

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Introduced

House Bill 4493

By Delegates Lucas, Clark, Crouse, Worrell, Kyle,
and Shamblin

[Introduced January 19, 2026; referred to the
Committee on Government Organization]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding a new article,
2 designated §30-40A-1, §30-40A-2, and §30-40A-3, relating to creating the West Virginia
3 Abolishment of Wholesaling Act; providing definitions; abolishing and prohibiting
4 wholesaling in West Virginia; providing exception; and providing remedies and civil penalty
5 for unlawful wholesaling.

Be it enacted by the Legislature of West Virginia:

ARTICLE 40A. THE WEST VIRGINIA ABOLISHMENT OF WHOLESALING ACT.

§30-40A-1. Definitions.

1 (a) As used in this article, unless the context otherwise requires:

2 "Commission" means the West Virginia Real Estate Commission as established in §30-40-

3 6 of this code;

4 "Residential real property" means real property used for residential purposes with fewer
5 than four dwelling units.

6 "Wholesaling" means the practice of entering into a contract for the purchase of real
7 property with the intent to assign, sell, or otherwise transfer the contractual rights to a third party
8 for a fee or other consideration, without the wholesaler taking legal title to the property.

9 "Wholesaler" means a person who engages in wholesaling.

§30-40A-2. Practice and regulation of wholesaling abolished.

1 The practice and regulation of wholesaling is hereby abolished and wholesaling shall from
2 this point onward be illegal in West Virginia. This practice does not include transactions where the
3 purchaser takes legal title before transferring the property to another party.

§30-40A-3. Remedies and civil penalty for unlawful wholesaling.

1 (a) Notwithstanding any other provision contained in a contract for sale of residential real
2 property, if any person engages in wholesaling, the seller may cancel the contract for sale at any
3 time before the close of escrow without penalty and may retain any earnest money paid by the
4 wholesaler.

5 (b) Notwithstanding any other provision contained in the contract for sale, if any person
6 engages in wholesaling, the buyer may cancel the contract for sale at any time before the close of
7 escrow without penalty and must be refunded all earnest money paid.

8 (c) Notwithstanding any other provision contained in the contract for sale, if any person
9 engages in wholesaling, the buyer may bring a civil action against such person and may recover,
10 in addition to actual damages, a civil penalty of 20 percent of the difference between (1) the sales
11 price in the contract for sale and (2) the total consideration received by the wholesaler for
12 assigning, selling, or otherwise transferring such contractual rights to a third-party.

NOTE: The purpose of this bill is to create the West Virginia Abolishment of Wholesaling Act, providing definitions; abolishing and prohibiting wholesaling; providing exceptions; and providing remedies and civil penalty.

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