

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Introduced

House Bill 5383

By Delegate Funkhouser

[Introduced February 09, 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 requiring real estate licensees to disclose water and sewer utility rates to buyers.

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) Any contract in which a broker is obligated to represent a principal to a real estate
8 transaction shall contain a definite expiration date, and no provision may be included in any
9 contract whereby the principal is required to notify the broker of his or her intention to cancel the
10 contract after the definite expiration date.

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

15 (d) Every licensee shall disclose in writing, on the notice of agency relationship form
16 promulgated by the commission, whether the licensee represents the seller, the buyer, the seller
17 and the buyer, the landlord, the tenant, or the landlord and the tenant. The disclosure shall be
18 made prior to any person signing any contract for representation by a licensee or a contract for the
19 sale or purchase of real estate.

20 (e) Every licensee shall promptly deliver to his or her principal, every written offer received.

21 (f) Every licensee shall make certain that all the terms and conditions of a real estate

22 transaction are contained in any contract prepared by the licensee.

23 (g) Notwithstanding any provision of law to the contrary, the licensee shall specifically
24 disclose water and sewer utility rates to the buyer at the point of sale and/or upon final acceptance
25 or ratification of any contract.

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

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

NOTE: The purpose of this bill is to require real estate licensees to disclose water and sewer utility rates to buyers.

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