



**WEST VIRGINIA
SECRETARY OF STATE**

MAC WARNER

ADMINISTRATIVE LAW DIVISION

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6/26/2017 8:12:14 AM

OFFICE OF
WEST VIRGINIA SECRETARY OF STATE

**FORM 1 -- NOTICE OF A PUBLIC HEARING OR COMMENT PERIOD ON A PROPOSED RULE
(Page 1)**

AGENCY Real Estate Commission

RULE TYPE Legislative **AMENDMENT TO EXISTING RULE** Yes **TITLE-SERIES** 174-

RULE NAME Schedule of Fees **02**

CITE AUTHORITY WV Code 30-40-8

COMMENTS LIMITED TO
Written

DATE OF PUBLIC HEARING

LOCATION OF PUBLIC HEARING

DATE WRITTEN COMMENT PERIOD ENDS
Wednesday, July 26, 2017 12:00 AM

WRITTEN COMMENTS MAY BE MAILED TO
300 Capitol Street, Suite 400
Charleston, WV 25313

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENTS ARE TRUE AND CORRECT.

Yes

Jerry A Forren -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.



Title-Series: 174-02



Rule Id: 16534



Document: 49502



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**FORM 1 -- NOTICE OF A PUBLIC HEARING OR COMMENT PERIOD ON A PROPOSED RULE
(Page 2)**

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RULE NAME Schedule of Fees **02**

CITE AUTHORITY WV Code 30-40-8

PROVIDE A BRIEF SUMMARY OF YOUR PROPOSAL

Several new fees that will have minimal impact and an explanation of Insufficient funds.

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENTS ARE TRUE AND CORRECT.

Yes

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FORM 11 -- FISCAL NOTE FOR PROPOSED RULES (Page 1)

AGENCY Real Estate Commission

RULE TYPE Legislative **AMENDMENT TO EXISTING RULE** Yes **TITLE-SERIES** 174-

RULE NAME Schedule of Fees **02**

CITE AUTHORITY WV Code 30-40-8

PRIMARY CONTACT

Jerry A. Forren
300 Capitol Street
Suite 400
Charleston, WV 25313

Jerry A Forren -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.



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SUMMARIZE IN A CLEAR AND CONCISE MANNER WHAT IMPACT THIS MEASURE WILL HAVE ON COSTS AND REVENUES OF STATE GOVERNMENT.

The fee increases will have minimal impact. Licensing, license renewal and exam fees have not changed. Fees for changes to company status, instructor fees and an increase in the CE approval fee are included.

Jerry A Forren -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.



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FORM 11 -- FISCAL NOTE FOR PROPOSED RULES (Page 2)

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RULE NAME Schedule of Fees **02**

CITE AUTHORITY WV Code 30-40-8

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.

Effect Of Proposal	Current Increase/Decrease (use ' - ')	Next Increase/Decrease (use ' - ')	Fiscal Year (Upon Full Implementation)
ESTIMATED TOTAL COST	0		
PERSONAL SERVICES	0		
CURRENT EXPENSES	0		
REPAIRS AND ALTERATIONS	0		
ASSETS	0		
OTHER	0		
ESTIMATED TOTAL REVENUES	0		

Jerry A Forren -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.



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FORM 11 -- FISCAL NOTE FOR PROPOSED RULES (Page 3)

AGENCY Real Estate Commission

RULE TYPE Legislative **AMENDMENT TO EXISTING RULE** Yes **TITLE-SERIES** 174-

RULE NAME Schedule of Fees **02**

CITE AUTHORITY WV Code 30-40-8

3. EXPLANATION OF ABOVE ESTIMATES (INCLUDING LONG-RANGE EFFECT). PLEASE INCLUDE ANY INCREASE OR DECREASE IN FEES IN YOUR ESTIMATED TOTAL REVENUES.

Long range impact will be minor.

Jerry A Forren -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.



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FORM 11 -- FISCAL NOTE FOR PROPOSED RULES (Page 4)

AGENCY Real Estate Commission

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RULE NAME Schedule of Fees **02**

CITE AUTHORITY WV Code 30-40-8

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.

Changes to fee structure are very minor.

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENTS ARE TRUE AND CORRECT.

Jerry A Forren -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.



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FORM 12 -- BRIEF SUMMARY AND STATEMENT OF CIRCUMSTANCES (Page 1)

AGENCY Real Estate Commission

RULE TYPE Legislative AMENDMENT TO EXISTING RULE Yes TITLE-SERIES 174-

RULE NAME Schedule of Fees 02

CITE AUTHORITY WV Code 30-40-8

SUMMARIZE IN A CLEAR AND CONCISE MANNER CONTENTS OF CHANGES IN RULE AND STATEMENT OF CIRCUMSTANCES REQUIRING THE RULE.

Series 2:

Licensing, license renewal and examination fees have not been changed, just presented in more logical way.

Some of the fees for changes to the current licensees and/or company status have been increased to reflect the business environment. This is the first proposed change in many years (since initiation of the fees).

Fees were proposed for initial approval, registration and renewal of pre-license and continuing education providers and instructors.

A fee increase is proposed for the approval of continuing education courses which has not been changed since its initiation.

Insufficient Funds (proposed § 174-2-3) explanation was added.

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENTS ARE TRUE AND CORRECT.

Yes

Jerry A Forren -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.



Title-Series: 174-02



Rule Id: 16534



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TITLE 174
LEGISLATIVE RULE
REAL ESTATE COMMISSION

SERIES 2
SCHEDULE OF FEES

§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. --

1.5. Sunset provision. -- This rule shall terminate and have no further force or effect upon the expiration of seven (7) years from its effective date.

§174-2-2. Schedule of fees.

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

~~2.2. Examination fee / Reexamination fee -- Up to \$150.00, not to exceed the actual cost to conduct the examination if the examination is provided by an accredited examination provider.~~

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

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

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

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

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

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

~~2.9. Branch office renewal -- \$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—\$25.00.~~

~~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.~~

2.1. Salesperson/Broker license application fee: \$25.00.

2.2. Examination fees: Up to \$150.00 for each examination taken, which, in the event of a third-party examination provider, shall not exceed the negotiated fee agreed to by the examination provider.

2.3. Licensure fees:

2.3.a. broker or associate broker license fee: \$150.00 for the initial and any subsequent license;

2.3.b. salesperson license fee: \$ 75:00 for the initial and any subsequent license; and

2.3.c. branch office license fee: \$150.00.

2.4. Annual license renewal fees:

2.4.a. broker / associate broker fee: \$150.00;

2.4.b. salesperson fee: \$75.00; and

2.4.c. branch office fee: \$150.00.

2.5. Late renewal fees in addition to the required license renewal fee:

2.5.a. For each license renewal paid or postmarked from July 1 through September 30 after the renewal fee was due: \$50.00;

2.5.b. For each license renewal paid or postmarked from September 30 through December 31st after the renewal fee was due: \$75.00;

2.5.c. For each license renewal paid or postmarked from January 1 through June 15th after the renewal fee was due: \$100.00.

2.5.d. Licenses not renewed on or before June 15th after the renewal fee was due cannot be renewed.

2.6. Change of employing broker fee: \$20.00.

2.7. Duplicate license fee: \$10.00.

2.8. Certification of licensure fee: \$20.00.

2.9. Change of licensee name fee: \$10.00.

2.10. Change of company name fee - \$10.00 for each license changed.

2.11. Change of office address fee: \$20.00.

2.12. Pre-license education approval fees:

2.12.a. Provider: \$75.00 initial approval fee and \$50.00 annual renewal fee thereafter.

2.12.b. Course: \$150 initial approval fee and \$100.00 annual renewal fee thereafter.

2.12.c. Instructor: \$75.00 initial approval fee and \$50.00 annual renewal fee thereafter.

2.13. Continuing education approval fees:

2.13.a. Provider: \$50.00 initial approval fee and \$35.00 annual renewal fee thereafter.

2.13.b. Course: \$75.00 initial approval fee and \$50.00 annual renewal fee thereafter.

2.13.c. Instructor: \$50.00 initial approval fee and \$35.00 annual renewal fee thereafter.

2.14. Roster of active licensees: All counties - \$100.00; \$5.00 per county.

2.15. Returned check fee: \$25.00 or the actual charge incurred by the Commission, whichever is greater.

2.16. Copies of public records fee: \$1.00 per page only if the total charge equals or exceeds \$5.00.

2.17. Transaction fee.

2.17.a. For transactions available on-line via the Commission's website, a transaction fee will be added equal to the amount charged by the transaction processing entity. Paper processing of requests for transactions which are available on-line will be charged a \$10.00 processing fee; and

2.17.b. Until such time as the Commission notifies its members via website or otherwise that licenses are to be renewed online, there will be no processing fee. After the commencement of on-line renewals, the Commission may continue to accept paper renewals, for which the licensee shall pay a \$35.00 processing fee in addition to all other renewal fees.

§174-2-3. Insufficient funds. Funds tendered to the Commission for any fee set forth in this rule which remains unpaid due to insufficient funds or for other reason shall nullify the transaction for which the fee remains unpaid. The Commission will afford the payee a reasonable opportunity to pay the fee. If the non-payment is the result of a returned check, only a certified check, money order or credit card charge will be accepted to cure the non-payment. The Commission may require payment of any actual charges or expenses incurred by the Commission prior to lifting the nullification of the transaction. The Commission may also take appropriate collection action and may require the payee to pay the charges of such action.

§174-2-4. Fees Not Refundable. All fees are non-refundable and will not be pro-rated.

§174-2-5. Effect of Non-Compliance. Failure to pay any of the fees required under this legislative rule is just cause for ~~revocation of or~~ refusal to issue or renew a license or the Commission may initiate disciplinary proceedings for violation of this rule.