

HB 4606 S

FILED

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OFFICE WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

SECOND REGULAR SESSION, 2006



ENROLLED

House Bill No. 4606

(By Delegates Beane, Yost, Talbott, Blair,
Ennis, Iaquina and Swartzmiller)



Passed March 10, 2006

In Effect Ninety Days from Passage

FILED

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E N R O L L E D

H. B. 4606

(BY DELEGATES BEANE, YOST, TALBOTT, BLAIR,
ENNIS, IAQUINTA AND SWARTZMILLER)

[Passed March 10, 2006; in effect ninety days from passage.]

AN ACT to amend and reenact §30-40-20 of the Code of West Virginia, 1931, as amended, relating to the Real Estate Licensing Act generally; and eliminating the requirement that complaints be verified.

Be it enacted by the Legislature of West Virginia:

That §30-40-20 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

ARTICLE 40. WEST VIRGINIA REAL ESTATE LICENSE ACT.

§30-40-20. Complaints; investigation.

- 1 (a) The commission may upon its own motion and shall
- 2 upon the filing of a complaint setting forth a cause of action
- 3 under this article or the rules promulgated thereunder, ascertain
- 4 the facts and if warranted hold a hearing for the suspension or
- 5 revocation of a license, or the imposition of sanctions against a
- 6 licensee.

7 (b) The commission shall consider complaints which are
8 submitted in writing and set forth the details of the transaction.

9 (c) Upon initiation or receipt of the complaint, the commis-
10 sion shall provide a copy of the complaint to the licensee for his
11 or her response to the allegations contained in the complaint.
12 The accused party shall file an answer within twenty days of the
13 date of service. Failure of the licensee to file a timely response
14 may be considered an admission of the allegations in the
15 complaint: *Provided*, That nothing contained herein shall
16 prohibit the accused party from obtaining an extension of time
17 to file a response, if the commission, its executive director or
18 other authorized representative permits the extension.

19 (d) The commission may cause an investigation to be made
20 into the facts and circumstances giving rise to the complaint
21 and any person licensed by the commission has an affirmative
22 duty to assist the commission, or its authorized representative,
23 in the conduct of its investigation.

24 (e) After receiving the licensee's response and reviewing
25 any information obtained through investigation, the commission
26 shall determine if probable cause exists that the licensee has
27 violated any provision of this article or the rules.

28 (f) If a determination that probable cause exists for disci-
29 plinary action, the commission may hold a hearing in compli-
30 ance with section twenty-one of this article or may dispose of
31 the matter informally through a consent agreement or other-
32 wise.

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

Randy White

Chairman Senate Committee

R. Bray

Chairman House Committee

Originating in the House.

In effect ninety days from passage.

Russell E. Gibson

Clerk of the Senate

Bruce W. Sawyer

Clerk of the House of Delegates

Carl Ray Tomblin

President of the Senate

Robert L. Williams

Speaker of the House of Delegates

The within is approved this the 5th

day of April, 2006.

Paul M. Hancock

Governor

PRESENTED TO THE
GOVERNOR

MAR 22 2006

Time 3:55 pm