

**WEST VIRGINIA
SECRETARY OF STATE
NATALIE E. TENNANT
ADMINISTRATIVE LAW DIVISION**

Form #2

Do Not Mark In This Box

2013 MAY 10 PM 2: 21

NOTICE OF A COMMENT PERIOD ON A PROPOSED RULE

AGENCY: Real Estate Commission TITLE NUMBER: 174

RULE TYPE: Legislative CITE AUTHORITY: 30-40-8

AMENDMENT TO AN EXISTING RULE: YES NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 2

TITLE OF RULE BEING AMENDED: Schedule of Fees

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: _____

TITLE OF RULE BEING PROPOSED: _____

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 June 11, 2013 AT 12:00 PM 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

300 Capitol Street, Suite 400

Charleston, WV 25301

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


Authorized Signature

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL



**State of West Virginia
Real Estate Commission**

300 Capitol Street, Suite 400
Charleston, West Virginia 25301
(304) 558-3555
FAX (304) 558-6442
<www.wvrec.org>

JOHN H. REED, III, CHAIRMAN
HURRICANE

KATHRYN L. MARTIN, VICE CHAIRMAN
MORGANTOWN

CHERYL L. SKILES, SECRETARY
CHARLESTON

DENSIL L. NIBERT
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KATHY J. ZAFERATOS
BECKLEY

RICHARD E. STRADER, CPA
EXECUTIVE DIRECTOR

SUMMARY OF PROPOSED LEGISLATIVE RULE

AGENCY: Real Estate Commission

RULE: 174-2

STATUTORY
AUTHORITY: WV Code §30-40-8

SUMMARY

Amendment to an existing rule to:

1. Increase certain fees collected 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. A 25% decline in the number of licensees has necessitated the need to increase the fees collected by the Commission.

APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

Rule Title: Schedule of Fees

Type of Rule: Legislative Interpretive Procedural

Agency: Real Estate Commission

Address: 300 Capitol Street, Suite 400
Charleston, WV 25301

Phone Number: 304-558-3555 Email: Richard.E.Strader@wv.gov

Fiscal Note Summary

Summarize in a clear and concise manner what impact this measure will have on costs and revenues of state government.

Costs will not be impacted.

Revenues will be increased approximately \$225,000 per year.

Fiscal Note Detail

Show over-all effect in Item 1 and 2 and, in Item 3, give an explanation of Breakdown by fiscal year, including long-range effect.

FISCAL YEAR			
Effect of Proposal	Current Increase/Decrease (use "--")	Next Increase/Decrease (use "--")	Fiscal Year (Upon Full Implementation)
1. Estimated Total Cost	0.00	0.00	0.00
Personal Services			
Current Expenses			
Repairs & Alterations			
Assets			
Other			
2. Estimated Total Revenues	225,000.00	225,000.00	225,000.00

Rule Title: Schedule of Fees

Rule Title: _____

- 3. Explanation of above estimates (including long-range effect):**
Please include any increase or decrease in fees in your estimated total revenues.

The majority of the increase will come from increases in the fee paid by real estate brokers, associate brokers and salespersons.

MEMORANDUM

Please identify any areas of vagueness, technical defects, reasons the proposed rule would not have a fiscal impact, and/or any special issues not captured elsewhere on this form.

None

Date: May 10, 2013

Signature of Agency Head or Authorized Representative

Richard E. Strady

**TITLE 174
LEGISLATIVE RULE
REAL ESTATE COMMISSION**

**SERIES 2
SCHEDULE OF FEES**

2013 MAY 10 PM 2: 22

§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. --

§174-2-2. Schedule of fees.

2.1 Examination fee / Reexamination -- \$25.00, ~~paid at time of examination. if the examination is administered by the Real Estate Commission.~~

2.2 Examination fee / Reexamination fee -- ~~\$25.00, paid at time of examination.~~ Up to \$150.00, but limited to the actual contract cost, if the examination is provided by an accredited examination provider.

2.3 ~~Investigation~~ Original application fee -- \$25.00.

2.4 Broker / Associate broker license -- ~~\$100.00~~ \$150.00, per year.

2.5 Salesperson license -- ~~\$50.00~~ \$75.00, per year.

2.6 Branch office license -- ~~\$100.00~~ \$150.00, per year.

2.7 Broker / Associate Broker renewal --- ~~\$100.00~~ \$150.00, per year, payable by the fifteenth day of June.

2.8 Salesperson's renewal fee -- ~~\$50.00~~ \$75.00, per year, payable by the fifteenth day of June.

2.9 Branch office renewal -- ~~\$100.00~~, \$150.00 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~~ \$35.00.

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.

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: May 10, 2013

TO: LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

FROM: *(Agency Name, Address & Phone No.)* Real Estate Commission

300 Capitol Street, Suite 400

Charleston, WV 25301

LEGISLATIVE RULE TITLE: Schedule of Fees

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

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

May 10, 2013

b. What other notice, including advertising, did you give of the hearing?

Posted on Commission's web site.

Notification mailed to each licensee.

Mailed notification to President of WV Association of Realtors, with "cc" to Chair of Government Affairs Committee & Executive Officer

c. Date of Public Hearing(s) *or* Public Comment Period ended:

June 11, 2013

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

West Virginia Real Estate Commission
300 Capitol Street, Suite 400
Charleston, WV 25301

Phone: 304-558-3555 FAX: 304-558-6442 Email: Richard.E.Strader@wv.gov

- 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.

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
