), Stats. The department shall consider s. 480.08 (3) (d), Stats., as having been satisfied, if the applicant has either received a seller's permit from the department of revenue under s. 77.52 (9), Stats., or the applicant has determined that it is not required to have a seller's permit and is, therefore, not eligible to obtain a permit. An auction company is not required to have any of its officers, partners or directors registered as an auctioneer unless such officers, partners or directors engage in acts specified in s. 480.08 (1) (a), Stats.

**Note:** Applications may be obtained from the department located at 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708. An otherwise qualified applicant shall be provided with reasonable accommodations.

**History:** Cr. Register, June, 1995, No. 474, eff. 7-1-95.

**SPS 121.025 Temporary registration.** A temporary registration certificate issued under s. 480.08 (7), Stats., shall be valid for no more than 60 days after the date that the applicant has filed an application for registration as an auctioneer with the department.

**History:** Cr. Register, January, 2001, No. 541, eff. 2-1-01.

**SPS 121.03 Consent by nonresident for service of process.** The application of a nonresident person for registration as an auctioneer or auction company constitutes the appointment of the secretary of the department as the applicant's agent upon whom process may be served in any action or proceeding against the applicant arising out of a transaction or operation connected with or incidental to the business of an auctioneer or auction company.

**History:** Cr. Register, June, 1995, No. 474, eff. 7-1-95.

**SPS 121.04 Renewal of registration. (1) AUCTIONEER.** (a) Except as provided in s. SPS 121.05, the department shall renew the credential of an auctioneer who files a completed application for renewal of registration before the renewal date, as defined in s. 440.01 (1) (dm), Stats., if all of the following conditions are satisfied:

1. The applicant has paid the renewal fee specified in s. 440.08 (2) (a) 14r., Stats.

2. The applicant continues to meet the registration criteria in s. 480.08 (2) (a) to (d), Stats.

(b) Except as provided in s. SPS 121.05, the department shall renew the credential of an auctioneer who files a completed application for renewal of registration after the renewal date, as defined in s. 440.01 (1) (dm), Stats., but less than 5 years after the renewal date, if all of the following conditions are satisfied:

1. The applicant has paid the renewal fee specified in s. 440.08 (2) (a) 14r., Stats., and the late renewal fee specified in s. 440.08 (3), Stats.

2. The applicant continues to meet the registration criteria in s. 480.08 (2) (a) to (d), Stats.

(c) The department shall renew the credential of an auctioneer who files a completed application for renewal of registration 5 years or more after the renewal date, as defined in s. 440.01 (1) (dm), Stats., if the following conditions are satisfied:

1. The applicant has paid the renewal fee specified in s. 440.08 (2) (a) 14r., Stats., and the late renewal fee specified in s. 440.08 (3), Stats.

2. The applicant continues to meet the registration criteria in s. 480.08 (2) (a) to (d), Stats.

3. The applicant has taken and passed the registration examination within one year prior to the date of the application for renewal of registration.

**(2) AUCTION COMPANY.** (a) Except as provided in s. SPS 121.05, the department shall renew the credential of an auction company which files a completed application for renewal of registration before the renewal date, as defined in s. 440.01 (1) (dm), Stats., if all of the following conditions are satisfied:

1. The applicant has paid the renewal fee specified in s. 440.08 (2) (a) 14g., Stats.

2. The applicant continues to meet the registration criteria in s. 480.08 (3) (a) to (d), Stats.

(b) Except as provided in s. SPS 121.05, the department shall renew the credential of an auction company which files a completed application for renewal of registration at any time after the renewal date, as defined in s. 440.01 (1) (dm), Stats., if all of the following conditions are satisfied:

1. The applicant has paid the renewal fee specified in s. 440.08 (2) (a) 14g., Stats., and the late renewal fee specified in s. 440.08 (3), Stats.

2. The applicant continues to meet the registration criteria in s. 480.08 (3) (a) to (d), Stats.

**History:** Cr. Register, June, 1995, No. 474, eff. 7-1-95; am. (1) (c) 3., Register, July, 1999, No. 523, eff. 8-1-99; correction in (1) (a) (intro.), (b) (intro.), (2) (a) (intro.), (b) (intro.) made under s. 13.92 (4) (b) 7., Stats., Register November 2011 No. 671.

**SPS 121.05 Cause for denial of registration.** The department may deny an application for registration as an auctioneer or auction company submitted by a person or entity who or which has committed fraud or misrepresentation in the application or who or which has done any acts which are grounds for discipline under s. 480.24, Stats.

**History:** Cr. Register, June, 1995, No. 474, eff. 7-1-95.

**SPS 121.06 Change of name.** If the name of a registered auctioneer or auction company appearing on the current registra-

tion certificate changes, written notice of the name change shall be sent to the department within 30 days after the name change.

**History:** Cr. Register, June, 1995, No. 474, eff. 7-1-95.

**SPS 121.07 Use of trade name.** A registered auctioneer or auction company, before doing business under any trade name, shall notify the department in writing of the trade name.

**History:** Cr. Register, June, 1995, No. 474, eff. 7-1-95; r. (1) and renum. (2) to be RL 121.07, Register, July, 1999, No. 523, eff. 8-1-99.