

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

Form #3

Do Not Mark In This Box

FILED

2002 JUL 19 P 2:21

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

**NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE  
AND  
FILING WITH THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE**

AGENCY: Real Estate Commission TITLE NUMBER: 174

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

THE ABOVE PROPOSED LEGISLATIVE RULE HAVING GONE TO A PUBLIC HEARING OR A PUBLIC COMMENT PERIOD IS HEREBY APPROVED BY THE PROMULGATING AGENCY FOR FILING WITH THE SECRETARY OF STATE AND THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE FOR THEIR REVIEW.

*Richard E. Strodere*  
Authorized Signature

**SCANNED**

\$4.00

**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: July 19, 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     X

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

July 19, 2002

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- 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

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Phone: 304-558-3555

Fax: 304-558-6442

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

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- 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)

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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

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b. Date of hearing or comment period:

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

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d. Attach findings and determinations and reasons:

Attached 

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**State of West Virginia**  
**Real Estate Commission**  
1033 Quarrier Street, Suite 400  
Charleston, West Virginia 25301-2315  
(304) 558-3555  
FAX (304) 558-6442

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.



**State of West Virginia**  
**Real Estate 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
<b>ESTIMATED TOTAL COST</b>	0.00	0.00	0.00	0.00	0.00
<b>PERSONAL SERVICES</b>	0.00	0.00	0.00	0.00	0.00
<b>CURRENT EXPENSE</b>	0.00	0.00	0.00	0.00	0.00
<b>REPAIRS &amp; ALTERATIONS</b>	0.00	0.00	0.00	0.00	0.00
<b>EQUIPMENT</b>	0.00	0.00	0.00	0.00	0.00
<b>OTHER</b>	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

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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.

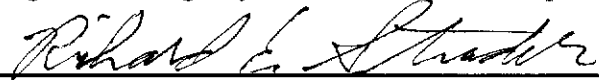
Broker's & Associate Broker's license fees increased from \$80.00 to \$100.00 per year.

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: July 19, 2002

Signature of Agency Head or Authorized Representative:



**TITLE 174  
LEGISLATIVE RULE  
REAL ESTATE COMMISSION**

**SERIES 2  
SCHEDULE OF FEES**

**FILED**

2002 JUL 19 P 2:27

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.