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SB 453  
FILED

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OFFICE WEST VIRGINIA  
SECRETARY OF STATE

**WEST VIRGINIA LEGISLATURE**  
Regular Session, 2002

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**ENROLLED**

Com. Sub. for Com. Sub. for  
**SENATE BILL NO.** 453

(By Senator Bowman, Bailey and Rowe )

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**PASSED** March 5, 2002

**In Effect** from **Passage**

FILED

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OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

## ENROLLED

COMMITTEE SUBSTITUTE

FOR

COMMITTEE SUBSTITUTE

FOR

## Senate Bill No. 453

(SENATORS BOWMAN, BAILEY AND ROWE, *original sponsors*)

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[Passed March 5, 2002; in effect from passage.]

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AN ACT to repeal article twelve, chapter forty-seven of the code of West Virginia, one thousand nine hundred thirty-one, as amended; and to amend chapter thirty of said code by adding thereto a new article, designated article forty, relating to the West Virginia real estate license act; requiring license to sell real estate; providing definitions; scope of practice; exceptions; qualifications, terms, appointments and removal of members; powers and duties of commission; providing rule-making authority; qualifications and requirements for licensure; standards for examinations; continuing education requirements; issuing and renewing licenses; denying, suspending, revoking or reinstating licenses; professional conduct; fees; special revenue account; administrative fines;

providing immunity from civil liability for commission members and persons reporting violations; requiring definite place of business of licensees; displaying license certificates; trust fund accounts; prohibiting commingling funds; delineating prohibited acts; investigating and resolving complaints against licensees; hearings and judicial review; penalties for violations; injunctions; criminal proceedings for violations; requirements for bringing action for recovery of compensation; duties of licensees; duration of existing licenses; and continuation of commission.

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

That article twelve, chapter forty-seven of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be repealed; and that chapter thirty of said code be amended by adding thereto a new article, designated article forty, to read as follows:

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

**§30-40-1. Legislative findings.**

1 The Legislature hereby finds and declares that the  
2 practice of real estate brokerage is a privilege and any  
3 person engaged in the professional practice of real estate  
4 brokerage should possess the requisite experience and  
5 training and be subject to adequate regulation and control.  
6 As a matter of public policy, it is necessary to protect the  
7 public interest from the unauthorized, unqualified and  
8 unregulated practice of real estate brokerage through  
9 enactment of this article and to regulate the granting of  
10 such privileges and their use. This article shall be liberally  
11 construed to carry out these purposes.

**§30-40-2. Short title.**

1 This article shall be known and may be cited as the  
2 "West Virginia Real Estate License Act".

**§30-40-3. License required.**

1 It shall be unlawful for any person to engage in or carry  
2 on, directly or indirectly, or to advertise or hold himself or  
3 herself out as engaging in or carrying on the business or  
4 act in the capacity of a real estate broker, associate broker  
5 or salesperson within this state without first obtaining a  
6 license as provided for in this article.

**§30-40-4. Definitions.**

1 Unless the context in which used clearly requires a  
2 different meaning, as used in this article:

3 (a) "Applicant" means any person who is making  
4 application to the commission for a license.

5 (b) "Associate broker" means any person who qualifies  
6 for a broker's license, but who is employed or engaged by  
7 a licensed broker to engage in any activity regulated by  
8 this article, in the name of and under the direct supervi-  
9 sion of the licensed broker.

10 (c) "Broker" means any person who for compensation or  
11 with the intention or expectation of receiving or collecting  
12 compensation:

13 (1) Lists, sells, purchases, exchanges, options, rents,  
14 manages, leases or auctions any interest in real estate; or

15 (2) Directs or assists in the procuring of a prospect  
16 calculated or intended to result in a real estate transaction;  
17 or

18 (3) Advertises or holds himself or herself out as engaged  
19 in, negotiates or attempts to negotiate, or offers to engage  
20 in any activity enumerated in subdivision (1) of this  
21 subsection.

22 (d) "Commission" means the West Virginia real estate  
23 commission as established in section six of this article.

24 (e) "Compensation" means fee, commission, salary or  
25 other valuable consideration, in the form of money or  
26 otherwise.

27 (f) "Designated broker" means a person holding a  
28 broker's license who has been appointed by a partnership,  
29 association, corporation, or other form of business organi-  
30 zation engaged in the real estate brokerage business, to be  
31 responsible for the acts of the business and to whom the  
32 partners, members, or board of directors have delegated  
33 full authority to conduct the real estate brokerage activi-  
34 ties of the business organization.

35 (g) "Distance education" means courses of instruction in  
36 which instruction takes place through media where the  
37 teacher and student are separated by distance and some-  
38 times by time.

39 (h) "Inactive" means a licensee who is not authorized to  
40 conduct any real estate business and is not required to  
41 comply with any continuing education requirements.

42 (i) "License" means a license to act as a broker, associate  
43 broker or salesperson.

44 (j) "Licensee" means a person holding a license.

45 (k) "Member" means a commissioner of the real estate  
46 commission.

47 (l) "Real estate" means any interest or estate in land and  
48 anything permanently affixed to land.

49 (m) "Salesperson" means a person employed or engaged  
50 by or on behalf of a broker to do or deal in any activity  
51 included in this article, in the name of and under the direct  
52 supervision of a broker, other than an associate broker.

**§30-40-5. Scope of practice; exceptions.**

1 (a) The practice of real estate brokerage includes acting  
2 in the capacity of a broker, associate broker or salesperson  
3 as defined in section four of this article.

4 (b) The practice of real estate brokerage does not include  
5 the activities normally performed by an appraiser, mort-

6 gage company, lawyer, engineer, contractor, surveyor,  
7 home inspector or other professional who may perform an  
8 ancillary service in conjunction with a real estate transac-  
9 tion.

10 (c) The provisions of this article do not apply to:

11 (1) Any person acting on his or her own behalf as owner  
12 or lessor of real estate.

13 (2) The regular employees of an owner of real estate, who  
14 perform any acts regulated by this article, where the acts  
15 are incidental to the management of the real estate:  
16 *Provided*, That the employee does not receive additional  
17 compensation for the act and does not perform the act as  
18 a vocation.

19 (3) Attorneys-at-law: *Provided*, That attorneys-at-law  
20 shall be required to submit to the written examination  
21 required under section twelve of this article in order to  
22 qualify for a broker's license: *Provided, however*, That an  
23 attorney-at-law who is licensed as a real estate broker  
24 prior to the first day of July, one thousand nine hundred  
25 eighty is exempt from the written examination required  
26 under section twelve of this article.

27 (4) Any person holding, in good faith, a valid power of  
28 attorney from the owner or lessor of the real estate.

29 (5) Any person acting as a receiver, trustee, administra-  
30 tor, executor, guardian, conservator or under the order of  
31 any court or under the authority of a deed of trust or will.

32 (6) A public officer while performing his or her official  
33 duties.

34 (7) Any person acquiring or disposing of any interest in  
35 timber or minerals, or acquiring or disposing of properties  
36 for easements and rights-of-ways for pipelines, electric  
37 power lines and stations, public utilities, railroads or  
38 roads.

39 (8) Any person employed exclusively to act as the  
40 management or rental agent for the real estate of one  
41 person, partnership or corporation.

42 (9) Any person properly licensed pursuant to the provi-  
43 sions of article two-c, chapter nineteen of this code when  
44 conducting an auction, any portion of which contains any  
45 leasehold or estate in real estate, only when the person so  
46 licensed is retained to conduct an auction by:

47 (A) A receiver or trustee in bankruptcy;

48 (B) A fiduciary acting under the authority of a deed of  
49 trust or will; or

50 (C) A fiduciary of a decedent's estate.

51 (10) Any person employed by a broker in a noncommis-  
52 sioned clerical capacity who may in the normal course of  
53 employment, be required to:

54 (A) Disseminate brokerage preprinted and predeter-  
55 mined real estate sales and rental information;

56 (B) Accept and process rental reservations or bookings  
57 for a period not to exceed thirty consecutive days in a  
58 manner and procedure predetermined by the broker;

59 (C) Collect predetermined rental fees for the rentals  
60 which are to be promptly tendered to the broker; or

61 (D) Any combination thereof.

**§30-40-6. Commission created; membership; appointment and  
removal of members; qualifications; terms; organi-  
zation.**

1 (a) The West Virginia real estate commission is hereby  
2 continued. The members of the commission in office on  
3 the date this section takes effect shall, unless sooner  
4 removed, continue to serve until their respective terms  
5 expire and until their successors have been appointed and  
6 qualified.

7 (b) (1) Commencing with the terms beginning with the  
8 first day of July, two thousand two, the commission shall  
9 consist of five persons appointed for terms of four years by  
10 the governor with the advice and consent of the Senate.  
11 Four commissioners must be licensed under the provisions  
12 of this article and one commissioner must be a citizen  
13 member who is not licensed under the provisions of this  
14 article.

15 (2) Each licensed commissioner, at the time of his or her  
16 appointment, must have been licensed and practiced in  
17 this state as a real estate broker, associate broker or  
18 salesperson as his or her primary vocation for a period of  
19 not less than ten years immediately preceding the appoint-  
20 ment. Each commissioner must have been a resident of  
21 this state for at least six years prior to his or her appoint-  
22 ment and must remain a resident during the appointment  
23 term. No more than four commissioners shall belong to  
24 the same political party.

25 (3) The appointment of three licensed commissioners,  
26 whether for a full term or to fill a vacancy, shall be made  
27 by the governor with the advice and consent of the Senate.  
28 The appointment of one licensed commissioner, whether  
29 for a full term or to fill a vacancy, shall be made by the  
30 governor from among three nominees selected by the West  
31 Virginia association of realtors. If the appointment is for  
32 a full term, the nominations must be submitted to the  
33 governor not later than three months prior to the date on  
34 which the appointment becomes effective. If the appoint-  
35 ment is to fill a vacancy, the nominations must be submit-  
36 ted to the governor within thirty days after a request for  
37 the nominations has been made by the governor to the  
38 West Virginia association of realtors. If the association  
39 fails to submit nominations in accordance with the  
40 requirements of this section, the governor may make the  
41 appointment without the nominations.

42 (c) Any commissioner immediately and automatically  
43 forfeits his or her membership on the commission if he or



44 she has his or her license to practice as a real estate broker,  
45 associate broker or salesperson suspended or revoked by  
46 the board, is convicted of a felony under the laws of this  
47 state or of the United States, becomes a nonresident of this  
48 state, or holds any elective public office or becomes a  
49 member of any political committee.

50 (d) No member of the commission may be removed from  
51 office by the governor except for official misconduct,  
52 incompetency, neglect of duty, gross immorality or other  
53 good cause, but then only in the manner prescribed by law  
54 for the removal by the governor of state elective officials.

55 (e) No member of the commission may serve more than  
56 two consecutive full terms and any member having served  
57 two full terms may not be appointed for one year after  
58 completion of his or her second full term. A member shall  
59 continue to serve until his or her successor has been  
60 appointed and qualified.

61 (f) The governor shall designate one member of the  
62 commission as chairman and the members shall choose a  
63 vice chairman and a secretary, each of whom shall con-  
64 tinue to serve in their respective capacity until replaced.

65 (g) Three members shall constitute a quorum for the  
66 conduct of official business.

67 (h) Each commissioner shall receive the same compensa-  
68 tion as is paid to members of the Legislature for their  
69 interim duties as recommended by the citizens legislative  
70 compensation commission and authorized by law for each  
71 day or portion thereof engaged in the discharge of official  
72 duties. Each commissioner shall be reimbursed for his or  
73 her actual and necessary expenses for each day or portion  
74 thereof engaged in the discharge of official duties in a  
75 manner consistent with guidelines of the travel manage-  
76 ment office of the department of administration.

**§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 deem necessary and appro-  
9 priate to discharge the duties imposed by the provisions of  
10 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 deems necessary and deter-  
14 mine the duties and fix the compensation of such investi-  
15 gators, clerks and assistants subject to the general laws of  
16 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 without additional education or  
28 examination requirements;

29 (h) Shall issue, renew, deny, suspend, revoke or reinstate  
30 licenses and take disciplinary action against any licensee;

31 (i) May investigate or cause to be investigated alleged  
32 violations of the provisions of this article, the rules

33 promulgated hereunder and the orders or final decisions of  
34 the commission;

35 (j) Shall conduct hearings or cause hearings to be  
36 conducted upon charges calling for the discipline of a  
37 licensee or for the suspension or revocation of a license;

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

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

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

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

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

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

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

70 (r) May provide distance education courses for appli-  
71 cants for a license sufficient to meet the educational  
72 requirements contained in subsections (a) and (b), section  
73 fourteen of this article; and

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

**§30-40-8. Rule-making authority.**

1 (a) The commission may propose rules for legislative  
2 approval in accordance with the provisions of article three,  
3 chapter twenty-nine-a of this code which are necessary for  
4 the conduct of its business, the holding of hearings and for  
5 the general implementation, enforcement and administra-  
6 tion of the provisions of this article, including, but not  
7 limited to, establishing, administering and governing the  
8 following:

9 (1) Fees for applications, examinations, licenses, renewal  
10 of licenses, changes to licenses requiring reissuance,  
11 courses, investigations, copies of records, license certifica-  
12 tions and other fees considered necessary by the commis-  
13 sion, none of which shall be prorated or refundable:  
14 *Provided*, That the fee schedule in effect prior to enact-  
15 ment of this article, enumerated in section nine, article  
16 twelve, chapter forty-seven of this code, shall continue to  
17 be effective until withdrawn, revoked or amended;

18 (2) The minimum requirements and qualifications  
19 necessary for approval by the commission of providers,  
20 instructors and the course content of any prelicense  
21 education course required in section fourteen of this  
22 article;

23 (3) The experience required of an applicant;

24 (4) The minimum standards for licensure;

- 25 (5) The standards for examinations;
- 26 (6) The minimum requirements and qualifications  
27 necessary for approval by the commission of providers,  
28 instructors and courses of continuing professional educa-  
29 tion required by section sixteen of this article;
- 30 (7) Continuing professional education requirements for  
31 licensees, including any exemptions;
- 32 (8) Renewal of licenses;
- 33 (9) Use of firm or trade name;
- 34 (10) Denying, suspending, revoking or reinstating a  
35 license;
- 36 (11) Form and use of contracts used in a real estate  
37 transaction;
- 38 (12) Notification required to clients or customers of  
39 agency relationship;
- 40 (13) Professional conduct requirements; and
- 41 (14) Any other purpose to carry out the requirements of  
42 this article or to protect the public interest.
- 43 (b) All rules in effect as of the passage of this article  
44 previously promulgated by the commission pursuant to  
45 article twelve, chapter forty-seven of this code will remain  
46 in effect until amended, modified, repealed or replaced,  
47 except that references to provisions of former enactments  
48 of this article are interpreted to mean provisions of this  
49 article.

**§30-40-9. Fees; special revenue account; administrative fines.**

- 1 (a) All fees and other moneys, except administrative  
2 fines, received by the commission shall be deposited into  
3 the treasury of the state, at least once each month, into a  
4 special revenue fund known as the "real estate license  
5 fund" which is continued.

6 (b) Except as may be provided in section ten, article one  
7 of this chapter, the commission shall retain the amounts in  
8 the special revenue fund from year to year and no funds  
9 collected under this article may be used by the commission  
10 for any purpose other than the administration and en-  
11 forcement of this article. No compensation or expense  
12 incurred under this article is a charge against the general  
13 revenue fund.

14 (c) Any amounts received as administrative fines im-  
15 posed pursuant to this article shall be deposited into the  
16 general revenue fund of the state treasury.

**§30-40-10. Civil liability for commission members; liability  
limitations of person reporting to commission.**

1 (a) Members of the commission shall be immune from  
2 individual civil liability for actions taken in good faith and  
3 without malice, within the scope of their duties as commis-  
4 sion members.

5 (b) Any person who reports or otherwise provides  
6 evidence of violations of this article, the commission's  
7 rules, orders or final decisions to the commission or other  
8 law-enforcement agency, is not liable for making the  
9 report if it is made without malice and in the reasonable  
10 belief that the report is warranted by the facts known to  
11 him or her at the time.

**§30-40-11. Application for license.**

1 The commission shall only issue an original license to an  
2 applicant if he or she:

3 (a) Submits an application, in writing, in a form pre-  
4 scribed by the commission which must contain, but is not  
5 limited to:

6 (1) The applicant's social security number;

7 (2) The recommendation of at least two persons who:

8 (A) Are property owners at the time of signing the  
9 application;

10 (B) Have been property owners for at least twelve  
11 months preceding the signing of the application;

12 (C) Have known the applicant for at least two years;

13 (D) Are not related to the applicant;

14 (E) Are not affiliated with the applicant as an employer,  
15 partner or associate or with the broker that will employ  
16 the applicant;

17 (F) Believe the applicant bears a good reputation for  
18 honesty, trustworthiness and fair dealing; and

19 (G) Believe the applicant is competent to transact the  
20 business of a real estate broker, associate broker or  
21 salesperson, as the case may be, in a manner that would  
22 protect the interest of the public.

23 (3) A clear record indicating all jurisdictions where the  
24 applicant holds or has held any professional license.

25 (4) A clear record indicating if the applicant has been  
26 convicted of any criminal offense or if there is any crimi-  
27 nal charge pending against the applicant, or a member or  
28 officer of the brokerage business, at the time of applica-  
29 tion.

30 (b) Is at least eighteen years of age.

31 (c) Is a high school graduate or the holder of an equiva-  
32 lency diploma.

33 (d) Is trustworthy, of good moral character and compe-  
34 tent to transact the business of a broker, associate broker  
35 or salesperson.

36 (e) Has paid the appropriate fee, if any, which must  
37 accompany all applications for original license or renewal.

**§30-40-12. Qualifications for broker's license.**

1 (a) An applicant for a broker's license shall:

2 (1) Have served an apprenticeship as a licensed salesper-  
3 son for two years or shall produce evidence satisfactory to  
4 the commission, in its sole discretion, of real estate experi-  
5 ence equivalent to two years full-time experience as a  
6 licensed salesperson;

7 (2) Submit satisfactory evidence of having completed the  
8 required education course as provided for in section  
9 fourteen of this article;

10 (3) Successfully pass the examination or examinations  
11 provided by the commission.

12 (b) No broker's license shall be issued in the name of a  
13 corporation, association or partnership except through one  
14 of its members or officers.

15 (c) No broker's license shall be issued in the name of a  
16 corporation, association or partnership unless each  
17 member or officer, who will engage in the real estate  
18 business, obtains a license as a real estate salesperson or  
19 associate broker.

**§30-40-13. Qualifications for salesperson's license.**

1 An applicant for a salesperson's license shall:

2 (1) Submit satisfactory evidence of having completed the  
3 required education course as provided in section fourteen  
4 of this article.

5 (2) Successfully pass the examination or examinations  
6 provided by the commission.

**§30-40-14. Prelicense education.**

1 (a) Applicants for a broker's license shall provide  
2 evidence satisfactory to the commission that he or she has  
3 completed at least one hundred eighty clock-hours,  
4 equivalent to twelve college semester credit hours, in a  
5 course or courses approved by the commission: *Provided,*



6 That an applicant for a broker's license who holds a  
7 salesperson's license in this state shall only be required to  
8 provide evidence that he or she has completed ninety  
9 clock-hours, equivalent to six college semester hours, in a  
10 course or courses approved by the commission.

11 (b) Applicants for a salesperson's license shall provide  
12 evidence satisfactory to the commission that he or she has  
13 completed ninety clock-hours, equivalent to six college  
14 semester credit hours, in a course or courses approved by  
15 the commission.

16 (c) Any course required by subsection (a) or (b) of this  
17 section must have been completed during the five-year  
18 period preceding the date of application in order to be  
19 accepted by the commission.

**§30-40-15. Licensing nonresidents.**

1 (a) The commission may recognize a valid license issued  
2 by another jurisdiction as satisfactorily qualifying a  
3 nonresident person to obtain a comparable license in this  
4 state: *Provided*, That the nonresident has qualified for  
5 original license in his or her jurisdiction of residence by  
6 examination and by complying with all the provisions for  
7 obtaining an original license in that jurisdiction and the  
8 jurisdiction affords the same privilege to licensees of this  
9 state.

10 (b) In order to obtain a license in this state, a nonresident  
11 applicant must:

12 (1) Submit the appropriate application and fee, if any;

13 (2) Sign a statement that the applicant has read the real  
14 estate license law and rules of this state and agrees to  
15 abide by those provisions in all brokerage activity con-  
16 ducted in this state;

17 (3) Cause the real estate licensing body of the applicant's  
18 resident jurisdiction to furnish a certification of licensure

19 which shall contain a clear record of any disciplinary  
20 actions;

21 (4) Cause the real estate licensing body of any other  
22 jurisdiction where the applicant currently holds or has  
23 held a real estate license to furnish a certification of  
24 licensure which shall contain a clear record of any disci-  
25 plinary actions;

26 (5) File with the commission an irrevocable written  
27 designation that appoints the executive director of the  
28 commission to act as the nonresident licensee's agent, upon  
29 whom all judicial and other process or legal notices  
30 directed to the licensee may be served. The designation  
31 must stipulate and agree that service upon the executive  
32 director is equivalent to personal service upon the licensee.  
33 A copy of the designation of appointment, certified by the  
34 seal of the commission, may be admitted into evidence  
35 with the same force and affect as the original. The execu-  
36 tive director shall mail a copy of any process or legal  
37 notice immediately upon receipt, by certified mail, to the  
38 last known business address of the licensee. No judgment  
39 by default may be taken in any action or proceeding until  
40 after thirty days of mailing and then only upon certifica-  
41 tion by the executive director that a copy of the judicial,  
42 other process or legal notice was mailed as required; and

43 (6) File with the commission, a bond in the penalty of  
44 two thousand dollars if the applicant wishes to maintain  
45 an active license in this state. The bond must be issued by  
46 a recognized surety and must be for the benefit of and to  
47 indemnify any person in this state who may have a cause  
48 of action against the principal.

**§30-40-16. Continuing professional education.**

1 (a) Every licensee shall complete seven hours of continu-  
2 ing professional education for each fiscal year, with each  
3 hour equaling fifty minutes of instruction.

4 (b) Upon application for the renewal of a real estate  
5 license on active status, each licensee must furnish satis-  
6 factory evidence, as established by the commission, that he  
7 or she has completed seven hours of approved continuing  
8 professional education during the term of the previous  
9 license: *Provided*, That if the commission issues a license  
10 certificate for a period of more than one fiscal year, each  
11 licensee must furnish satisfactory evidence that he or she  
12 has completed the equivalent of seven hours of continuing  
13 professional education for each year covered by the term  
14 of the previous license.

15 (c) When a licensee in an inactive status makes applica-  
16 tion to revert to an active status, he or she must furnish  
17 satisfactory evidence to the commission that he or she has  
18 completed the approved continuing professional education  
19 that would have been required for active status at the time  
20 the license was renewed.

21 (d) Approval from the commission shall be obtained by  
22 each provider and instructor and for any course prior to  
23 any advertising or offering of the course.

24 (e) Real estate-related continuing education courses  
25 provided by or approved by the real estate appraiser  
26 licensing and certification board, the department of  
27 highways, the West Virginia state bar or other agency of  
28 this state shall be recognized as approved by the commis-  
29 sion.

30 (f) If approved in advance by the commission, distance  
31 education courses may be used to satisfy the continuing  
32 education requirement.

33 (g) Any licensee holding a license on the first day of July,  
34 one thousand nine hundred sixty-nine, and continuously  
35 thereafter, shall be exempt from the continuing profes-  
36 sional education requirement.

**§30-40-17. Place of business; branch offices; display of certifi-  
cates; 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  
2 provisions of this article shall:

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

15 (2) Conspicuously display his or her broker's license in  
16 the main office and the license of each associate broker  
17 and salesperson employed by the broker who is primarily  
18 working from the main office;

19 (3) Conspicuously display his or her branch office license  
20 in each branch office and the license of each associate  
21 broker and salesperson employed by the broker who is  
22 primarily working from each branch office;

23 (4) Make application to the commission before changing  
24 the address of any office or within ten days after any  
25 change;

26 (5) Maintain in his or her custody and control the license  
27 of each associate broker and salesperson employed by him  
28 or her; and

29 (6) Promptly return the license of any associate broker or  
30 salesperson whose employment with the broker is termi-  
31 nated.

32 (b) Every person holding an associate broker's or sales-  
33 person's license under the provisions of this article shall:

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

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

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

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

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

53 (3) In the case of an active licensee, be mailed or deliv-  
54 ered to the broker's main office address;

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

57 (5) Be valid for a period that coincides with the fiscal  
58 year beginning on the first day of July and ending on the  
59 thirtieth day of June and may be issued for a period  
60 covering more than one fiscal year at the discretion of the  
61 commission: *Provided*, That nothing contained herein  
62 shall authorize any person to transact real estate business  
63 prior to becoming properly licensed.

**§30-40-18. Trust fund accounts.**

1 (a) Every person licensed as a broker under the provi-  
2 sions of this article who does not immediately deliver all  
3 funds received, in relation to a real estate transaction, to  
4 his or her principal or to a neutral escrow depository shall  
5 maintain one or more trust fund accounts in a recognized  
6 financial institution and shall place all funds therein:  
7 *Provided*, That nothing contained herein shall require a  
8 broker to maintain a trust fund account if the broker does  
9 not hold any money in trust for another party.

10 (b) Funds that must be deposited into a trust fund  
11 account include, but are not limited to, earnest money  
12 deposits, security deposits, rental receipts, auction pro-  
13 ceeds and money held in escrow at closing.

14 (c) Each trust fund account must be established at a  
15 financial institution which is insured against loss by an  
16 agency of the federal government and the amount depos-  
17 ited therein cannot exceed the amount that is insured  
18 against loss.

19 (d) Each trust fund account must provide for the with-  
20 drawal of funds without notice.

21 (e) No trust fund account may earn interest or any other  
22 form of income, unless specifically authorized by commis-  
23 sion rule.

24 (f) The broker may not commingle his or her own funds  
25 with trust funds and the account may not be pledged as  
26 collateral for a loan or otherwise utilized by the broker in  
27 a manner that would violate his or her fiduciary obliga-  
28 tions in relation to the trust funds: *Provided*, That nothing  
29 contained herein prevents the broker from depositing a  
30 maximum of one hundred dollars of his or her own money  
31 in the trust fund account to maintain a minimum balance  
32 in the account.

33 (g) No financial institution, in which a trust fund  
34 account is established under the provisions of this article,

35 shall require a minimum balance in excess of the amount  
36 authorized in subsection (f) of this section.

37 (h) The broker shall be the designated trustee of the  
38 account and shall maintain complete authority and control  
39 over all aspects of each trust fund account, including  
40 signature authority: *Provided*, That only one other member  
41 or officer of a corporation, association or partnership, who  
42 is licensed under the provisions of this article, may be  
43 authorized to disburse funds from the account: *Provided*,  
44 *however*, That if disbursements from a trust fund account  
45 require two signatures, one additional member or officer  
46 may be a signatory as hereinbefore provided.

47 (i) The broker shall, at a minimum, maintain records of  
48 all funds deposited into the trust fund account, which shall  
49 clearly indicate the date and from whom the money was  
50 received, date deposited, date of withdrawal, to whom the  
51 money belongs, for whose account the money was received  
52 and other pertinent information concerning the transac-  
53 tion. All records shall be open to inspection by the com-  
54 mission or its duly authorized representative at all times  
55 during regular business hours at the broker's place of  
56 business.

57 (j) The broker shall cause the financial institution  
58 wherein a trust fund account is maintained, to execute a  
59 statement, prepared by the commission, which shall  
60 include, but is not limited to:

61 (1) Exact title of the account as registered by the finan-  
62 cial institution;

63 (2) The account number of the trust fund account;

64 (3) Identification of all persons authorized to make  
65 withdrawals from the account;

66 (4) Name and address of the financial institution;

67 (5) Title of the person executing the statement on behalf  
68 of the financial institution;

69 (6) Date the statement was executed; and

70 (7) Certification that the financial institution will notify  
71 the real estate commission if any checks drawn against the  
72 account are returned for any cause.

73 (k) The broker shall execute a statement authorizing the  
74 commission, or its duly authorized representative, to make  
75 periodic inspections of the trust fund account and to  
76 obtain copies of records from any financial institution  
77 wherein a trust fund account is maintained. A copy of any  
78 authorization shall be accepted by any financial institu-  
79 tion with the same force and effect as the original.

80 (l) The broker shall notify the commission, within ten  
81 days, of the establishment of or any change to a trust fund  
82 account.

**§30-40-19. Refusal, suspension or revocation of a license.**

1 (a) The commission shall have full power to refuse a  
2 license for reasonable cause or to revoke, suspend or  
3 impose any other sanction against a licensee if the licensee:

4 (1) Obtains, renews or attempts to obtain or renew a  
5 license, for himself, herself or another, through the sub-  
6 mission of any application or other writing that contains  
7 false, fraudulent or misleading information;

8 (2) Makes any substantial misrepresentation;

9 (3) Makes any false promises or representations of a  
10 character likely to influence, persuade or induce a person  
11 involved in a real estate transaction;

12 (4) Pursues a course of misrepresentation or makes false  
13 promises or representations through agents or any medium  
14 of advertising or otherwise;

15 (5) Uses misleading or false advertising;

16 (6) Uses any trade name or insignia of membership in  
17 any organization in which the licensee is not a member;



18 (7) Acts for more than one party in a transaction without  
19 the knowledge and written consent of all parties for whom  
20 he or she acts;

21 (8) Fails, within a reasonable time, to account for or to  
22 remit moneys or other assets coming into his or her  
23 possession, which belong to others;

24 (9) Commingles moneys belonging to others with his or  
25 her own funds;

26 (10) Advertises or displays a "for sale", "for rent" or  
27 other such sign on any property without an agency rela-  
28 tionship being established or without the owner's knowl-  
29 edge and written consent;

30 (11) Advertises any property on terms other than those  
31 authorized by the owner;

32 (12) Fails to disclose, on the notice of agency relationship  
33 form promulgated by the commission, whether the licensee  
34 represents the seller, buyer or both;

35 (13) Fails to voluntarily furnish copies of the notice of  
36 agency relationship, listing contract, sale contract, lease  
37 contract or any other contract to each party executing the  
38 same;

39 (14) Pays or receives any rebate, profit, compensation,  
40 commission or other valuable consideration, resulting from  
41 a real estate transaction, to or from any person other than  
42 the licensee's principal: *Provided*, That this subsection  
43 may not be construed to prevent the sharing of compensa-  
44 tion or other valuable consideration between licensed  
45 brokers;

46 (15) Induces any person to a contract to break the  
47 contract for the purpose of substituting a new contract  
48 with a third party;

49 (16) Accepts compensation as a salesperson or associate  
50 broker for any act specified in this article from any person  
51 other than his or her employer who must be a broker;

52 (17) Pays compensation to any person for acts or services  
53 performed either in violation of this article or the real  
54 estate licensure laws of any other jurisdiction;

55 (18) Pays a compensation to any person knowing that  
56 they will pay a portion or all of that which is received, in  
57 a manner that would constitute a violation of this article  
58 if it were paid directly by a licensee of this state;

59 (19) Violates any of the provisions of this article, any  
60 rule or any order or final decision issued by the commis-  
61 sion;

62 (20) Procures an attorney for any client or customer, or  
63 solicits legal business for any attorney at law;

64 (21) Engages in the unlawful or unauthorized practice of  
65 law as defined by the supreme court of appeals of West  
66 Virginia;

67 (22) Commits or is a party to any material fraud, misrep-  
68 resentation, concealment, conspiracy, collusion, trick,  
69 scheme or other device whereby any other person relies  
70 upon the word, representation or conduct of the licensee;

71 (23) Continues in the capacity of or accepts the services  
72 of any broker, associate broker or salesperson who is not  
73 properly licensed;

74 (24) Fails to disclose any information within his or her  
75 knowledge or to produce any document, book or record in  
76 his or her possession for inspection of and copying by the  
77 commission or its duly authorized representatives;

78 (25) Accepts other than cash or its equivalent as earnest  
79 money or other deposit unless this fact is disclosed in the  
80 contract to which the deposit relates;

81 (26) Accepts, takes or charges any undisclosed compen-  
82 sation on expenditures made by or on behalf of the li-  
83 censee's principal;

84 (27) Discriminates against any person involved in a real  
85 estate transaction which is in violation of any federal or  
86 state antidiscrimination law, including any fair housing  
87 law;

88 (28) Fails to preserve for five years following its consum-  
89 mation, records relating to any real estate transaction;

90 (29) Fails to maintain adequate records on the broker's  
91 "trust fund account";

92 (30) In the case of a broker, fails to adequately supervise  
93 all associate brokers and salespersons employed by him or  
94 her;

95 (31) Breaches a fiduciary duty owed by a licensee to his  
96 or her principal in a real estate transaction;

97 (32) Directs any party to a real estate transaction in  
98 which the licensee is involved, to any lending institution  
99 for financing with the expectation of receiving a financial  
100 incentive, rebate or other compensation, without first  
101 obtaining from his or her principal the signed acknowledg-  
102 ment of and consent to the receipt of the financial incen-  
103 tive, rebate or other compensation;

104 (33) Represents to any lending institution, or other  
105 interested party either verbally or through the preparation  
106 of false documents, an amount in excess of the true and  
107 actual sale price of the real estate or terms differing from  
108 those actually agreed upon;

109 (34) Fails to disclose to an owner the licensee's true  
110 position if he or she directly or indirectly through a third  
111 party, purchases for himself or herself or acquires or  
112 intends to acquire any interest in or any option to pur-  
113 chase the property;

114 (35) Lends a broker's license to any person, including a  
115 salesperson, or permits a salesperson to operate as a  
116 broker;

117 (36) Has been convicted in a court of competent jurisdic-  
118 tion in this or any other jurisdiction of forgery, embezzle-  
119 ment, obtaining money under false pretense, bribery,  
120 larceny, extortion, conspiracy to defraud, any other similar  
121 offense, a crime involving moral turpitude, or a felony;

122 (37) Engages in any act or conduct which constitutes or  
123 demonstrates bad faith, incompetency or untrustworthi-  
124 ness, or dishonest, fraudulent or improper dealing;

125 (38) Induces any person to alter, modify or change  
126 another licensee's fee or commission for brokerage ser-  
127 vices, without that licensee's prior written consent;

128 (39) Negotiates a real estate transaction directly with  
129 any person that is represented exclusively by another  
130 broker, unless the conduct is specifically authorized by the  
131 other broker;

132 (40) Obtains, negotiates or attempts to obtain or negoti-  
133 ate a contract whereby the broker is entitled to a commis-  
134 sion only to the extent that the sales price exceeds a given  
135 amount, commonly referred to as a net listing;

136 (41) Fails or refuses, on demand, to furnish copies of a  
137 document to a person whose signature is affixed to the  
138 document;

139 (42) In the case of an associate broker or salesperson,  
140 represents or attempts to represent a broker other than his  
141 or her employing broker;

142 (43) Fails to reduce a bona fide offer to writing;

143 (44) Guarantees, or authorizes or permits another  
144 licensee to guarantee, future profits which may result from  
145 a real estate transaction;

146 (45) Is disciplined by another jurisdiction if at least one  
147 of the grounds for that discipline is the same as or equiva-  
148 lent to one of the grounds for discipline in this article; or

149 (46) Engages in any other act or omission in violation of  
150 professional conduct requirements of licensees established  
151 by legislative rule of the commission.

152 (b) The provisions of this section shall be liberally  
153 construed in order to carry out the objectives and purposes  
154 of this article.

155 (c) As used in this section:

156 (1) The words "convicted in a court of competent juris-  
157 diction" mean a plea of guilty or nolo contendere entered  
158 by a person or a verdict of guilt returned against a person  
159 at the conclusion of a trial;

160 (2) A certified copy of a conviction order entered in a  
161 court is sufficient evidence to demonstrate a person has  
162 been convicted in a court of competent jurisdiction.

163 (d) Every person licensed by the commission has an  
164 affirmative duty to report, in a timely manner, any known  
165 or observed violation of this article or the rules, orders or  
166 final decisions of the commission.

167 (e) The revocation of a broker's license shall automati-  
168 cally suspend the license of every associate broker and  
169 salesperson employed by the broker: *Provided*, That the  
170 commission shall issue a replacement license for any  
171 licensee so affected to a new employing broker, without  
172 charge, if a proper application is submitted to the commis-  
173 sion during the same license term.

174 (f) A licensee whose license has been revoked shall be  
175 ineligible to apply for a new license until after the expira-  
176 tion of two years from the date of revocation.

**§30-40-20. Complaints; investigation.**

1 (a) The commission may upon its own motion and shall  
2 upon the verified complaint in writing of any person filing  
3 a complaint setting forth a cause of action under this  
4 article or the rules promulgated thereunder, ascertain the

5 facts and if warranted hold a hearing for the suspension or  
6 revocation of a license, or the imposition of sanctions  
7 against a licensee.

8 (b) The commission shall consider complaints which are  
9 submitted in writing and set forth the details of the  
10 transaction;

11 (c) Upon initiation or receipt of the complaint, the  
12 commission shall provide a copy of the complaint to the  
13 licensee for his or her response to the allegations contained  
14 in the complaint. The accused party shall file an answer  
15 within twenty days of the date of service. Failure of the  
16 licensee to file a timely response may be considered an  
17 admission of the allegations in the complaint: *Provided,*  
18 That nothing contained herein shall prohibit the accused  
19 party from obtaining an extension of time to file a re-  
20 sponse, if the commission, its executive director or other  
21 authorized representative permits the extension.

22 (d) The commission may cause an investigation to be  
23 made into the facts and circumstances giving rise to the  
24 complaint and any person licensed by the commission has  
25 an affirmative duty to assist the commission, or its autho-  
26 rized representative, in the conduct of its investigation.

27 (e) After receiving the licensee's response and reviewing  
28 any information obtained through investigation, the  
29 commission shall determine if probable cause exists that  
30 the licensee has violated any provision of this article or the  
31 rules.

32 (f) If a determination that probable cause exists for  
33 disciplinary action, the commission may hold a hearing in  
34 compliance with section twenty-one of this article or may  
35 dispose of the matter informally through a consent agree-  
36 ment or otherwise.

**§30-40-21. Hearings; judicial review; cost of proceedings.**

1 (a) Hearings shall be conducted in accordance with the  
2 provisions of article five, chapter twenty-nine-a of this  
3 code and the commission's rules.

4 (b) Hearings shall be held at a time and place determined  
5 by the commission, but in no event less than thirty days  
6 after the notice of hearing is given.

7 (c) Any member has the authority to administer oaths  
8 and to examine any person under oath.

9 (d) If, after hearing, the commission determines the  
10 licensee has violated any provision of this article, or the  
11 commission's rules, a formal decision shall be prepared  
12 which contains findings of fact, conclusions of law and  
13 specifically lists the disciplinary actions imposed.

14 (e) The commission may elect to have an administrative  
15 law judge or hearing examiner conduct the hearing. If the  
16 commission makes this election, the administrative law  
17 judge or hearing examiner, at the conclusion of a hearing,  
18 shall prepare a proposed order which shall contain find-  
19 ings of fact and conclusions of law. The commission may  
20 request that disciplinary actions imposed be a part of the  
21 proposed order, or may reserve this obligation for its  
22 consideration. The commission may accept, reject or  
23 modify the decision of the administrative law judge or  
24 hearing examiner.

25 (f) Any person adversely affected by any decision or final  
26 order made by the commission, after a hearing, is entitled  
27 to judicial review by the circuit court of the county where  
28 the hearing was held.

29 (g) In addition to any other sanction imposed, the  
30 commission may require a licensee to pay the costs of the  
31 proceeding.

**§30-40-22. Penalties for violations.**

1 (a) Any person violating a provision of this article or the  
2 commission's rules is guilty of a misdemeanor. Any person

3 convicted of a first violation shall be fined not less than  
4 one thousand dollars nor more than two thousand dollars,  
5 or confined in the county or regional jail not more than  
6 ninety days, or both fined and imprisoned;

7 (b) Any person convicted of a second or subsequent  
8 violation shall be fined not less than two thousand dollars  
9 nor more than five thousand dollars, or confined in the  
10 county or regional jail for a term not to exceed one year, or  
11 both fined and imprisoned;

12 (c) Any corporation, association or partnership convicted  
13 of a first violation of this article or the commission's rules,  
14 shall be fined not less than two thousand dollars nor more  
15 than five thousand dollars;

16 (d) Any corporation, association or partnership convicted  
17 of a second or subsequent violation, shall be fined not less  
18 than five thousand dollars nor more than ten thousand  
19 dollars;

20 (e) Any officer, member, employee or agent of a corpora-  
21 tion, association or partnership, shall be subject to the  
22 penalties herein prescribed for individuals;

23 (f) Each and every day a violation of this article contin-  
24 ues shall constitute a separate offense;

25 (g) In addition to the penalties herein provided, if any  
26 person receives compensation for acts or services per-  
27 formed in violation of this article, he or she shall also be  
28 subject to a penalty of not less than the value of the  
29 compensation received nor more than three times the value  
30 of the compensation received, as may be determined by a  
31 court of competent jurisdiction. Any penalty may be  
32 recovered by a person aggrieved as a result of a violation  
33 of this article.

**§30-40-23. Single act evidence of practice.**

1 One act by any person in consideration of receiving  
2 compensation, or with the expectation or intention of



3 receiving such compensation, or upon the promise of  
4 receiving compensation for any act or service contained in  
5 this article shall constitute and consider the person a  
6 broker, associate broker or salesperson subject to the  
7 provisions of this article.

**§30-40-24. Injunctions; criminal proceedings.**

1 (a) Whenever the commission or other interested person  
2 believes that any person has engaged, is engaging or is  
3 about to engage in any act that constitutes a violation of  
4 this article, the commission or other interested person may  
5 make application to any court of competent jurisdiction  
6 for an order enjoining the acts or services. Upon a show-  
7 ing that the person has engaged in or is about to engage in  
8 any act which violates this article, an injunction, restrain-  
9 ing order or another appropriate order may be granted by  
10 the court without bond.

11 (b) Whenever the commission, its executive director or  
12 its authorized representative has reason to believe that any  
13 person has knowingly violated a provision of this article,  
14 the commission or its authorized representative may bring  
15 its information to the prosecuting attorney in the county  
16 where the violation has occurred who shall cause appro-  
17 priate criminal proceedings to be brought.

18 (c) Whenever any other interested person has reason to  
19 believe that any person has knowingly violated a provision  
20 of this article, such person may bring its information to the  
21 attention of the appropriate law-enforcement officer who  
22 may cause an investigation to be made in order for appro-  
23 priate criminal proceedings to be brought.

**§30-40-25. Collection of compensation.**

1 No person may bring or maintain any action in any court  
2 of this state for the recovery of compensation for the  
3 performance of any act or service for which a broker's  
4 license is required, without alleging and proving that he or  
5 she was the holder of a valid broker's license at all times

6 during the performance or rendering of any act or service:  
7 *Provided*, That an associate broker or salesperson shall  
8 have the right to institute suit in his or her own name for  
9 the recovery of compensation from his or her employing  
10 broker for acts or services performed while in the employ  
11 of said employing broker.

**§30-40-26. Duties of licensees.**

1 Every broker, associate broker and salesperson owes  
2 certain inherent duties to the consumer which are required  
3 by virtue of the commission granting a license under this  
4 article. The duties include, but are not limited to:

5 (a) At the time of securing any contract whereby the  
6 broker is obligated to represent a principal to a real estate  
7 transaction, every licensee shall supply a true legible copy  
8 of the contract to each person signing the contract.

9 (b) Any contract in which a broker is obligated to  
10 represent a principal to a real estate transaction shall  
11 contain a definite expiration date, and no provision may  
12 be included in any contract whereby the principal is  
13 required to notify the broker of his or her intention to  
14 cancel the contract after the definite expiration date.

15 (c) No provision may be inserted in any contract for  
16 representation that would obligate the person signing the  
17 contract to pay a fee, commission or other valuable  
18 consideration to the broker, after the contract's expiration  
19 date, if the person subsequently enters into a contract for  
20 representation with a different broker.

21 (d) Every licensee shall disclose in writing, on the notice  
22 of agency relationship form promulgated by the commis-  
23 sion, whether the licensee represents the seller, the buyer  
24 or both. The disclosure shall be made prior to any person  
25 signing any contract for representation by a licensee or a  
26 contract for the sale or purchase of real estate.

27 (e) Every licensee shall promptly deliver to his or her  
28 principal, every written offer received.

29 (f) Every licensee shall make certain that all the terms  
30 and conditions of a real estate transaction are contained in  
31 any contract prepared by the licensee.

32 (g) At the time of securing the signature of any party to  
33 a contract, the licensee shall deliver a true copy of the  
34 contract to the person whose signature was obtained.

35 (h) Upon the final acceptance or ratification of any  
36 contract, the licensee shall promptly deliver a true copy to  
37 each party that has signed the contract.

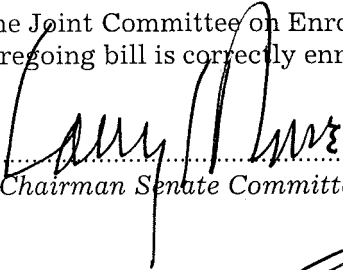
**§30-40-27. Duration of existing licenses.**

1 Any valid license issued by the commission to a broker,  
2 associate broker or salesperson pursuant to the provisions  
3 of article twelve, chapter forty-seven of this code prior to  
4 the effective date of this article shall continue to be valid  
5 until the thirtieth day of June, two thousand two.

**§30-40-28. Continuation of commission.**

1 The real estate commission shall continue to exist until  
2 the first day of July, two thousand four, pursuant to the  
3 provisions of article ten, chapter four of this code, unless  
4 sooner terminated, continued or reestablished pursuant to  
5 the provisions of that article.

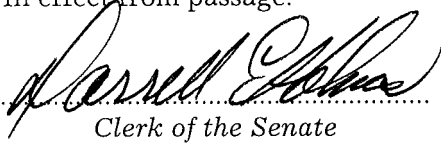
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

  
.....  
Chairman Senate Committee

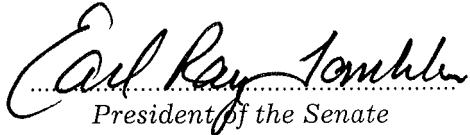
  
.....  
Chairman House Committee


Originated in the Senate.

In effect from passage.

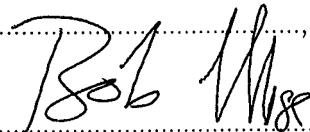
  
.....  
Clerk of the Senate

  
.....  
Clerk of the House of Delegates

  
.....  
President of the Senate

  
.....  
Speaker House of Delegates

The within is approved this the 18<sup>th</sup>  
Day of March, 2002.

  
.....  
Governor

PRESENTED TO THE

GOVERNOR

Date 3/12/02

Time 10:45 am