



WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

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Office of 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-SERIES: 174-02
RULE TYPE: Legislative Amendment to Existing Rule: Yes Repeal of existing rule: Yes
RULE NAME: 174-02 Schedule of Fees

PRIMARY CONTACT

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CITE STATUTORY AUTHORITY: §30-40-8

EXPLANATION OF THE STATUTORY AUTHORITY FOR THE LEGISLATIVE RULE, INCLUDING A DETAILED SUMMARY OF THE EFFECT OF EACH PROVISION OF THE LEGISLATIVE RULE WITH CITATION TO THE SPECIFIC STATUTORY PROVISION WHICH EMPOWERS THE AGENCY TO ENACT SUCH RULE PROVISION:

§30-40-8

IS THIS FILING SOLELY FOR THE SUNSET PROVISION REQUIREMENTS IN W. VA. CODE §29A-3-19(e)? No

IF YES, DO YOU CERTIFY THAT THE ONLY CHANGES TO THE RULE ARE THE FILING DATE, EFFECTIVE DATE AND AN EXTENSION OF THE SUNSET DATE? No

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 6/12/2023

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 7/14/2023

COMMENTS RECEIVED: No

(IF YES, PLEASE UPLOAD IN THE COMMENTS RECEIVED FIELD COMMENTS RECEIVED AND RESPONSES TO COMMENTS)

PUBLIC HEARING: No

(IF YES, PLEASE UPLOAD IN THE PUBLIC HEARING FIELD PERSONS WHO APPEARED AT THE HEARING(S) AND TRANSCRIPTS)

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

WHAT OTHER NOTICE, INCLUDING ADVERTISING, DID YOU GIVE OF THE HEARING?

None

SUMMARY OF THE CONTENT OF THE LEGISLATIVE RULE, AND A DETAILED DESCRIPTION OF THE RULE'S PURPOSE AND ALL PROPOSED CHANGES TO THE RULE:

Update rule to match changes to code that were effective June 9, 2023

STATEMENT OF CIRCUMSTANCES WHICH REQUIRE THE RULE:

SUMMARIZE IN A CLEAR AND CONCISE MANNER THE OVERALL ECONOMIC IMPACT OF THE PROPOSED LEGISLATIVE RULE:

A. ECONOMIC IMPACT ON REVENUES OF STATE GOVERNMENT:

None

B. ECONOMIC IMPACT ON SPECIAL REVENUE ACCOUNTS:

None

C. ECONOMIC IMPACT OF THE LEGISLATIVE RULE ON THE STATE OR ITS RESIDENTS:

None

D. FISCAL NOTE DETAIL:

Effect of Proposal	Fiscal Year		
	2023 Increase/Decrease (use "-")	2024 Increase/Decrease (use "-")	Fiscal Year (Upon Full Implementation)
1. Estimated Total Cost			
Personal Services			
Current Expenses			
Repairs and Alterations			
Assets			
Other			
2. Estimated Total Revenues			

E. EXPLANATION OF ABOVE ESTIMATES (INCLUDING LONG-RANGE EFFECT):

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENT IS TRUE AND CORRECT.

Yes

Keri Ferro -- 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 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. -- ~~April 12, 2018~~

1.4. Effective Date. -- ~~July 1, 2018~~

1.5. Sunset provision. -- This rule shall terminate and have no further force or effect on ~~June 30, 2025~~
August 1, 2034.

§174-2-2. Schedule of fees.

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 August 31 ~~September 30~~
after the renewal fee was due: \$50.00;

2.5.b. For each license renewal paid or postmarked from September 1 through October 31 ~~30 through December 31~~st after the renewal fee was due: \$75.00;

2.5.c. For each license renewal paid or postmarked from November 1 through December 31 ~~January 1 through June 15~~th after the renewal fee was due: \$100.00.

2.5.d. Licenses not renewed on or before December 31 ~~June 15~~th after the renewal fee was due cannot be renewed.

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

2.7. Duplicate license fee: \$5.00 ~~\$10.00~~.

2.8. Certification of licensure fee: \$20.00.

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

2.~~9~~10. Change of company name fee - \$10.00 for each license changed.

2.~~10~~11. Change of office address fee: \$20.00.

2.~~11~~12. Pre-license education approval fees:

2.~~11~~12.a. Provider: \$75.00 initial approval fee and \$50.00 annual renewal fee thereafter.

2.~~11~~12.b. Course: \$150 initial approval fee and \$100.00 annual renewal fee thereafter.

2.~~11~~12.c. Instructor: \$75.00 initial approval fee and \$50.00 annual renewal fee thereafter.

2.~~12~~13. Continuing education approval fees:

2.~~12~~13.a. Provider: \$50.00 initial approval fee and \$35.00 annual renewal fee thereafter.

2.~~12~~13.b. Course: \$75.00 initial approval fee and \$50.00 annual renewal fee thereafter.

2.~~12~~13.c. Instructor: \$50.00 initial approval fee and \$35.00 annual renewal fee thereafter.

2.~~13~~14. Roster of active licensees: All counties - \$100.00; \$5.00 per county.

2.~~14~~15. Returned check fee: \$25.00 or the actual charge incurred by the Commission, whichever is greater.

2.~~15~~16. Copies of public records fee: \$1.00 per page only if the total charge equals or exceeds \$5.00.

2.~~16~~17. Transaction fee.

2.~~16~~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

2.1617.b. Until such time as the Commission notifies its licensees 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 refusal to issue or renew a license or the Commission may initiate disciplinary proceedings for violation of this rule.