

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Introduced

House Bill 5091

By Delegates Lucas, Crouse, Worrell, Kyle, Hall,
Leavitt, Browning, McCormick, Clark, Parsons, and
Holstein

[Introduced February 03, 2026; referred to the
Committee on Government Organization]

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 licensees; requiring a written agreement; and providing terms and
3 conditions of the agreement.

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) 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 (b) A licensee who is working with a consumer shall enter into a written agency agreement
8 prior to engaging in brokerage services. The written agreement shall set forth the terms and
9 conditions of the relationship including, but not limited to, any limitations on the duties of the
10 confidentiality and terms of compensation. The written agency agreement used by the licensee
11 shall be an agreement provided by the licensee's responsible broker. No written agency
12 agreement may be necessary while the licensee is holding an open house.

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

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

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

26 ~~(e)~~(f) Every licensee shall promptly deliver to his or her principal, every written offer
27 received.

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

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

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

NOTE: The purpose of this bill is to require a written agency agreement prior to engaging in brokerage services.

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