

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1943



ENROLLED

HOUSE BILL No. 28

(By Mr. Paul)



PASSED February 18, 1943

In Effect ninety days from Passage

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House Bill No. 28

(BY MR. PAUL)

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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
3 shall be a commission known as “The West Virginia Real

4 Estate Commission," which shall be a corporation, and, as
5 such, may sue and be sued, contract and be contracted
6 with, and shall have a common seal. The commission
7 shall consist of three members who shall be appointed by
8 the governor by and with the advice and consent of the
9 senate. Each member of the board shall be a citizen of the
10 United States and a resident of this state, and two of
11 whom shall have been engaged in the real estate business
12 for a period of at least five years immediately prior to
13 their appointment, and the third shall be a representative
14 of the public generally. Each member shall be appointed
15 for a term of four years. Members in office on the date
16 this section becomes effective shall continue in office until
17 their respective terms expire: *Provided, however,* That at
18 the first expiration of a term, the governor shall appoint
19 the member representing the public generally as herein
20 provided. Any appointment to fill a vacancy shall be for
21 the unexpired term. Members shall serve until their re-
22 spective terms expire and until their successors have been
23 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

45 collected by the commission under the provisions of this
46 act shall be paid into a special fund for the purpose of
47 this act, and all expenditures of the commission shall be
48 paid therefrom. The amount paid to or expended by the
49 commission in any fiscal year shall not exceed the reve-
50 nues derived under the provisions of this act as herein-
51 after provided.

Sec. 9. *Expiration of License; Revocation of Broker's*

2 *License Suspends Salesman's License.*—All licenses is-
3 sued during the year one thousand nine hundred forty-
4 three shall expire on the thirty-first day of December of
5 that year. For the period from January first, one thou-
6 sand nine hundred forty-four, to June thirtieth, one thou-
7 sand nine hundred forty-four, all licenses shall be issued
8 on a semi-annual basis, the fees for which shall be one-
9 half the yearly fees provided for in section eight of this
10 article. On and after July first, one thousand nine hun-
11 dred forty-four, the fiscal year shall constitute the license
12 year under this article, from which date all licenses shall
13 expire at midnight on the thirtieth day of June of each
14 year. The commission shall issue a new license for each

15 ensuing year, in the absence of any reason which might
16 warrant the refusal of the granting of a license, upon the
17 receipt of the annual fee therefor, as herein required.
18 The revocation of a broker's license shall automatically
19 suspend every real estate salesman's license granted to
20 any person by virtue of his employment by the broker
21 whose license has been revoked, pending a change of em-
22 ployer and the issuance of a new license. Such new li-
23 cense shall be issued without charge, if granted during
24 the same year in which the original license was granted.

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

2 —Any person who shall engage in the real estate business
3 as defined by this article, without a license, or who shall
4 violate any other provision of this article, shall be guilty
5 of a misdemeanor for each single violation, and upon con-
6 viction thereof shall be punished by a fine of not less
7 than fifty dollars nor more than five hundred dollars, or
8 by imprisonment for a term not to exceed six months, or
9 both.
10 Justices of the peace shall have concurrent jurisdiction

11 with the circuit, criminal and intermediate courts to en-
12 force the penalties prescribed by this article.

Sec. 14. *Act Designated As Article of Code.*—Chapter
2 one hundred twenty-seven, acts of the Legislature, regu-
3 lar session, one thousand nine hundred thirty-seven, as
4 amended by this act, is hereby declared to be an amend-
5 ment to chapter forty-seven of the code of West Virginia,
6 one thousand nine hundred thirty-one, and designated as
7 article twelve of said chapter.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Rev. F. J. Johnson

Chairman Senate Committee

Frank H. Pottorf

Chairman House Committee

Originated in the House of Delegates

Takes effect ninety days from passage.

W. H. Watkins

Clerk of the Senate

Ed Cluff

Clerk of the House of Delegates

James Paull

President of the Senate

John E. Cawser

Speaker House of Delegates

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

Matthew M. Neely,
Governor.

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Filed in the office of the Secretary of State
of West Virginia FEB 25 1943

Wm. S. O'BRIEN,
Secretary of State