

WEST VIRGINIA LEGISLATURE

2025 REGULAR SESSION

Committee Substitute

for

House Bill 3145

By Delegates Lucas, Moore, Fehrenbacher, and Riley

[Originating in the Committee on Government

Organization; Reported on March 28, 2025]

1 A BILL to amend and reenact §30-40-26 of the Code of West Virginia, 1931, as amended, relating
2 to the duties of Real Estate Commission licensees; requiring a licensee to have the
3 commission's notice of agency and consumer guide to agency signed at first contact;
4 requiring a licensee to enter into a written notice with a prospective client prior to listing or
5 showing property.

Be it enacted by the Legislature of West Virginia:

ARTICLE 40. WEST VIRGINIA REAL ESTATE LICENSE ACT.

§30-40-26. Duties of licensees.

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

4 ~~(a)~~(1) At the time of securing any contract whereby the broker is obligated to represent a
5 principal to a real estate transaction, every licensee shall supply a true legible copy of the contract
6 to each person signing the contract.

7 (2) Prior to engaging in broker services, a licensee shall have the notice of agency and the
8 consumer guide to agency as promulgated by the West Virginia Real Estate Commission signed
9 at first contact. A licensee shall be required to enter into such written notice with a prospective
10 client prior to listing or showing property.

11 ~~(b)~~(3) Any contract in which a broker is obligated to represent a principal to a real estate
12 transaction shall contain a definite expiration date, and no provision may be included in any
13 contract whereby the principal is required to notify the broker of his or her intention to cancel the
14 contract after the definite expiration date.

15 ~~(c)~~(4) No provision may be inserted in any contract for representation that would obligate
16 the person signing the contract to pay a fee, commission, or other valuable consideration to the
17 broker, after the contract's expiration date, if the person subsequently enters into a contract for
18 representation with a different broker.

19 ~~(d)~~(5) Every licensee shall disclose in writing, on the notice of agency relationship form
20 promulgated by the commission, whether the licensee represents the seller, the buyer, the seller
21 and the buyer, the landlord, the tenant, or the landlord and the tenant. The disclosure shall be
22 made prior to any person signing any contract for representation by a licensee or a contract for the
23 sale or purchase of real estate.

24 ~~(e)~~(6) Every licensee shall promptly deliver to his or her principal, every written offer
25 received.

26 ~~(f)~~(7) Every licensee shall make certain that all the terms and conditions of a real estate
27 transaction are contained in any contract prepared by the licensee.

28 ~~(g)~~(8) At the time of securing the signature of any party to a contract, the licensee shall
29 deliver a true copy of the contract to the person whose signature was obtained.

30 ~~(h)~~(9) Upon the final acceptance or ratification of any contract, the licensee shall promptly
31 deliver a true copy to each party that has signed the contract.

NOTE: The purpose of this bill is to require a Real Estate Commission licensee to require that a notice of agency and the consumer guide to agency be signed at first contact, prior to engaging in broker services or listing or showing property for a prospective client.

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