

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

ENGROSSED

Committee Substitute

for

House Bill 5091

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

[Originating in the Subcommittee on Government
Administration; Reported on February 24, 2026]

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.

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)(1) No consumer shall be required to enter into a buyer's agency agreement prior to
8 execution of a written offer to purchase real property in West Virginia. Any such agreement shall
9 apply only to the transaction contemplated by the written offer and the agreement shall
10 automatically terminate if and when the contemplated transaction is completed or otherwise
11 terminated: *Provided*, That any such agreement may be extended for a definite period upon the
12 written consent of the consumer and the licensee.

13 (2) Any licensee may show real property in West Virginia to any consumer without entering
14 into a buyer's agency agreement.

15 (3) When a licensee prepares a written offer for a consumer to purchase real property in
16 West Virginia, said licensee must provide the consumer with a written disclosure setting forth, at a
17 minimum, the following information: the parties to the transaction; the brokerage services to be
18 provided to the consumer by the licensee; and the compensation, if any, to be paid to the licensee.

19 ~~(b)~~(c) Any contract in which a broker is obligated to represent a principal to a real estate
20 transaction shall contain a definite expiration date, and no provision may be included in any

21 contract whereby the principal is required to notify the broker of his or her intention to cancel the
22 contract after the definite expiration date.

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

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

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

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

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

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