

WEST VIRGINIA LEGISLATURE

2025 REGULAR SESSION

Introduced

Senate Bill 747

BY SENATORS SMITH (MR. PRESIDENT) AND WOELFEL

(BY REQUEST OF THE EXECUTIVE)

[Introduced March 13, 2025; referred
to the Committee on Government Organization; and
then to the Committee on Finance]

1 A BILL to amend and reenact §30-40-17 of the Code of West Virginia, 1931, as amended, relating
2 to the Real Estate License Act; and creating an exception to the requirement that a real
3 estate broker maintain a definite place of business within the state for nonresidents who
4 maintain a definite place of business in their jurisdiction of residence.

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; 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 within this state, unless such other location
6 is properly licensed by the commission as a branch office.: Provided, That a nonresident broker
7 who maintains a definite place of business in his or her jurisdiction of residence may not be
8 required to maintain an office in this state ~~A broker who is a nonresident of this state may not be~~
9 ~~required to maintain an active place of business in this state if the nonresident broker's state of~~
10 ~~original licensure is party to an active reciprocity agreement with the commission that does not~~
11 ~~require West Virginia licensees holding licenses in that state to maintain an office in that state;~~

12 (2) Conspicuously display his or her branch office license in each branch office;

13 (3) Make application to the commission before changing the address of any office or within
14 10 days after any change;

15 (4) Maintain in his or her custody and control the license of each associate broker and
16 salesperson affiliated with him or her; and

17 (5) Promptly return the license of any associate broker or salesperson whose affiliation
18 with the broker is terminated.

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

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

23 (2) Promptly make application to the commission of any change of employing broker:
24 *Provided*, That it shall be unlawful to perform any act contained in this article, either directly or
25 indirectly, after affiliation has been terminated until the associate broker or salesperson has made
26 application to the commission for a change of affiliated broker and the application is approved.

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

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

29 (2) Display the seal of the commission and shall contain such other information as the
30 commission may prescribe: *Provided*, That a salesperson's and an associate broker's license
31 shall show the name of the broker by whom he or she is affiliated;

32 (3) If an active licensee, be mailed or delivered to the broker's main office address;

33 (4) If an inactive licensee, be held in the commission office; and

34 (5) Be valid for a period that coincides with the fiscal year beginning on July 1 and ending
35 on June 30.