

ST VIRGINIA LEGISLATURE

2021 REGULAR SESSION

Introduced

House Bill 2036

**FISCAL
NOTE**

BY DELEGATES HOWELL, MARTIN, AND MANDT

(BY REQUEST)

[Introduced February 10, 2021; Referred to the
Committee on Government Organization]

1 A BILL to amend and reenact §30-40-17 of the Code of West Virginia, 1931, as amended, relating
 2 to removing the requirement that real estate brokers, associate brokers, and salespeople
 3 have a fixed office location.

Be it enacted by the Legislature of West Virginia:

ARTICLE 40. WEST VIRGINIA REAL ESTATE LICENSE ACT.

**§30-40-17. Place of business; branch offices; display of ~~certificates~~ licenses; custody of
 license certificates; change of address; change of employer by a salesperson
 or associate broker; license certificates; term of license.**

1 (a) Every person holding a broker’s license under the provisions of this article shall:

2 ~~(1) Have and maintain a definite place of business within this state, which shall be a room~~
 3 ~~or rooms used for the transaction of real estate business and any allied business. The definite~~
 4 ~~place of business shall be designated in the license certificate issued by the commission and the~~
 5 ~~broker may not transact business at any other location, unless such other location is properly~~
 6 ~~licensed by the commission as a branch office: *Provided*, That a nonresident broker who~~
 7 ~~maintains a definite place of business in his or her jurisdiction of residence may not be required~~
 8 ~~to maintain an office in this state if said jurisdiction offers the same privilege to licensed brokers~~
 9 ~~of this state~~

10 ~~(2)~~ (1) Conspicuously display his or her broker’s license in the main office and the license
 11 of each associate broker and salesperson employed by the broker who is primarily working from
 12 the main office if a main office exists, otherwise be able to produce the license or licenses upon
 13 request;

14 ~~(3)~~ (2) Conspicuously display a copy of his or her ~~branch office~~ license in each branch
 15 office and the license of each associate broker and salesperson employed by the broker who is
 16 primarily working from each branch office;

17 ~~(4)~~ (3) Make application to the commission before changing the address of any office or
 18 within 10 days after any change;

19 ~~(5)~~ (4) Maintain in his or her custody and control the license of each associate broker and
20 salesperson employed by him or her; and

21 ~~(6)~~ (5) Promptly return the license of any associate broker or salesperson whose
22 employment with the broker is terminated.

23 (b) Every person holding an associate broker's or salesperson's license under the
24 provisions of this article shall:

25 (1) Conduct real estate brokerage activities only under the direct supervision and control
26 of his or her employing broker, which shall be designated in the license certificate;

27 (2) Promptly make application to the commission of any change of employing broker:
28 *Provided*, That it shall be unlawful to perform any act contained in this article, either directly or
29 indirectly, after employment has been terminated until the associate broker or salesperson has
30 made application to the commission for a change of employing broker and the application is
31 approved.

32 (c) The commission shall issue a license certificate which shall:

33 (1) Be in such form and size as shall be prescribed by the commission;

34 (2) Be imprinted with the seal of the commission and shall contain such other information
35 as the commission may prescribe: *Provided*, That a salesperson's and an associate broker's
36 license shall show the name of the broker by whom he or she is employed;

37 (3) In the case of an active licensee, be mailed or delivered to the broker's main office
38 address;

39 (4) In the case of an inactive licensee, be held in the commission office;

40 (5) Be valid for a period that coincides with the fiscal year beginning on July 1, and ending
41 on June 30 and may be issued for a period covering more than one fiscal year at the discretion
42 of the commission: *Provided*, That nothing contained herein shall authorize any person to transact
43 real estate business prior to becoming properly licensed.

NOTE: The purpose of this bill is to remove the requirement that real estate brokers, associate brokers and salespeople maintain a main office.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.