

WEST VIRGINIA LEGISLATURE

2025 REGULAR SESSION

Enrolled

Senate Bill 747

BY SENATORS SMITH (MR. PRESIDENT) AND WOELFEL

(BY REQUEST OF THE EXECUTIVE)

[Passed April 11, 2025; in effect 90 days from
passage (July 10, 2025)]

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

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

10 (3) Make application to the commission before changing the address of any office or within
11 10 days after any change;

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

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

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

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

(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 affiliation has been terminated until the associate broker or salesperson has made application to the commission for a change of affiliated 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) Display 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 affiliated;

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

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

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

The Clerk of the Senate and the Clerk of the House of Delegates hereby
certify that the foregoing bill is correctly enrolled.

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Clerk of the Senate

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Clerk of the House of Delegates

Originated in the Senate.

In effect 90 days from passage.

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President of the Senate

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Speaker of the House of Delegates

The within is this the.....
Day of, 2025.

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Governor