WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1991

ENROLLED
Committee Substitute for
SENATE BILL NO. 33

(By Senator Pritt, et al.)

PASSED March 4, 1991
In Effect 90 days from Passage
ENROLLED

COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 33

(BY SENATORS PRITT, M. MANCHIN, BLATNIK

AND J. MANCHIN, original sponsors)

[Passed March 4, 1991; in effect ninety days from passage.]

AN ACT to amend and reenact section seventeen, article
twelve, chapter forty-seven of the code of West Vir­
ginia, one thousand nine hundred thirty-one, as
amended, relating to real estate brokers and real estate
salespersons; setting forth when actions for fees, com­
missions or other compensation may be brought; pro­
viding for the suspension of a salesperson's license upon
revocation of the employing broker's license; setting
forth specifications of listing agreements; requiring
broker or salesperson to disclose whom he or she
represents; permitting party not represented by the
broker or salesperson to terminate relationship upon
such disclosure; specifying when delivery of offer and
acceptance thereof shall be made; and requiring all
terms and conditions of a transaction to be included in
the offer to purchase.

Be it enacted by the Legislature of West Virginia:

That section seventeen, article twelve, chapter forty-
seven of the code of West Virginia, one thousand nine
hundred thirty-one, as amended, be amended and re-
enacted to read as follows:
ARTICLE 12. REAL ESTATE COMMISSION, BROKERS AND SALESPERSONS.

§47-12-17. Actions for commissions; revocation of broker's license as suspending salesperson's licenses; listing agreements; broker or salesperson to disclose agency status; purchase agreements.

No person, partnership, association or corporation shall bring or maintain an action in any court of this state for the recovery of a commission, a fee, or compensation for any act done or service rendered, the doing or rendering of which is prohibited under the provisions of this article to other than licensed real estate brokers, unless such person was duly licensed hereunder as a real estate broker at the time of the doing of such act or the rendering of such service.

(a) No real estate salesperson shall have the right to institute suit in his or her own name for the recovery of a fee, commission, or compensation for the services as a real estate salesperson, but any such action shall be instituted and brought by the broker employing such salesperson: Provided, That a real estate salesperson shall have the right to institute suit in his or her own name for the recovery of a fee, commission or compensation for services as a real estate salesperson due him or her from the broker by whom he or she is employed.

(b) The revocation of a broker's license shall automatically suspend every real estate salesperson's license granted to any person by virtue of his or her 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.

(c) A broker or salesperson who obtains a listing shall, at the time of securing such listing, give the person or persons signing such listing a true, legible copy thereof. Every listing agreement, exclusive or nonexclusive, shall have set forth in its terms a definite expiration date; it shall contain no provision
requiring the party signing such listing to notify the broker of his or her intention to cancel such listing after such definite expiration date; however, an exclusive listing agreement may provide that upon the expiration of the exclusive feature the listing shall continue to a definite expiration date as a nonexclusive listing only.

(d) A broker or salesperson shall promptly, or at least prior to any purchaser signing a written offer to purchase, disclose in writing to all parties to a real estate transaction, on a form promulgated by the commission, whether the broker or salesperson represents the seller, the buyer, or both: Provided, That after such disclosure, but prior to any purchaser signing a written offer to purchase, the party not represented by the broker or salesperson may terminate, without incurring any liability, his or her relationship with such broker or salesperson.

(e) A broker or salesperson shall promptly tender to the seller every written offer to purchase obtained on the property involved and, upon obtaining a proper acceptance of the offer to purchase, shall promptly deliver true executed copies of same, signed by the seller and purchaser, to both purchaser and seller; all brokers and salespersons shall make certain that all of the terms and conditions of the real estate transaction are included in such offer to purchase.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

In the House of Delegates

President of the Senate

Speaker House of Delegates

The within is approved this the ........ day of ........, 1991.

Governor