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OFFICE WEST VIRGINIA  
SECRETARY OF STATE

**WEST VIRGINIA LEGISLATURE**  
Regular Session, 2003

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**ENROLLED**

**SENATE BILL NO.** 414

(By Senator Plymale, et al )

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**PASSED** February 26, 2003

**In Effect** ninety days from **Passage**

ENROLLED

Senate Bill No. 414

(BY SENATORS PLYMALE, ROWE, JENKINS, BAILEY,  
ROSS AND MCCABE)

[Passed February 26, 2003; in effect ninety days from passage.]

AN ACT to amend and reenact section seven, article forty, chapter thirty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to authorizing the West Virginia real estate commission to enter into license reciprocity agreements with other states.

*Be it enacted by the Legislature of West Virginia:*

That section seven, article forty, chapter thirty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

**ARTICLE 40. WEST VIRGINIA REAL ESTATE LICENSE ACT.**

**§30-40-7. General powers and duties.**

- 1 The commission has all the powers set forth in article
- 2 one of this chapter and in addition:

- 3 (a) May sue and be sued in its official name as an agency  
4 of this state;
- 5 (b) Shall employ an executive director and shall fix his  
6 or her compensation subject to the general laws of this  
7 state. The commission shall determine the duties of the  
8 executive director as it shall consider necessary and  
9 appropriate to discharge the duties imposed by the provi-  
10 sions of this code;
- 11 (c) Shall employ or contract with such other investiga-  
12 tors, hearing examiners, attorneys, consultants, clerks and  
13 assistants as the commission considers necessary and  
14 determine the duties and fix the compensation of such  
15 investigators, clerks and assistants subject to the general  
16 laws of this state;
- 17 (d) Shall have the authority to issue subpoenas and  
18 subpoenas duces tecum through any member, its executive  
19 director or any duly authorized representative;
- 20 (e) Shall prescribe, examine and determine the qualifica-  
21 tions of any applicant for a license;
- 22 (f) Shall provide for an appropriate examination of any  
23 applicant for a license;
- 24 (g) May enter into agreements with other jurisdictions  
25 whereby the license issued by another jurisdiction may be  
26 recognized as successfully qualifying a nonresident for a  
27 license in this state;
- 28 (h) Shall issue, renew, deny, suspend, revoke or reinstate  
29 licenses and take disciplinary action against any licensee;
- 30 (i) May investigate or cause to be investigated alleged  
31 violations of the provisions of this article, the rules  
32 promulgated hereunder and the orders or final decisions of  
33 the commission;
- 34 (j) Shall conduct hearings or cause hearings to be  
35 conducted upon charges calling for the discipline of a  
36 licensee or for the suspension or revocation of a license;

37 (k) May examine the books and records relating to the  
38 real estate business of a licensee if the licensee is charged  
39 in a complaint of any violation of this article, commission  
40 rule or any order or final decision issued by the commis-  
41 sion: *Provided*, That such examination shall not extend  
42 beyond the specific violation charged in the complaint;

43 (l) May impose one or more sanctions as considered  
44 appropriate in the circumstances for the discipline of a  
45 licensee. Available sanctions include, but are not limited  
46 to, denial of a license or renewal thereof, administrative  
47 fine not to exceed one thousand dollars per day per  
48 violation, probation, revocation, suspension, restitution,  
49 require additional education, censure, denial of future  
50 license, downgrade of license, reprimand or order the  
51 return of compensation collected from an injured con-  
52 sumer;

53 (m) Shall meet at least once each calendar year at such  
54 place and time as the commission shall designate and at  
55 such other times and places as it considers necessary to  
56 conduct commission business;

57 (n) Shall publish an annual directory of licensees in  
58 compliance with the provisions of section thirteen, article  
59 one, chapter thirty of this code;

60 (o) May sponsor real estate-related educational seminars,  
61 courses, workshops or institutes, may incur and pay the  
62 necessary expenses and may charge a fee for attendance;

63 (p) May assist libraries, institutions and foundations  
64 with financial aid or otherwise in providing texts, sponsor-  
65 ing studies, surveys and programs;

66 (q) May perform compliance audits on real estate  
67 brokerage offices, education providers or any other person  
68 regulated by the commission;

69 (r) May provide distance education courses for appli-  
70 cants for a license sufficient to meet the educational

71 requirements contained in subsections (a) and (b), section  
72 fourteen of this article; and

73 (s) Shall take all other actions necessary and proper to  
74 effectuate the purposes of this article.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

*Colley Ann*  
.....  
Chairman Senate Committee

*Sharon Spear*  
.....  
Chairman House Committee

● Originated in the Senate.

In effect ninety days from passage.

*David Holmes*  
.....  
Clerk of the Senate

*Suzanne M. Bond*  
.....  
Clerk of the House of Delegates

*Carl Ray Tomblin*  
.....  
President of the Senate

*[Signature]*  
.....  
Speaker House of Delegates

The within *is approved* this the *11th*  
Day of *March*, 2003.  
*Bob Wise*  
.....  
Governor

PRESENTED TO THE  
GOVERNOR

Date 3/5/03

Time 10:05 AM