

STATE OF WISCONSIN
REAL ESTATE EXAMINING BOARD

IN THE MATTER OF RULE-MAKING : ORDER OF THE
PROCEEDINGS BEFORE THE : REAL ESTATE EXAMINING BOARD
REAL ESTATE EXAMINING BOARD : ADOPTING EMERGENCY RULES
:

ORDER

An order of the Real Estate Examining Board to amend REEB 16.06 (1) (b) relating to use of approved forms.

Analysis prepared by the Department of Safety and Professional Services.

FINDING OF EMERGENCY

The Real Estate Examining Board included the word “not” in the initial rule CR 13-073 filed with the legislative council clearinghouse but unintentionally omitted the word from the final draft submitted to the legislature.

Section REEB 16.06 (1) (b) relates to a licensee’s use of board approved forms. This specific paragraph has been in this rule and in effect prior to July 1988. The omission of the word “not” would allow reproduction of any board approved form in such a manner that option provisions may be omitted and blank lines are filled in without any indication on the form that the form had been altered which may negatively affect protections to consumers entering into real estate transactions.

ANALYSIS

Statutes interpreted: s. 452.05 (1) (b)

Statutory authority: ss. 15.08 (5) (b) and 452.07 (1)

Explanation of agency authority: The Board shall promulgate rules for the guidance of the profession not inconsistent with the laws relating to real estate.

Related statute or rule:

Plain language analysis:

Section 1 inserts the word “not” which was inadvertently omitted in CR 13-073.

Summary of, and comparison with, existing or proposed federal regulation: None

Comparison with rules in adjacent states:

Illinois: Illinois does not have rules related altering real estate forms.

Iowa: Iowa does not have rules related altering real estate forms.

Michigan: Michigan does not have rules related altering real estate forms.

Minnesota: Minnesota does not have rules related altering real estate forms.

Summary of factual data and analytical methodologies:

This rule simply reinserts a word which was part of the rule prior to CR-13-073 which inadvertently deleted it.

Analysis and supporting documents used to determine effect on small business or in preparation of economic impact analysis:

Fiscal Estimate and Economic Impact Analysis:

This rule will have no fiscal impact

Effect on small business:

These proposed rules do not have an economic impact on small businesses, as defined in s. 227.114 (1), Stats. The Department’s Regulatory Review Coordinator may be contacted by email at Tom.Engels@wisconsin.gov, or by calling (608) 266-8608.

Agency contact person:

Sharon Henes, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Board Services, 1400 East Washington Avenue, Room 151, P.O. Box 8935, Madison, Wisconsin 53708; telephone 608-261-2377; email at Sharon.Henes@wisconsin.gov.

TEXT OF RULE

SECTION 1. REEB 16.06(1)(b) is amended to read:

(b) Not reproduce the form in such a manner that optional provisions are omitted and blank lines are filled in without any indication of where the optional provisions and blank lines occur on the board-approved form.

SECTION 2. EFFECTIVE DATE. Pursuant to s. 227.24 (1) (c), Stats., these rules shall take effect upon publication in the official state newspaper.

(END OF TEXT OF RULE)
