

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.