

Chapter RL 12

APPLICATIONS

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History: Chapter REB 2 as it existed on April 30, 1972 was repealed and a new chapter REB 2 was created, Register, April, 1972, No. 196, effective May 1, 1972. Renumbered to be chapter RL 12, effective March 1, 1983.

RL 12.005 Authority. The rules in this chapter are adopted pursuant to ss. 227.11 (2), 440.05, 440.06, 440.07, 440.08, 452.07, 452.09, 452.10, 452.11 and 452.12, Stats.

History: Cr. Register, July, 1998, No. 511, eff. 8-1-98.

RL 12.01 Applications. (1) GENERAL. (a) Forms. Applications for licenses and accompanying documents required by the provisions of ch. 452, Stats., and the rules of the department shall be made on forms provided by the department.

(b) *Action on completed applications.* The department shall review and make a determination on an original application for a license within 60 business days after a completed application is received by the department. An application is completed when all materials necessary to make a determination on the application and all materials requested by the department have been received.

(c) *Verification.* 1. 'Individuals.' All applications for a license as an individual shall be affirmed or verified by the applicant.

2. 'Business entities.' Applications for a license made by a business entity must be verified by a business representative of the business entity.

Note: Applications are available upon request to the department offices located at 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708

(e) *Fees prepaid.* No action shall be taken on any application until the prescribed fees are paid and deposited at the office of the department.

(f) *Previously licensed brokers and salespersons.* No action shall be taken on any new application of an applicant who has previously been licensed by the board or the department until the applicant furnishes sufficient proof to the department that the applicant has not acted as a salesperson or broker since the expiration of his or her license. The department may in its discretion waive this requirement.

(2) NEW APPLICATIONS. (a) Non-resident brokers and salespersons. No application for a real estate broker's or salesperson's license from any person not a resident of the state of Wisconsin may be processed prior to receipt by the department of an irrevocable consent to be sued as specified in s. 452.11, Stats.

(b) *Minors.* No action shall be taken on any new application for a broker's or salesperson's license received from any applicant unless said applicant is a person of the age of 18 years or over.

History: Cr. Register, April, 1972, No. 196, eff. 5-1-72; am. (2) (b), Register, July, 1972, No. 199, eff. 8-1-72; renum. from REB 2.01, i. (1) (b), renum. (1) (c) and (d) to be (1) (b) and (c), Register, February, 1981, No. 302, eff. 3-1-81; renum. from REB 2.02 and am. (1) (a), (c) 2., (e) and (f) and (2), Register, February, 1983, No. 326, eff. 3-1-83; am. (1) (a), (c) and (2) (a), r. and recr. (1) (b), Register, July, 1998, No. 511, eff. 8-1-98.

RL 12.015 Application requirements. (1) EDUCATIONAL REQUIREMENTS. Each applicant for an original real estate broker's license or an original real estate salesperson's license shall submit evidence that the educational requirements in ch. RL 25 were completed before taking the licensing examination.

(2) BROKER'S ELIGIBILITY REQUIREMENT. An applicant for examination to obtain an original real estate broker's license shall complete the education requirements specified in s. RL 25.02 (1)

and shall either hold a Wisconsin real estate salesperson's license or shall have passed the salesperson's examination pursuant to s. RL 12.02.

History: Cr. Register, February, 1987, No. 374, eff. 6-1-87; am. (1), r. and recr. (2), Register, January, 1992, No. 433, eff. 2-1-92; rn. (2) (a) 1. to be (2) (a); r. (2) (a) 2., Register, September, 1993, No. 453, eff. 10-1-93.

RL 12.02 Examinations. (1) WRITTEN EXAMINATIONS. Each applicant for examination to obtain a broker's or salesperson's license shall read and write a comprehensive examination in English, testing that person's competency to transact the business of a real estate broker or salesperson. The examination shall be in conformity with s. 452.09 (3), Stats., and may consist of one or 2 parts. If the examination consists of 2 parts, they shall be designated as the uniform part and the state part, and are described as follows:

(a) Uniform part measures knowledge and skills relevant to the general practices and principles of real estate that are common to or "uniform" among all licensing jurisdictions.

(b) State part contains questions dealing with real estate laws, rules, and regulations, and other aspects of real estate practices appropriate to the state of Wisconsin.

(2) COMPETENCY. (a) The score required to pass an examination, or each part of a 2-part examination, shall be based on the department's determination of the level of examination performance required for minimum acceptable competence in the profession. The department shall make the determination after consultation with subject matter experts who have received a representative sample of the examination questions and available candidate performance statistics, and shall set the passing score for the examination at that point which represents minimum acceptable competence in the profession.

(b) A first-time applicant who passes one part of a 2-part examination shall be conditionally credited with the part on which the passing grade was received, and may, upon application, be reexamined on the part failed at any examination administered during the 12 months following the first examination. A person who does not pass the part retaken at one of the examinations administered during the 12 months following the first examination shall revert to the status of a new applicant, and shall rewrite both parts, if reapplication is made. In addition to a passing grade, the department may require further supplemental proof of competency. In all cases, a failing grade received on the written examination shall be controlling on the question of competency.

(3) EXAMINATION REQUIREMENTS FOR APPLICANTS LICENSED IN ANOTHER STATE. (a) An applicant for a license as a salesperson who submits proof to the department that he or she held a salesperson's license in another state at any time during the 2 years immediately preceding the date of application in Wisconsin is required to take and pass either a single-part salesperson's examination or only the state part of a 2-part salesperson's examination, depending on whether a single-part or a 2-part examination is made available by the department.

(b) An applicant for a license as a broker who does not hold a salesperson's license in Wisconsin and who submits proof to the department that he or she held a broker's license in another state

within 2 years prior to the date of application in Wisconsin is required to complete the education requirement in s. RL 25.02 (1) and take and pass only a single-part salesperson's examination or only the state part of a 2-part salesperson's examination, depending on whether a single-part or a 2-part examination is made available by the department, and either a single-part broker's examination or only the state part of a 2-part broker's examination, depending on whether a single-part or a 2-part examination is made available by the department.

(c) An applicant for a license as a broker who holds a salesperson's license in Wisconsin and who submits proof to the department that he or she holds a broker's license in another state within 2 years prior to the date of application in Wisconsin is required to take and pass either a single-part broker's examination or only the state part of a 2-part broker's examination, depending on whether a single-part or a 2-part examination is made available by the department.

Note: An otherwise qualified applicant with a disability shall be provided with reasonable accommodations.

History: Cr. Register, April, 1972, No. 196, 5-1-72; r. (4) renum. (5) to be (4), Register, November, 1974, No. 227, eff. 12-1-74, emerg. cr. (5), eff. 5-1-75; cr. (5), Register, June, 1975, No. 234, eff. 7-1-75; am. (1) and (2), Register, June, 1979, No. 282, eff. 7-1-79; renum. from REB 2.03, am. (2), (4) and (5) (g), Register, February, 1981, No. 302, eff. 3-1-81; r. (4) (b), renum. (4) (c) to be (4) (b), Register, December, 1981, No. 312, eff. 1-1-82; renum. from REB 2.02 and am. (1) (intro.) and (2) to (5), Register, February, 1983, No. 326, eff. 3-1-83; r. and recr. (3), Register, August, 1983, No. 332, eff. 9-1-83; r. (4) (a), Register, November, 1985, No. 359, eff. 12-1-85; am. (1) and (2), r. and recr. (3), Register, January, 1992, No. 433, eff. 2-1-92; am. (1) (intro.), r. and recr. (2), r. (4) and (5), Register, July, 1998, No. 511, eff. 8-1-98.

RL 12.025 Review of examinations and examination results. (1) REVIEW. All applicants shall be offered the opportunity to review their examinations and make written comments and objections at the time and place that they take the examination.

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

Note: This section interprets or implements s. 452.09 (3), Stats.

History: Cr. Register, December, 1976, No. 252, eff. 1-1-77; r. and recr. Register, December, 1978, No. 276, eff. 1-1-79; renum. from REB 2.035, Register, February, 1981, No. 302, eff. 3-1-81; renum. from REB 2.025, Register, February, 1983, No. 326, eff. 3-1-83; r. (3), Register, July, 1998, No. 511, eff. 8-1-98.

RL 12.026 Cheating on examination. An applicant may not give or receive unauthorized assistance during an examination, violate the rules of conduct of the examination, or otherwise act dishonestly. The action taken by the department for a violation of this section shall be related to the seriousness of the offense. An action may include withholding the score of the applicant, entering a failing grade for the applicant, and suspending the ability of the applicant to sit for the next scheduled examination after the examination at which the conduct occurred.

History: Cr. Register, July, 1998, No. 511, eff. 8-1-98.

RL 12.03 Time for completing licensure requirements. An applicant for a broker's or salesperson's license who successfully completes both the uniform and state parts of the examination, as provided in this chapter, has one year following the date of examination to complete all other requirements for licensure. No license shall be granted until all requirements are met. If the applicant fails to complete the requirements within the one-year period, he or she shall reapply and successfully complete the examination before a license may be granted.

History: Cr. Register, June, 1982, No. 318, eff. 7-1-82; renum. from REB 2.03, Register, February, 1983, No. 326, eff. 3-1-83.

RL 12.04 Renewal after license expiration. (1) LESS THAN 5 YEARS. If an applicant files an application for renewal of the applicant's 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 shall pay the applicable renewal fee and penalty 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. RL 25.03 (3) (h) and the 4 hours of education in s. RL 25.03 (3) (m). In this paragraph "successfully completed" means passing an examination pursuant to s. RL 25.066 (6) (d).

(b) The applicant who successfully completed a portion of, but not all of, the classroom education which was required during the biennium preceding the date of renewal of the applicant's license may obtain the additional required hours by successfully completing all or a portion of s. RL 25.03 (3) (h) and (m). In this paragraph "successfully completed" means passing an examination pursuant to s. RL 25.066 (6) (d).

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

(2) **MORE THAN 5 YEARS.** If an applicant files an application for renewal of a real estate license 5 or more years after the renewal date and the applicant is not registered as an inactive licensee, the applicant shall pay the late renewal fee specified in s. 440.08 (3), Stats., the examination fee specified in s. 440.05 (1) (b), Stats., and satisfy education and examination requirements, as follows:

(a) **Education requirements.** 1. Except as provided in subd. 3., an applicant for a broker's license shall satisfy requirements specified in any one of the following: s. RL 25.02 (1) (b), (c), or (2). An applicant who obtains classroom education pursuant to s. RL 25.02 (2) must complete the education within 5 years preceding the date of the application for license.

2. Except as provided in subd. 3., an applicant for a salesperson's license shall satisfy requirements in s. RL 25.03. An applicant must complete the education within 5 years preceding the date of application for license.

3. An applicant who has held a real estate license in another licensing jurisdiction within the 2 years prior to filing an application for renewal is not required to obtain any education described in subds. 1. and 2.

4. An applicant completing the education described in subds. 1. and 2. satisfies the requirements in s. 452.12 (5) (c), Stats.

(b) **Examination requirements.** 1. An applicant for a broker's license shall successfully pass both the salesperson's and the broker's examination pursuant to s. RL 12.02.

2. An applicant for a salesperson's license shall successfully pass the salesperson's examination pursuant to s. RL 12.02.

Note: The applicant shall apply to and pay the cost of the examination directly to the testing agency under contract with the department for administration of the examination pursuant to s. 440.07 (2), Stats.

History: Emerg. cr. 6-16-87; cr. Register, December, 1987, No. 384, eff. 1-1-88; r. and recr. Register, March, 1990, No. 411, eff. 4-1-90; r. and recr., Register, September, 1993, No. 453, eff. 10-1-93; am. (2) (intro.), cr. (2) (a), 4., Register, July, 1998, No. 511, eff. 8-1-98.