

No. 102, S.

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CHAPTER 366

AN ACT to repeal 136.01 (4) and (5), 136.06 (3) (c), 136.07 (1) (b) and 136.16 (2); to amend 136.01 (6) (intro. par.), 136.02, 136.05 (1) (intro. par.) and (e), 136.06 (1), (2) (a) and (b), (3) (a) and (4) (a), 136.07 (2), 136.08 (1), 136.10, 136.11, 136.12 (1) and 136.18 (2); to repeal and recreate 136.01 (2) (d) and 136.05 (2); and to create 136.01 (2) (e) and 136.05 (3) (a) and (b) of the statutes, relating to corrections in the provisions dealing with the functions of the real estate brokers licensing board.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 136.01 (2) (d) of the statutes is repealed and recreated to read:

136.01 (2) (d) For another and for commission, money or other thing of value, sells, exchanges, buys or rents, or offers or attempts to negotiate a sale, exchange, purchase or rental of any business, its good will, inventory, fixtures or an interest therein; or

SECTION 2. 136.01 (2) (e) of the statutes is created to read:

136.01 (2) (e) Is engaged wholly or in part in the business of selling business opportunities or good will of an existing business or is engaged wholly or in part in the business of buying and selling, exchanging or renting of any business, its good will, inventory, fixtures or an interest therein.

SECTION 3. 136.01 (4) and (5) of the statutes are repealed.

SECTION 4. 136.01 (6) (intro. par.) of the statutes is amended to read:

136.01 (6) (intro. par.) "Real estate broker" * * * does not include:

SECTION 5. 136.02 of the statutes is amended to read:

136.02 No person shall engage in or follow the business or occupation of, or advertise or hold himself out as or act temporarily or otherwise as

a real estate broker or salesman * * * without a license. Licenses shall be granted only to persons who are trustworthy and competent to transact such businesses in such manner as to safeguard the interests of the public, and only after satisfactory proof thereof has been presented to the board. If a cemetery salesman engages in the sale of real estate other than cemetery lots or grave spaces, he shall first obtain a real estate salesman's license.

SECTION 6. 136.05 (1) (intro. par.) and (e) of the statutes are amended to read:

136.05 (1) (intro. par.) Any person desiring to act as a real estate broker or salesman * * * shall file with the board an application for a license. Said application shall be in such form as the board prescribes and shall set forth:

(e) Such further information as the board may reasonably require to enable it to determine the trustworthiness and competency of each applicant, including each member of the partnership, or each officer of the corporation, to transact the business of a real estate * * * broker or salesman * * * in such manner as to safeguard the interests of the public.

SECTION 7. 136.05 (2) of the statutes is repealed and recreated to read:

136.05 (2) In determining competency, the board shall require proof that the applicant for a real estate broker's or salesman's license has a fair knowledge of the English language, a fair understanding of the general purposes and general legal effect of deeds, mortgages, land contracts of sale, leases, bills of sale, chattel mortgages, conditional sales contracts, the provisions of the bulk sales law and a general and fair understanding of the obligations between principal and agent, as well as of this chapter.

SECTION 8. 136.05 (3) (a) and (b) of the statutes are created to read:

136.05 (3) (a) Those persons who held a business opportunity broker's license in good standing on January 2, 1963, shall be granted a real estate broker's license without further examination, upon filing the proper application within 60 days after this paragraph becomes effective (1963).

(b) Those persons who held a business opportunity salesman's license in good standing on January 2, 1963, shall be granted a real estate salesman's license without further examination, upon filing the proper application within 60 days after this paragraph becomes effective (1963).

SECTION 9. 136.06 (1), (2) (a) and (b) and (3) (a) of the statutes are amended to read:

136.06 (1) Such application shall be verified by the applicant; if made by a partnership it shall be verified by at least 2 members; if made by a corporation it shall be verified by the president and secretary. Application for license as real estate * * * broker shall be accompanied by the affidavit of 2 persons who are citizens and real estate owners in the county in which the applicant resides or has his place of business, certifying that the applicant is trustworthy and competent. Application for license as real estate * * * salesman shall be accompanied by the affidavit of his employer, if employed, certifying that the applicant is trustworthy and competent.

(2) (a) Each new application for a real estate * * * broker's license or for a real estate * * * salesman's license or *cemetery registration* shall be for the remainder of the calendar year. Each new applicant shall receive a free copy of the current study manual.

(b) Each renewal application shall be for the ensuing calendar year * * *

(3) (a) For a new real estate broker's * * * license, \$20; and for a new real estate * * * salesman's license, \$15.

SECTION 10. 136.06 (3) (c) of the statutes is repealed.

SECTION 11. 136.06 (4) (a) of the statutes is amended to read:

136.06 (4) (a) Any licensed real estate * * * salesman may at any time during the calendar year for which he is licensed make application upon form provided by the board for transfer to the employment of another licensed broker. The fee for transfer by a real estate salesman * * * is 50 cents, * * * payable at the time the application is filed.

SECTION 12. 136.07 (1) (b) of the statutes is repealed.

SECTION 13. 136.07 (2) of the statutes is amended to read:

136.07 (2) If the licensee is a corporation, the license issued to it entitles the president thereof or such other officer as may be designated by such corporation to act as a broker. For each other officer who desires to act as a broker in behalf of such corporation, an additional license shall be obtained, the annual fee for which * * * is \$1 for a real estate broker's license * * * . No license as a real estate * * * salesman shall be issued to any officer of a corporation or member of a partnership to which a license was issued as a broker. If the licensee is a partnership, the license issued to it entitles one member to act as a broker, and for each other member who desires to act as a broker an additional license shall be obtained, the annual fee for which * * * is \$1 for a real estate broker's license * * * .

SECTION 14. 136.08 (1) of the statutes is amended to read:

136.08 INVESTIGATIONS, REVOCATION OF LICENSE. (1) The board may on its own motion make investigations and conduct hearings in regard to the action of any real estate * * * broker, salesman or cemetery salesman, or any person who it has reason to believe is acting or has acted in *either* such capacity within this state, and may make findings, after a hearing held on 10 days' notice, whether such person has acted as a broker, salesman or cemetery salesman. The findings shall be subject to review under s. 136.15. In such review any additional material evidence presented may be considered.

SECTION 15. 136.10, 136.11 and 136.12 (1) of the statutes are amended to read:

136.10 No licensed broker or registered cemetery salesman shall pay a commission or any part thereof for performing any act specified in this chapter to any person who is not licensed or registered under this chapter or who is not regularly engaged in the real estate * * * brokerage or cemetery sales business in another state.

136.11 No person engaged in the business or acting in the capacity of a real estate * * * broker or salesman within this state shall bring or maintain an action in the courts of this state for the collection of a commission or compensation for the performance of any act mentioned in this chapter without alleging and proving that he was a duly licensed broker or salesman at the time the alleged cause of action arose.

136.12 (1) A nonresident of this state may become a real estate * * * broker or salesman by conforming to all the provisions of this chapter, except that a nonresident real estate broker shall maintain an active place of business in the state in which he holds a license * * * , and said nonresident real estate brokers * * * shall not employ real estate * * * salesmen in this state.

SECTION 16. 136.16 (2) of the statutes is repealed.

SECTION 17. 136.18 (2) of the statutes is amended to read:

136.18 (2) The certificate of the secretary or assistant secretary of the board to the effect that a specified individual, partnership or corporation is not or was not on a specified date the holder of a real estate broker's or salesman's license * * * or registration, or that a specified license or registration was not in effect on a date specified, or as to the issuance, suspension or revocation of any license or registration, the filing or withdrawal of any application or its existence or nonexistence, is prima facie evidence of the facts therein stated for all purposes in any action or * * * *proceedings*.

Approved September 26, 1963.
