

## Chapter SPS 81

### APPLICATION

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**Note:** The contents of this chapter are renumbered into ch. SPS 85 and amended eff 1–1–15 by CR 14–016. See ch. SPS 85.

**Note:** Chapter RL 81 was renumbered chapter SPS 81 under s. 13.92 (4) (b) 1., Stats., Register November 2011 No. 671.

**SPS 81.01 Prerequisite to submitting credential application.** Prior to submitting an application for a licensed or certified real estate appraiser credential, an individual shall successfully complete the education hours required under s. SPS 84.02, 84.03 or 84.04, as appropriate.

**History:** CR 04–007: cr. Register August 2004 No. 584, eff. 9–1–04; CR 06–033: am. Register November 2006 No. 611, eff. 12–1–06; correction made under s. 13.92 (4) (b) 7., Stats., Register November 2011 No. 671.

**SPS 81.02 Applications for certified and licensed appraisers.** An applicant for certification or licensure shall apply on a form provided by the department. Any applicant who files an application for certification or licensure, but does not comply with a request for information related to the application within 120 calendar days from the date of the request, shall file a new application and fee if certification or licensure is sought at a later date. A qualified applicant with a disability shall be provided with reasonable accommodations. The application shall include:

(1) A fee as established by the department plus the annual registry fees required under s. 458.21, Stats.

(2) A statement relating to any pending criminal charge or conviction record subject to ss. 111.321, 111.322 and 111.335, Stats. An applicant who has a pending criminal charge or has a conviction record shall provide the department with all related information necessary for the department to determine whether the circumstances of the pending charge or conviction substantially relate to the practice of appraisal.

(3) Evidence of successful completion of the educational course work required in ch. SPS 84 for licensure or certification.

(5) Evidence of successful completion of the national and state examinations as specified in s. SPS 82.01.

**Note:** Applicants have up to 24 months, after receiving authorization from the department to sit for the examinations, to take and pass the state and national examinations required under s. SPS 82.01. After passing the examinations, applicants have up to 24 months to complete all other requirements for a credential.

(7) A roster of appraisal experience as required in s. SPS 83.01 (4) (b).

(8) A chronological resume of employment as required in s. SPS 83.01 (4) (c).

**Note:** Applications for certification or licensure are available from the Department of Safety and Professional Services, Division of Professional Credentialing, 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708–8935 or from the department's website at: <http://dps.wi.gov>.

**History:** Cr. Register, September, 1991, No. 429, eff. 10–1–91; emerg. am. intro., (3), (6) and (7), eff. 10–1–91; am. (intro.), (3), (6), (7), Register, May, 1992, No. 437, eff. 6–1–92; am. (intro.), (2) to (4), (6) and (7), cr. (8), Register, April, 1994, No. 460, eff. 5–1–94; am. (intro.) and (1) to (7), Register, June, 1996, No. 486, eff. 7–1–96; am. (3), Register, January, 1998, No. 505, eff. 2–1–98; CR 02–067: am. (3), r. (4) Register November 2002 No. 563, eff. 12–1–02; CR 04–007: renum. from RL 81.01 Register August 2004 No. 584, eff. 9–1–04; CR 06–033: am. (intro.), (3) and (7), r. (6) Register November 2006 No. 611, eff. 12–1–06; correction in (3), (5), (7), (8) made under s. 13.92 (4) (b) 7., Stats., Register November 2011 No. 671.

**SPS 81.03 Temporary registration.** (1) REQUIREMENTS. An appraiser who holds a current appraiser certificate in another state, which is not currently limited, suspended or revoked, may use the titles described under s. 458.055, Stats.,

when performing an appraisal in this state, if all of the following apply:

(a) The appraisal is performed in a federally related transaction.

(b) The appraiser's practice in this state is practice of a temporary nature.

(c) The appraiser completes an application and pays the fee specified in s. 440.05 (1) and (6), Stats.

(2) APPLICATION. An appraiser seeking a temporary registration shall apply on a form provided by the department. An applicant who fails to comply with a request for information related to the application for registration within 120 calendar days from the date of the request, shall submit a new application and fee if registration is sought at a later date. The application shall include all of the following:

(a) The fee specified in s. 440.05 (1) and (6), Stats.

(b) A description of the appraisal assignment in this state including, but not limited to, information pertaining to the type of property being appraised, the location and approximate size of the property, the anticipated completion date and the name and address of the lender requesting the appraisal.

(c) A statement relating to any pending criminal charge or conviction record, subject to ss. 111.321, 111.322 and 111.335, Stats. An applicant who has a pending criminal charge or has a conviction record shall provide the department with all related information necessary for the department to determine whether the circumstances of the pending charge or conviction substantially relate to the practice of appraisal.

(d) A written statement identifying each state in which the applicant practices as an appraiser.

**Note:** Applications for temporary registration are available from the Department of Safety and Professional Services, Division of Professional Credentialing, 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708–8935 or from the department's website at: <http://dps.wi.gov>.

**History:** Cr. Register, April, 1994, No. 460, eff. 5–1–94; am. Register, June, 1996, No. 486, eff. 7–1–96; am. (2) (intro.), (d), Register, June, 1996, No. 486, eff. 7–1–96; am. (1) (c), (2), (a), (b) and (c), Register, January, 1998, No. 505, eff. 2–1–98; am. (2) (b), cr. (2) (e), Register, January, 1999, No. 517, eff. 2–1–99; CR 01–100: am. (1) (c), r. (2) (b), renum. (2) (c) to (e) to be (2) (b) to (d) and am. (2) (d), Register February 2002 No. 554, eff. 3–1–02; CR 06–033: am. (1) (intro.), (c), (2) (intro.) and (a) Register November 2006 No. 611, eff. 12–1–06.

#### SPS 81.04 Reciprocal licensure and certification.

(1) An individual applying for licensure or certification as an appraiser on the basis of a license or certification in another state or territory of the United States shall do all of the following:

(a) Submit an application on a form provided by the department.

**Note:** Application forms are available on request to the Department of Safety and Professional Services, Division of Professional Credentialing, 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708–8935 or from the department's website at: <http://dps.wi.gov>.

(b) Pay the fee specified in s. 440.05 (2), Stats.

(c) Submit evidence satisfactory to the department that he or she has satisfied all of the following:

1. Holds a current appraiser license or certification in another state or territory of the United States, which is not currently limited, suspended or revoked and which was granted in accordance with the requirements set forth under the financial institutions

reform, recovery, and enforcement act of 1989, 12 USC 3331 et seq.

2. Has passed the examination on Wisconsin statutes and rules governing appraisers, as provided under s. SPS 82.01.

(2) In determining whether to grant a reciprocal license or certification, the department shall consider whether the current requirements for a license or certification in the other state or territory meet or exceed the requirements for licensure or certification as an appraiser in this state.

**History:** Cr. Register, January, 1999, No. 517, eff. 2–1–99; CR 06–033: am. (1) (c) (intro.) and 1. Register November 2006 No. 611, eff. 12–1–06; CR 10–135: cr. (1) (c) 4. Register August 2011 No. 668, eff. 9–1–11; correction in (1) (c) 2., 4. made under s. 13.92 (4) (b) 7., Stats., Register November 2011 No. 671; EmR1307: emerg. r. (1) (c) 3., 4., am. (2), eff. 6–18–13; CR 13–053: r. (1) (c) 3., 4., am. (2) Register February 2014 No. 698, eff. 3–1–14.

**SPS 81.05 Scope of appraisal practice.** Except as permitted by state or federal law, licensed and certified appraisers are authorized to conduct appraisals in conjunction with federally related and non–federally related transactions as follows:

(1) **CERTIFIED GENERAL APPRAISER.** A certified general appraiser may conduct appraisals of 1–to–4 family residential real

estate and commercial real estate without regard to transaction value.

(2) **CERTIFIED RESIDENTIAL APPRAISER.** A certified residential appraiser may conduct appraisals of 1–to–4 family residential real estate without regard to transaction value and of commercial real estate having a transaction value of not more than \$250,000.

(3) **LICENSED APPRAISER.** A licensed appraiser may conduct appraisals of complex 1–to–4 family residential property having a transaction value of not more than \$250,000; non–complex 1–to–4 family residential property having a transaction value of not more than one million dollars, and commercial real estate having a transaction value of not more than \$250,000.

**Note:** Under federal law, a financial institution is responsible for making the final determination of whether an appraisal is complex. A financial institution may presume that appraisals of 1–to–4 family residential properties are not complex, unless the institution has readily available information that a given appraisal will be complex. If during the course of the appraisal a licensed appraiser identifies factors that would result in the property, form of ownership, or market conditions being considered atypical, the financial institution must either ask the licensed appraiser to complete the appraisal and have a certified appraiser approve and cosign the appraisal, or engage a certified appraiser to complete the appraisal. 12 CRF 225.63.

**History:** Cr. Register, April, 1994, No. 460, eff. 5–1–94; am. (3), Register, January, 1998, No. 505, eff. 2–1–98; renum. from RL 81.04 and am. (intro.), Register, January, 1999, No. 517, eff. 2–1–99; CR 10–135: am. (1), (2) Register August 2011 No. 668, eff. 9–1–11.