WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1943

ENROLLED

HOUSE BILL No. 26

(By Mr. Paul)

PASSED February 18, 1943

In Effect ninety days from...Passage
ENROLLED

House Bill No. 28

(BY MR. PAUL)

[Passed February 18, 1943; in effect ninety days from passage.]

AN ACT to amend chapter one hundred twenty-seven, acts of the Legislature of West Virginia, regular session, one thousand nine hundred thirty-seven, by amending and reenacting sections one, nine and eleven thereof and by adding a new section thereto, numbered section fourteen, all relating to the West Virginia real estate commission.

Be it enacted by the Legislature of West Virginia:

That sections one, nine, eleven, chapter one hundred twenty-seven, acts of the Legislature of West Virginia, regular session, one thousand nine hundred thirty-seven, be amended and reenacted, and that a new section, numbered section fourteen, be added thereto, all to read as follows:

Section 1. The West Virginia Real Estate Commission

2 Created; Members; Organization; Expenditures.—There shall be a commission known as “The West Virginia Real
Estate Commission,” which shall be a corporation, and, as such, may sue and be sued, contract and be contracted with, and shall have a common seal. The commission shall consist of three members who shall be appointed by the governor by and with the advice and consent of the senate. Each member of the board shall be a citizen of the United States and a resident of this state, and two of whom shall have been engaged in the real estate business for a period of at least five years immediately prior to their appointment, and the third shall be a representative of the public generally. Each member shall be appointed for a term of four years. Members in office on the date this section becomes effective shall continue in office until their respective terms expire: Provided, however, That at the first expiration of a term, the governor shall appoint the member representing the public generally as herein provided. Any appointment to fill a vacancy shall be for the unexpired term. Members shall serve until their respective terms expire and until their successors have been appointed, unless sooner removed. Not more than two
24 members of such commission shall belong to the same
25 political party.
26 No member shall be a candidate for or hold any other
27 public office or be a member of any political committee
28 while acting as such commissioner. In case any commis-
29 sioner be a candidate for or hold any other public office
30 or be a member of any political committee, his office as
31 a commissioner shall ipso facto be vacated.
32 The governor shall designate one member of the com-
33 mission as the chairman thereof, and the members shall
34 choose one of the members thereof as secretary. Two
35 members of the commission shall constitute a quorum
36 for the conduct of official business. The members of the
37 commission shall not receive any salary, excepting that
38 they shall be paid the sum of ten dollars for each day
39 actually spent in the work of the commission, and they
40 shall each receive their actual and necessary expenses in-
41 curred in such work. The commission may employ such
42 clerical and other help as may be necessary for the con-
43 duct of the duties of the commission, which shall be paid
44 for out of the fund hereby created. All fees and charges
collected by the commission under the provisions of this act shall be paid into a special fund for the purpose of this act, and all expenditures of the commission shall be paid therefrom. The amount paid to or expended by the commission in any fiscal year shall not exceed the revenues derived under the provisions of this act as herein-after provided.

Sec. 9. Expiration of License; Revocation of Broker's License Suspends Salesman's License.—All licenses issued during the year one thousand nine hundred forty-three shall expire on the thirty-first day of December of that year. For the period from January first, one thousand nine hundred forty-four, to June thirtieth, one thousand nine hundred forty-four, all licenses shall be issued on a semi-annual basis, the fees for which shall be one-half the yearly fees provided for in section eight of this article. On and after July first, one thousand nine hundred forty-four, the fiscal year shall constitute the license year under this article, from which date all licenses shall expire at midnight on the thirtieth day of June of each year. The commission shall issue a new license for each
ensuing year, in the absence of any reason which might warrant the refusal of the granting of a license, upon the receipt of the annual fee therefor, as herein required.

The revocation of a broker's license shall automatically suspend every real estate salesman's license granted to any person by virtue of his employment by the broker whose license has been revoked, pending a change of employer and the issuance of a new license. Such new license shall be issued without charge, if granted during the same year in which the original license was granted.

Sec. 11. Penalties; Jurisdiction of Crimes by Justices.

—Any person who shall engage in the real estate business as defined by this article, without a license, or who shall violate any other provision of this article, shall be guilty of a misdemeanor for each single violation, and upon conviction thereof shall be punished by a fine of not less than fifty dollars nor more than five hundred dollars, or by imprisonment for a term not to exceed six months, or both.

Justices of the peace shall have concurrent jurisdiction
with the circuit, criminal and intermediate courts to enforce the penalties prescribed by this article.

Sec. 14. *Act Designated As Article of Code.*—Chapter one hundred twenty-seven, acts of the Legislature, regular session, one thousand nine hundred thirty-seven, as amended by this act, is hereby declared to be an amendment to chapter forty-seven of the code of West Virginia, one thousand nine hundred thirty-one, and designated as article twelve of said chapter.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Roy J. Jenkins  
Chairman Senate Committee

Fred H. Ruff  
Chairman House Committee

Originated in the House of Delegates

Takes effect ninety days from passage.

Alfred Wallis  
Clerk of the Senate

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Clerk of the House of Delegates

James Paule  
President of the Senate

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Speaker House of Delegates

The within approved this the 24th day of February, 1943.

Matthew Messey  
Governor.

Filed in the office of the Secretary of State

of West Virginia  
FEB 25 1943

Wm. S. O'Brien,  
Secretary of State