

# **WEST VIRGINIA LEGISLATURE**

**2017 REGULAR SESSION**

**Committee Substitute**

**for**

**House Bill 2799**

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[Introduced March 6, 2017; Referred to the  
Committee on Education then the Judiciary.]



1 A BILL to amend and reenact §21-6-3 of the Code of West Virginia, 1931, as amended, all relating  
2 generally to the issuance of a minor's work permit; prohibiting the superintendent of  
3 schools from requiring a physical examination to be included with the application for a  
4 minor's work permit unless required by the prospective employer; and removing the  
5 requirement that the superintendent of schools certify that the minor personally appeared  
6 before him or her prior to the issuance, modification, or rejection of a work permit.

*Be it enacted by the Legislature of West Virginia:*

1 That §21-6-3 of the Code of West Virginia, 1931, as amended, be amended and reenacted  
2 to read as follows:

**ARTICLE 6. CHILD LABOR.**

**§21-6-3. Issuance of work permit.**

1 (a) A child fourteen or fifteen years of age may be employed or permitted to work in any  
2 gainful occupation, except as provided in section two of this article, when the person, firm or  
3 corporation by whom the child is employed or permitted to work, obtains and keeps on file and  
4 accessible to officers charged with the enforcement of this article, a work permit issued by the  
5 superintendent of schools of the county in which the child resides, or by some person authorized  
6 by him or her in writing. Whenever a work permit has been issued, or wherever an age certificate  
7 has been issued under the provisions of section five of this article, it shall be conclusive as to the  
8 age of the child on whose behalf the work permit or age certificate was issued.

9 (b) The superintendent of schools, or person authorized by him or her in writing, shall  
10 issue the work permit only upon receipt of the following documents:

11 (1) A written statement, signed by the person for whom the child expects to work, that he  
12 or she intends legally to employ the child;

13 (2) A brief written description of the job the child is expected to perform;

14 (3) A birth certificate, or attested transcript thereof, issued by the registrar of vital statistics  
15 or other officer charged with the duty of recording births;

16 (4) A certificate signed by the principal or registrar of the school attended showing that the  
17 child is attending school; and

18 (5) The written consent of the parent or parents, guardian or custodian of the child.

19 (c) Unless required by the minor's prospective employer, the superintendent of schools  
20 may not require a physical examination to be included with the application for a work permit.

21 (d) The superintendent of schools is not required to certify that the minor personally  
22 appeared before him or her prior to the issuance, modification, or rejection of a work permit.

NOTE: The purpose of this bill is to prohibit the superintendent of schools from requiring a physical examination to be included to the application for a minor's work permit, unless it is required by the prospective employer, and remove the requirement that the superintendent of schools certify that the minor appeared before him or her.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.