ST virginia legislature

**FISCAL NOTE**

2021 regular session

Introduced

House Bill 2036

By Delegates Howell, Martin, and Mandt

(BY REQUEST)

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

A BILL to amend and reenact §30-40-17 of the Code of West Virginia, 1931, as amended, relating to removing the requirement that real estate brokers, associate brokers, and salespeople 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.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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