

**WEST VIRGINIA
SECRETARY OF STATE
JOE MANCHIN, III
ADMINISTRATIVE LAW DIVISION**

Form #2

Do Not Mark In This Box

FILED

2002 JUN 13 P 2:44

OFFICE WEST VIRGINIA
SECRETARY OF STATE

NOTICE OF A COMMENT PERIOD ON A PROPOSED RULE

AGENCY: Real Estate Commission TITLE NUMBER: 174

RULE TYPE: Legislative CITE AUTHORITY: WV Code §30-40-8

AMENDMENT TO AN EXISTING RULE: YES NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: _____

TITLE OF RULE BEING AMENDED: _____

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: 2

TITLE OF RULE BEING PROPOSED: Schedule of Fees

IN LIEU OF A PUBLIC HEARING, A COMMENT PERIOD HAS BEEN ESTABLISHED DURING WHICH ANY INTERESTED PERSON MAY SEND COMMENTS CONCERNING THESE PROPOSED RULES. THIS COMMENT PERIOD WILL END ON July 14, 2002 AT 4:00 P.M. ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS:

Richard E. Strader, Executive Director

West Virginia Real Estate Commission

1033 Quarrier Street, Suite 400

Charleston, WV 25301

THE ISSUES TO BE HEARD SHALL BE LIMITED TO THIS PROPOSED RULE.

Richard E. Strader
Authorized Signature

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL

SCANNED

\$4.00



**State of West Virginia
Real Estate Commission**

1033 Quarrier Street, Suite 400
Charleston, West Virginia 25301-2315
(304) 558-3555
FAX (304) 558-6442
www.state.wv.us/wvrec

RICHARD E. STRADER, CPA
EXECUTIVE DIRECTOR

COMMISSIONERS

VAUGHN L. KIGER, CHAIRMAN
MORGANTOWN

ROBERT P. MCLEAN, VICE CHAIRMAN
BECKLEY

JOHN H. REED, III, SECRETARY
HURRICANE

SUMMARY OF PROPOSED LEGISLATIVE RULE

AGENCY: Real Estate Commission

RULE: 174-2

STATUTORY
AUTHORITY: WV Code §30-40-8

SUMMARY

Proposing a new rule to:

1. Establish the fees to be charged by the commission.



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**STATEMENT OF CIRCUMSTANCES
REQUIRING PROPOSED LEGISLATIVE RULE**

AGENCY: Real Estate Commission
RULE: 174-2
STATUTORY
AUTHORITY: WV Code §30-40-8

STATEMENT OF CIRCUMSTANCES

1. Passage of Senate Bill #453 required that the fees to be charged by the commission be established in rule.

□
APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

Rule Title: Title 174, Series 2 - Schedule of Fees

Type of Rule: Legislative Interpretive Procedural

Agency: Real Estate Commission

Address: 1033 Quarrier Street, Suite 400

Charleston, WV 25301

1. Effect of Proposed rule:

	ANNUAL FISCAL YEAR				
	INCREASE	DECREASE	CURRENT	NEXT	THEREAFTER
ESTIMATED TOTAL COST	0.00	0.00	0.00	0.00	0.00
PERSONAL SERVICES	0.00	0.00	0.00	0.00	0.00
CURRENT EXPENSE	0.00	0.00	0.00	0.00	0.00
REPAIRS & ALTERATIONS	0.00	0.00	0.00	0.00	0.00
EQUIPMENT	0.00	0.00	0.00	0.00	0.00
OTHER	0.00	0.00	0.00	0.00	0.00

2. Explanation of Above Estimates:
No increased costs are projected to result from implementation of this rule.

3. Objectives of These Rules:
To promulgate rules required by the passage of Senate Bill #453, which moved the real estate license act into Chapter 30 of State Code.

Rule Title: Schedule of Fees

4. Explanation of Overall Economic Impact of Proposed Rule:

A. Economic Impact on State Government:

None

B. Economic Impact on Political Subdivisions; Specific Industries; Specific Groups of Citizens:

None

C. Economic Impact on Citizens/Public at Large.

Broker's & Associate Broker's license fees increased from \$80.00 to \$100.00 per year.

Salesperson's license fee increased from \$40.00 to \$50.00 per year.

Continuing education course approval fee of \$50.00 for each course offered.

Date: June 13, 2002

Signature of Agency Head or Authorized Representative:

Richard E. Stuebel

QUESTIONNAIRE

(Please include a copy of this form with each filing of your rule: Notice of Public Hearing or Comment Period; Proposed Rule, and if needed, Emergency and Modified Rule.)

DATE: June 13, 2002

TO: LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

FROM: (Agency Name, Address & Phone No.) Real Estate Commission
1033 Quarrier Street, Suite 400
Charleston, WV 25301

Phone: 304-558-3555

LEGISLATIVE RULE TITLE: Title 174, Series 2 - Schedule of Fees

1. Authorizing statute(s) citation WV Code §30-40-8

2. a. Date filed in State Register with Notice of Hearing or Public Comment Period:
June 13, 2002

b. What other notice, including advertising, did you give of the hearing?
Notice to all real estate offices that the rule had been proposed.
Notice to all providers of prelicense and continuing education courses.
Posting of the proposed rule on the Commission's Web Site.

c. Date of Public Hearing(s) *or* Public Comment Period ended:
Public Comment Period: July 14, 2002

d. Attach list of persons who appeared at hearing, comments received, amendments, reasons for amendments.

Attached _____ No comments received _____

e. Date you filed in State Register the agency approved proposed Legislative Rule following public hearing: (be exact)

f. **Name, title, address and phone/fax/e-mail numbers** of agency person(s) to receive all *written correspondence* regarding this rule: (Please type)

Richard E. Strader, Executive Director

WV Real Estate Commission

1033 Quarrier Street, Suite 400

Charleston, WV 25301

Phone: 304-558-3555

Fax: 304-558-6442

Email: <wvrec@wvrec.state.wv.us>

g. **IF DIFFERENT FROM ITEM 'f'**, please give **Name, title, address and phone number(s)** of agency person(s) who wrote and/or has responsibility for the contents of this rule: (Please type)

3. If the statute under which you promulgated the submitted rules requires certain findings and determinations to be made as a condition precedent to their promulgation:

a. Give the date upon which you filed in the State Register a notice of the time and place of a hearing for the taking of evidence and a general description of the issues to be decided.

N/A

b. Date of hearing or comment period:

c. On what date did you file in the State Register the findings and determinations required together with the reasons therefor?

d. Attach findings and determinations and reasons:

Attached

**TITLE 174
LEGISLATIVE RULE
REAL ESTATE COMMISSION**

**SERIES 2
SCHEDULE OF FEES**

FILED

2002 JUN 13 P 2:44

OFFICE WEST VIRGINIA
SECRETARY OF STATE

§174-2-1. General.

1.1. Scope. -- This legislative rule establishes the fees to be charged by the Commission.

1.2. Authority. -- W. Va. Code § 30-40-8.

1.3. Filing Date. --

1.4. Effective Date. --

§174-3-2. Schedule of fees.

2.1 Examination fee -- \$25.00, paid at time of examination.

2.2 Reexamination fee -- \$25.00, paid at time of examination.

2.3 Investigation fee -- \$25.00

2.4 Broker / Associate broker license -- \$100.00, per year.

2.5 Salesperson license -- \$50.00 per year.

2.6 Branch office license -- \$100.00 per year.

2.7 Broker / Associate Broker renewal --- \$100.00, per year, payable by the fifteenth day of June.

2.8 Salesperson's renewal fee -- \$50.00, per year, payable by the fifteenth day of June.

2.9 Branch office renewal -- \$100.00, per year, payable by the fifteenth day of June.

2.10 Change of Employing Broker -- \$10.00

2.11 Duplicate license -- \$10.00

2.12 Certification -- \$10.00

2.13 Change of name -- \$10.00

2.14 Change of office address -- \$10.00

2.15 Late renewal fee – \$10.00, in addition to the required renewal fee, for each renewal application postmarked between July 1, and September 30 of the year in which due.

2.16 Reinstatement fee – \$50.00, in addition to the required renewal fee, for each renewal application postmarked between October 1, and December 31 of the year in which due.

2.17 Reinstatement fee – \$100.00, in addition to the required renewal fee, for each renewal application postmarked between January 1, and June 15 of the year subsequent to the year in which due.

2.18 Roster of active licensees – \$100.00, one county – \$5.00

2.19 Course Provider registration fee for each continuing education course – \$50.00 per year.

2.20 Returned check charge – \$20.00

2.21 Copies of public records – \$0.25 per page plus staff time, if applicable, but only if the total charge equals or exceeds \$5.00.

Failure to pay any of the fees required under this rule is just cause for revocation of or refusal to issue or renew a license.