

## CHAPTER 458

## REAL ESTATE APPRAISERS BOARD

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**458.01 Definitions.** In this chapter:

(1) "Appraisal" means an analysis, opinion or conclusion relating to the nature, quality, value or utility of specified interests in or aspects of real estate.

(2) "Appraisal foundation" has the meaning given in 12 USC 3350 (9).

(3) "Appraisal report" means a written or oral communication of an appraisal.

(4) "Appraiser" means a general appraiser or residential appraiser.

(5) "Board" means the real estate appraisers board.

(6) "Certified appraisal" means an appraisal report developed by a certified appraiser.

(7) "Certified appraiser" means an appraiser who is certified under s. 458.06 or 458.12.

(8) "Certified general appraiser" means an individual who is certified under s. 458.06 (3).

(9) "Certified residential appraiser" means an individual who is certified under s. 458.06 (4).

(9m) "Commercial real estate" means real estate other than residential real estate.

(10) "Federally related transaction" has the meaning given in 12 USC 3350 (4).

(11) "General appraiser" means an individual who conducts appraisals of commercial real estate or of both commercial real estate and residential real estate.

(12) "Real estate" means an identified parcel or tract of land and any improvements to the land.

(13) "Residential appraiser" means an individual who conducts appraisals of residential real estate.

(14) "Residential real estate" means real estate that, in the opinion of the appraiser who conducts an appraisal of the real estate, has the highest and best use as a residence of not more than 4 dwelling units, as an unimproved recreational or unimproved woodland area or as a residential subdivision of not more than 20 single-family residential lots.

History: 1989 a. 340.

**458.02 Limitations and exceptions.** Nothing in this chapter shall be construed to prohibit a person who is not a certified appraiser from appraising real estate or from cosigning a written appraisal report with a certified appraiser if the person complies with s. 458.06 (1).

History: 1989 a. 340.

**458.03 General duties and powers of department and board.** (1) In addition to the other duties and powers of the department under this chapter, the department shall do all of the following:

- (a) Grant and issue certificates to appraisers.

(b) Subject to the procedure under s. 458.05, promulgate rules establishing criteria for the approval of educational and continuing educational programs and courses of study for appraisers which have been approved by the appraisal foundation and establishing criteria for the approval of the course required under s. 458.06 (2) (d).

(c) Submit to the board a copy of any legislation proposed by the department relating to appraisers or to the board, prior to introduction in the legislature.

(d) Transmit the annual registry fees paid to the department under s. 458.21 to the federal financial institutions examination council or its successor agency.

(2) The department may do any of the following:

(a) Prepare letters and bulletins and conduct clinics disseminating information to appraisers.

(b) Promulgate rules specifying the types of experience that apply toward satisfying the experience requirements in s. 458.06 (3) (c) and (4) (c).

(3) In addition to the other duties and powers of the board under this chapter, the board shall do all of the following:

(a) Advise the secretary on matters relating to appraisers or to the board.

(b) At least once each year, transmit to the appraisal subcommittee of the federal financial institutions examination council, or its successor agency, a roster listing the names and addresses of certified appraisers.

(4) The board does not have rule-making authority.

History: 1989 a. 340.

**458.04 Advisory committee.** (1) If the secretary creates an advisory committee on examinations under s. 15.04 (1) (c), the advisory committee shall be chaired by an examination specialist, if an examination specialist is employed by the department, and shall report to the board and the secretary.

(2) If the secretary creates an advisory committee under s. 15.04 (1) (c), other than an advisory committee under sub. (1), to provide advice to the department on matters relating to appraisal practice, the advisory committee shall be chaired by a member of the board, if available, and shall report to the board and the secretary.

History: 1989 a. 340.

**458.05 Rules; review of rules.** (1) The department shall promulgate rules, consistent with s. 458.24, for the guidance of the appraisal profession.

(2) Before submitting any proposed rules relating to appraisals or to the board to the legislative council staff under s. 227.15, the department shall submit the proposed rules to the board for comment. The board shall have 30 days to submit comments on the proposed rules to the secretary.

(3) When promulgating emergency rules under s. 227.24, the department shall provide a copy of the rules to the board prior to publication of the rules in the official state newspaper.

(4) The chairperson of the board, or his or her designee from the board, may cochair with the secretary, or the secretary's designee, any public hearing held by the department on proposed rules relating to appraisers or to the board.

(5) The department shall submit to the board a copy of the report required under s. 227.19 (2) on any proposed final rules relating to appraisers or to the board. The board may prepare a dissenting report stating its recommendations on the proposed final rules. Any dissenting report shall be prepared within 10 days from the date of receipt of the department's report, attached to the department's report and sent to the presiding officer of each house of the legislature and distributed under s. 227.19 (2). The department shall publish a statement to appear in the Wisconsin administrative register indicating that a dissenting report of the board has been submitted to the presiding officer of each house of the legislature.

(6) The department shall provide staff to assist the board in the review of administrative rules and preparation of comments or dissenting reports.

History: 1989 a 340

**458.06 Certification.** (1) **CERTIFICATION REQUIRED.** No person may do any of the following unless the person holds an applicable appraiser certificate issued under this chapter:

(a) Use the title "certified appraiser", "certified general appraiser", "certified residential appraiser" or any similar title or use the initials "CA", "CGA", "CRA" or any similar initials after the person's name.

(b) Describe or refer to an appraisal of real estate located in this state by the term "certified" or any similar term.

(2) **APPLICATION.** All applications for certification under this section shall be submitted to the department on a form provided by the department. An applicant shall specify on the application whether he or she is applying for a general appraiser certificate or a residential appraiser certificate. No initial certificate may be issued under this section unless all of the following conditions are satisfied:

(a) The applicant is at least 18 years old.

(b) The applicant pays the fee specified in s. 458.10 (4), except as provided in s. 458.12.

(c) Subject to ss. 111.321, 111.322 and 111.335, the applicant submits evidence satisfactory to the department that he or she does not have an arrest or conviction record.

(d) The applicant attends an educational course that includes at least 15 hours of instruction in the professional standards, code of ethics and state laws applicable to appraisers and passes an examination conducted to test the applicant's knowledge of such standards, code and laws. The course shall be approved by the department and the examination shall be approved or conducted by the department.

(3) **GENERAL APPRAISER CERTIFICATE.** The department shall grant and issue a general appraiser certificate to any individual who does all of the following:

(a) Satisfies the conditions in sub. (2).

(b) 1. Submits evidence satisfactory to the department that he or she has successfully completed at least 200 hours of instruction in educational courses that are related to conducting appraisals, including the course described in sub. (2) (d), and that are conducted by a vocational, technical and adult education school under ch. 38 or an accredited college or university, or by a nationally recognized appraisal organi-

zation approved by the appraiser qualifications board of the appraisal foundation.

2. Subdivision 1 does not apply to certificates granted before July 1, 1993.

(c) Submits evidence satisfactory to the department that he or she has at least 2 years of experience as a general appraiser within the 5 years immediately preceding the date of application.

(d) Passes an examination conducted by the department under s. 458.10 to determine fitness as a general appraiser.

(e) Satisfies any other requirements that the department determines, by rule, are necessary to ensure that a general appraiser is qualified to perform an appraisal in a federally related transaction.

(4) **RESIDENTIAL APPRAISER CERTIFICATE.** The department shall grant and issue a residential appraiser certificate to any individual who does all of the following:

(a) Satisfies the conditions in sub. (2).

(b) 1. Submits evidence satisfactory to the department that he or she has successfully completed at least 120 hours of instruction in educational courses that are related to conducting appraisals, including the course described in sub. (2) (d), and that are conducted by a vocational, technical and adult education school under ch. 38 or an accredited college or university, or by a nationally recognized appraisal organization approved by the appraiser qualifications board of the appraisal foundation.

2. Subdivision 1 does not apply to certificates granted before July 1, 1993.

(c) Submits evidence satisfactory to the department that he or she has at least 2 years of experience as a residential appraiser within the 5 years immediately preceding the date of application.

(d) Passes an examination conducted by the department under s. 458.10 to determine fitness as a residential appraiser.

(e) Satisfies any other requirements that the department determines, by rule, are necessary to ensure that a residential appraiser is qualified to perform an appraisal in a federally related transaction.

(5) **CERTIFICATE NUMBER.** The department shall assign a certificate number to each individual who is certified as an appraiser under this chapter and shall place the number upon each certificate prior to its issuance.

(6) **EXPIRATION AND RENEWAL.** Certificates issued under this chapter expire on July 1 of each odd-numbered year. Renewal applications shall be submitted to the department biennially on a form provided by the department and shall include the renewal fee specified in s. 440.05 (3). Renewal applications shall be accompanied by proof of completion of the continuing education requirements in sub. (7). Notwithstanding subs. (3) (b) 2 and (4) (b) 2, the department may not renew a certificate that expires on July 1, 1993, unless the holder of the certificate satisfies the requirement in sub. (3) (b) 1 or (4) (b) 1, as appropriate.

(7) **CONTINUING EDUCATION REQUIREMENTS.** (a) At the time of renewal, each applicant shall submit proof of attendance at and completion of, within the 2 years immediately preceding the date on which the renewal application is submitted, continuing education programs or courses of study approved for at least 30 hours of credit by the department and the appraisal foundation.

(b) At the time of every 4th renewal, each applicant shall submit proof of attendance at and completion of, within the 2 years immediately preceding the date on which the renewal application is submitted, an educational course and examination described in sub. (2) (d). The number of hours of attendance at an educational course required under this

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paragraph shall be applied to satisfy the renewal requirement under par. (a).

**(8) APPLICABILITY OF ASSESSOR EXPERIENCE AND CONTINUING EDUCATION.** (a) In this subsection, "assessor" means an individual who assesses or has assessed the value of real estate for property tax purposes for a town, village, city or county or the department of revenue.

(b) If an applicant for a certificate under sub. (3) or (4) or for renewal of a certificate under sub. (6) is an assessor, all of the following apply:

1. The period of experience required under sub. (3) (c) shall be reduced by the period during the 5 years immediately preceding the date of application under sub. (3) that the applicant has been employed as an assessor of commercial real estate or of both commercial real estate and residential real estate and that the department determines is substantially equivalent to experience as a general appraiser.

2. The period of experience required under sub. (4) (c) shall be reduced by the period during the 5 years immediately preceding the date of application under sub. (4) that the applicant has been employed as an assessor and that the department determines is substantially equivalent to experience as a residential appraiser.

(c) The number of hours of attendance at and completion of continuing education programs or courses of study required under sub. (7) (a) shall be reduced by one hour for each hour of attendance at and completion of, within the 2 years immediately preceding the date on which the renewal application is submitted, continuing education programs or courses of study that the applicant has attended and completed in order to continue to qualify for employment as an assessor and that the department determines is substantially equivalent to attendance at and completion of continuing education programs or courses of study for general appraisers or residential appraisers, as appropriate.

History: 1989 a. 340.

**458.10 Examination.** (1) The department shall conduct examinations for general appraiser and residential appraiser certification at least semiannually at times and places determined by the department. The department shall provide public notice of each examination at least 60 days before the date of the examination.

(2) Examinations shall consist of written tests that are consistent with and equivalent to the uniform state certification examination issued or endorsed by the appraisal qualifications board of the appraisal foundation.

(3) An individual is not eligible for examination unless he or she has satisfied the applicable requirements for certification under s. 458.06 (3) (a) to (c) or (4) (a) to (c).

(4) An applicant shall submit an application for examination to the department on a form provided by the department and pay the fee specified in s. 440.05 (1) at least 30 days before the date of examination.

History: 1989 a. 340.

**458.12 Reciprocal certification.** (1) Upon application and payment of the fee specified in s. 440.05 (2), the department shall grant and issue a general appraiser certificate or residential appraiser certificate to any applicant to whom any of the following applies:

(a) The applicant holds a current appraiser certificate in another state or territory of the United States and the department determines that the requirements for certification in the other state or territory are substantially equivalent to the requirements under s. 458.06 (3) or (4).

(b) The applicant meets the requirements established in a reciprocal agreement under sub. (2) between the department

and the certifying authority in the state or territory where the applicant is certified.

(2) The department may enter into reciprocal agreements with officials of other states or territories of the United States for certifying appraisers and issue certificates to applicants who are certified in those states or territories according to the terms of the reciprocal agreements.

History: 1989 a. 340.

**458.14 Restoration of certificate.** Any certified appraiser who fails to renew the certificate on or before the date of its expiration may restore the certificate as follows:

(1) If the application for renewal is submitted to the department within one year after the date of expiration of the applicant's last certificate, by payment of the fee specified in s. 440.05 (3) and the late renewal penalty under s. 440.05 (4) or (5).

(2) If the application for renewal is submitted to the department more than one year but not more than 4 years after the date of expiration of the applicant's last certificate, by submitting proof of completion of the continuing education requirements in s. 458.06 (7) and of continuing education programs or courses of study approved by the department for at least 15 hours for each full year during which the applicant was not certified and payment of the fee and penalty specified in s. 440.05 (3) and (5).

(3) If the application for renewal is submitted to the department more than 4 years after the date of expiration of the applicant's last certificate, by payment of the fee specified in s. 440.05 (1) and successful completion of the appropriate examination under s. 458.10.

History: 1989 a. 340.

**458.16 Use of certificate number and title.** Each certified appraiser shall place his or her certificate number adjacent to or immediately below the title "Wisconsin certified general appraiser" or "Wisconsin certified residential appraiser" on each written appraisal report and each written appraisal agreement used by the certified appraiser in conducting appraisal activities. The title "Wisconsin certified residential appraiser" may be used only on a written appraisal report or written appraisal agreement pertaining to residential real estate.

History: 1989 a. 340.

**458.18 Maintenance of records.** (1) Unless a longer period of retention is required under sub. (2), a certified appraiser shall retain for at least 5 years the originals or true copies of each contract for the employment of the appraiser's professional services, each written appraisal report prepared by the appraiser and all other records that, in the opinion of the appraiser, are material to each written appraisal report prepared by the appraiser. The period of retention required under this subsection begins on the date on which the appraiser submits the appraisal report to the person for whom the appraisal report is prepared.

(2) A certified appraiser shall retain the records described in sub. (1) for at least 2 years after the termination of any litigation related to the transaction for which the appraisal report was prepared.

(3) A certified appraiser shall, upon reasonable notice, make the records described in sub. (1) available for inspection and copying by the department or the board.

History: 1989 a. 340.

**458.19 Requirements for appraisal reports.** An appraiser shall include all of the following in each written appraisal report prepared by the appraiser:

(1) If the appraiser has not conducted an on-site inspection of the real estate for which the appraisal report is prepared, a statement that the appraiser has not done so.

(2) If any buildings or dwelling units are located on the real estate for which the appraisal report is prepared and the appraiser has not conducted an on-site inspection of both the exterior and the interior of each building or dwelling unit, a statement that the appraiser has not done so.

(3) If the appraisal report pertains to residential real estate, the appraiser's opinion of the highest and best use of the real estate.

History: 1989 a. 340.

**458.20 Contingent fees.** No certified appraiser may accept a fee for conducting an appraisal that is contingent upon the certified appraiser reporting a predetermined estimate, analysis, opinion or conclusion or contingent upon the consequences resulting from the appraisal services.

History: 1989 a. 340.

**458.21 Appraisals in federally related transactions; annual registry fee required.** Each certified appraiser who performs or desires to perform an appraisal in a federally related transaction shall pay to the department the annual registry fee required by the federal financial institutions examination council or its successor agency.

History: 1989 a. 340.

**458.22 Use of title restricted to individual.** No firm, partnership, corporation or other group of individuals may use the title "certified appraisers", "certified general appraisers", "certified residential appraisers" or any similar title or use the initials "CA", "CGA", "CRA" or any similar initials in connection with the name or signature of the firm, partnership, corporation or group of individuals.

History: 1989 a. 340.

**458.24 Code of professional conduct.** Each certified appraiser shall comply with the "Uniform Standards of Professional Appraisal Practice" established by the appraisal standards board of the appraisal foundation.

History: 1989 a. 340.

**458.26 Disciplinary proceedings and actions. (1)** The department shall, upon motion of the board or upon its own determination, conduct investigations in regard to the action of any appraiser.

(2) The department shall present the findings of any investigation of an appraiser or an applicant for a certificate under this chapter to the board for its consideration. The department shall, upon motion of the board, and may, upon its own determination, commence disciplinary proceedings on any matter under investigation concerning a certified appraiser or applicant.

(3) Disciplinary proceedings shall be conducted by the board according to the rules promulgated under s. 440.03 (1). The board may limit, suspend or revoke any certificate under this chapter or reprimand or impose additional continuing education requirements on the holder of a certificate under this chapter if it finds that the holder of the certificate has done any of the following:

(a) Made a material misstatement in an application for certification or renewal, or in any other information furnished to the board or department.

(b) Engaged in unprofessional or unethical conduct in violation of s. 458.24.

(c) Engaged in conduct while practicing as an appraiser which evidences a lack of knowledge or ability to apply professional principles or skills.

(d) Subject to ss. 111.321, 111.322 and 111.335, been arrested or convicted of an offense the circumstances of which substantially relate to the practice of an appraiser.

(e) Advertised in a manner that is false, deceptive or misleading.

(f) Advertised, practiced or attempted to practice as an appraiser under another's name.

(g) Subject to ss. 111.321, 111.322 and 111.34, practiced as an appraiser while the individual's ability to practice was impaired by alcohol or other drugs.

(h) Based the value of real estate in an appraisal report on the racial composition of the area in which the real estate is located.

(i) Violated this chapter or any rule promulgated under this chapter.

(4) In addition to or in lieu of a reprimand or denial, limitation, suspension or revocation of a certificate under sub. (3), the board may assess against a certified appraiser or an applicant for a certificate under this chapter a forfeiture of not less than \$100 nor more than \$1,000 for each violation enumerated under sub. (3).

(5) The department may seek judicial review under ch. 227 of any final decision of the board. The department shall be represented in such review proceedings by an attorney within the department. Upon request of the board, the attorney general may represent the board.

History: 1989 a. 340.

**458.28 Investigation of uncertified practice. (1)** The department may conduct investigations, hold hearings and make findings as to whether a person has violated s. 458.06 (1) or 458.22. The findings shall be subject to review under ch. 227. During such review any additional material evidence presented may be considered. In lieu of holding a hearing, when there is reason to believe that a person is violating s. 458.06 (1) or 458.22 and that the continuation of such activity might cause injury to the public interest, the department may petition the circuit court for a temporary restraining order, an injunction or a writ of ne exeat as provided in ch. 813.

(2) The department may close an investigation of a case involving a person who is not a certified appraiser without approval of the board.

(3) Any person who violates s. 458.06 (1) or 458.22 shall be prosecuted by the district attorney in the county where the violation occurs or by the attorney general.

History: 1989 a. 340.

**458.30 Penalties.** Any person who violates this chapter or any rule promulgated under this chapter may be fined not more than \$1,000 or imprisoned for not more than 6 months or both.

History: 1989 a. 340.