

WEST VIRGINIA LEGISLATURE

2017 REGULAR SESSION

Introduced

House Bill 2799

BY DELEGATES FOSTER, G., HIGGINBOTHAM,
HOUSEHOLDER, KESSINGER, HILL, FOSTER, N., COWLES,
FAST, SUMMERS, MILLER, R. AND ISNER

[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, relating
2 to prohibiting the superintendent of schools from requiring a physical examination to be
3 included to the application for a minor's work permit unless required by the prospective
4 employer.

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 to the application for a work permit.

NOTE: This 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.

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