

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

Form #4 □

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**NOTICE OF RULE MODIFICATION OF A PROPOSED RULE**

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: 3

TITLE OF RULE BEING PROPOSED: Requirements in Approval and Registration of Real Estate Courses, Course Providers and Instructors

THE ABOVE PROPOSED LEGISLATIVE RULES, FOLLOWING REVIEW BY THE LEGISLATIVE RULE MAKING REVIEW COMMITTEE, IS HEREBY MODIFIED AS A RESULT OF REVIEW AND COMMENT BY THE LEGISLATIVE RULE MAKING REVIEW COMMITTEE. THE ATTACHED MODIFICATIONS ARE FILED WITH THE SECRETARY OF STATE.

  
Authorized Signature

SCANNED

**TITLE 174  
LEGISLATIVE RULE  
REAL ESTATE COMMISSION**

**SERIES 3  
REQUIREMENTS IN APPROVAL AND REGISTRATION OF REAL ESTATE COURSES,  
COURSE PROVIDERS AND INSTRUCTORS.**

**§174-3-1. General.**

1.1. Scope. -- This legislative rule establishes the minimum requirements and qualifications necessary for approval and registration of providers, instructors, courses and the content of pre-license education courses and continuing education courses.

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

1.3. Filing Date. --

1.4. Effective Date. --

**§174-3-2. Definitions.**

2.1. Commission. -- The term "Commission" means the West Virginia Real Estate Commission as authorized by WV Code §30-40-6.

2.2. Distance Education. -- The term "Distance Education" means courses of instruction in which instruction takes place through media where the teacher and student are separated by distance and sometimes by time.

2.3. Licensee. -- The term "licensee" means a broker, an associate broker, and a salesperson as defined in WV Code §30-40-4.

2.4. Applicant. -- The term "applicant" means any person, partnership, association or corporation who is making application to the Commission for a real estate license.

**§174-3-3. Real Estate Courses, Course Providers and Instructors.**

3.1. Certification of Commission. -- All real estate courses, course providers and instructors must be certified by and registered with the Commission prior to offering or conducting a course of education in compliance with the pre-license education requirement provided for in WV Code § 30-40-14, or the continuing education requirement provided for in WV Code § 30-40-16. Post-Secondary Education Institutions accredited by an accrediting agency officially recognized by the United States Department of Education are approved providers.

3.2. Pre-License Education.

a. The ninety hour (six credit hour) course prescribed for applicants for a salesperson's license shall consist of:

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- 30 clock hours - Real Estate Principles and Practice
- 20 clock hours - Real Estate Law
- 20 clock hours - Real Estate Finance
- 20 clock hours - Real Estate Appraisal

b. The additional ninety hour (six credit hour) course prescribed for applicants for a broker's license shall also consist of the same hours in each subject area but shall consist of more in-depth coverage in each subject area.

c. The grading scale for all course providers offering mandatory pre-license real estate education shall be:

- A = 95%-100%
- B = 86%- 94%
- C = 75%- 85%
- D = 71%-74%
- F = 00%-70%

In order to sit for the real estate examination, the applicant must have earned a grade of A, B or C in each subject area.

d. After a student has successfully completed an approved pre-license education course, the approved provider shall supply the student with a certificate of course completion which certifies the student's name and address, the course completion date, the number of hours in each subject area, and the letter grade earned.

e. All approved providers shall maintain records indicating the students who have registered for each course, the completion date of the course and the final results of their attendance. These records must be maintained for a minimum period of five (5) years and are subject to inspection by the Commission or its authorized representative. On December 31 of each year, every approved provider shall compile a list of the students completing each class during the previous calendar year and submit the information to the Real Estate Commission prior to January 31 of the succeeding year. Provided, that Post-Secondary Education Institutions approved under Section 30.1 of this rule are exempt from this requirement.

f. The Commission will accept pre-license education courses approved by the Real Estate Regulatory Agency of any other licensing jurisdiction in meeting West Virginia pre-license education requirements if the jurisdiction offers the same privilege to West Virginia. The Commission will not give credit for classroom hours earned in excess of the number of hours awarded by the other jurisdiction.

g. The Commission will prepare and supply a suggested course outline of the material to be taught in the pre-license courses, and will supply supplemental material when the Commission deems it necessary. In addition, the Commission may recommend suggested textbooks to be used in the courses.

### 3.3. Continuing Education.

#### a. Guidelines

1. All continuing education courses should contribute directly to the professional competence of the individual.

2. Materials used in programs should be developed by qualified individuals for use with specified teaching methods.

3. Program content must be current.

b. A provider must submit all course materials to the Commission at the time approval is requested. All continuing education course approvals expire on June 30 of each year. All approved course providers shall make application to the Commission for approval of every continuing education course on forms supplied by the Commission and each application shall be accompanied by the appropriate registration fee which is non-refundable. The application shall be accompanied by a copy of all course materials proposed to be used in the course, a copy of any proposed advertisements and any other information that may be required by the Commission.

c. The minimum length of a continuing education course will be three (3) hours with each hour equalling fifty (50) minutes of instruction. The Commission shall determine the amount of credit to be awarded for each course.

d. The Commission will approve courses that deal with real estate related subjects including but not limited to real estate law, agency, ethics, civil rights, equal opportunity, appraisal, contract law, finance, and principal/agent relationships.

e. When approved audio or video tapes are used, a certified instructor must be present at all times while class is in session.

f. Instructors of continuing education courses may obtain credit toward the continuing education requirement in the same amount as the number of hours awarded to the students but only for the first time the course is taught. No credit shall be given for subsequent teaching of the same course.

g. Each course provider approved to offer continuing education courses shall maintain records indicating the student's name and address, the completion date of the course, the course title, and the amount of hours awarded. These records must be maintained for a minimum period of five (5) years and shall be open to inspection by the Commission or its authorized representative. Each approved provider shall annually supply the Commission with a comprehensive list of all students who have completed a course in continuing education at their institution during the fiscal year July 1 through June 30 no later than July 15 of the succeeding fiscal year. Provided, that Post-Secondary Education Institutions approved under Section 30.1 of this rule, are exempt from this paragraph.

h. Distance Education Courses.

1. The Commission will not approve any distance education course that is not structured and cannot be monitored.

2. Each distance education course must, at a minimum, contain a comprehensive final examination consisting of both objective and subjective types of questions in sufficient quantity to assure the student has a thorough knowledge of the course material. In conjunction with submission of the final comprehensive examination to the course provider, the student must execute an affidavit under the penalties of false swearing stating he or

she is the individual that completed the final examination, that he or she received no assistance while completing the examination and that he or she actively studied the material in the course for at least the number of hours specified to be awarded for completion of the course.

3. A course provider may not issue a certificate of course completion to any student prior to successful completion of the final comprehensive examination. The minimum passing score on the final comprehensive examination shall be 75%.

#### 3.4. Instructors of pre-license and continuing education courses.

a. Each instructor shall apply for and be approved prior to instructing any real estate course. Provided, that this requirement shall not apply to any guest speaker or to any instructor or professor of a Post-Secondary Educational Institution that is accredited by an accrediting agency officially recognized by the United States Department of Education.

b. An instructor will be approved by the Commission only if he or she:

1. Is an attorney at law with a minimum of five (5) years of active practice in the area of study he or she proposes to teach;

2. Holds a degree in real estate from an accredited college or university;

3. Is a licensed real estate broker, associate broker, or salesperson with a minimum of five (5) years experience in the area of study he or she proposes to teach;

4. Holds a degree from an accredited college or university and has at least (2) years of teaching experience and possesses a minimum of two hundred (200) classroom hours in the area of study he or she proposes to teach; or

5. Has a minimum of three (3) years of professional or educational experience as a teacher in the area of study he or she proposes to teach.

3.5 Promotion of products or services prohibited. -- A course provider or instructor may not promote any product or service while offering or conducting any pre-license or continuing education course.