

# **WEST VIRGINIA LEGISLATURE**

**2017 REGULAR SESSION**

**ENROLLED**

**Committee Substitute**

**for**

**House Bill 4169**

BY DELEGATES BARRETT, SHOTT, OVERINGTON, MOORE,

KESSINGER, LANE, QUEEN, UPSON, LOVEJOY,

CANESTRARO AND R. MILLER

[Passed March 5, 2018; in effect ninety days from passage.]



1 AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto a new  
2 section, designated §15-9A-4, relating to requiring certain businesses and establishments  
3 to post human trafficking assistance notices; establishing where notices must be posted  
4 and contents of notice; requiring the Director of the Division of Justice and Community  
5 Services to provide certain resources for giving notice on the Division's website;  
6 authorizing certain state and local agents to give notice of violations; providing for criminal  
7 penalties for failure to comply with posting of notices once given notice of lawful duty to  
8 post; and defining terms.

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

**ARTICLE 9A. DIVISION OF JUSTICE AND COMMUNITY SERVICES.**

**§15-9A-4. Human Trafficking Assistance Notices.**

1 (a) For the purpose of assisting victims of human trafficking to obtain help and services,  
2 the following businesses and establishments shall post a notice meeting the requirements of this  
3 section:

4 (1) All locations licensed by the Alcohol Beverage Control Commission to allow  
5 consumption of alcoholic beverages, pursuant to chapter 60 of this code;

6 (2) Exotic entertainment facilities, as defined by §60-4-23 of this code;

7 (3) Primary airports;

8 (4) Passenger rail stations;

9 (5) Bus stations;

10 (6) Locations where gasoline and diesel fuel are sold;

11 (7) Emergency departments within hospitals;

12 (8) Urgent care centers;

13 (9) Locations at which farm labor contractors and day haulers work, if a physical facility is  
14 available at those locations upon or in which notice can be posted;

15 (10) Privately operated job recruitment centers;

16 (11) Rest areas located along interstate highways in this state, operated by the Division  
17 of Highways;

18 (12) Hotels; and

19 (13) Any other business or establishment that the director determines, by legislative rule,  
20 is an effective location to provide notice to victims of human trafficking.

21 (b) *Requirements for posting of notice.* – The notice required by this section must be  
22 posted in English, Spanish, and any other language determined by legislative rule by the director.  
23 The notice must be posted in each public restroom for the business or establishment, and either  
24 in a conspicuous place near the public entrance of the business or establishment or in another  
25 location in clear view of the public and employees, where similar notices are customarily posted.

26 (c) The director shall provide hyperlinks on the division’s website to downloadable posters  
27 that are eight and one-half inches by 11 inches in size that provide information regarding the  
28 National Human Trafficking Resource Center and display the telephone number for the National  
29 Human Trafficking Resource Center hotline. These downloadable posters must be available in  
30 English, Spanish, and any other language determined by legislative rule by the director. These  
31 downloadable posters, if printed and posted, will satisfy the posting requirements of this section.

32 (d) Any law-enforcement officer, representative of the state health department or of a  
33 county health department, representative of the State Alcoholic Beverage Control Commission,  
34 representative of the Division of Labor, or other state representative inspecting a business or  
35 establishment or otherwise lawfully acting under his or her state authority, may notify, in writing,  
36 any business or establishment that it has failed to comply with the requirements of this section. If  
37 the business or establishment does not correct the violation within 30 days from the date of receipt  
38 of such written notice, the owner shall be charged with a violation of this section and upon  
39 conviction, is guilty of a misdemeanor offense and may be punished by a fine of not more than  
40 \$250. Upon a second or subsequent conviction, the owner is guilty of a misdemeanor and shall  
41 be punished by a fine of not more than \$500. The notice required by this subsection must be

42 delivered to the noncomplying business or establishment by certified mail, with return receipt  
43 requested.

44 (e) For the purposes of this section, and unless a different meaning is plainly required:

45 (1) "Day hauler" means any person who is employed by a farm labor contractor to  
46 transport, or who, for a fee, transports, by motor vehicle, workers to render personal services in  
47 connection with the production of any farm products to, for, or under the direction of a third person;  
48 *Provided*, That such term shall not include a person engaged in the production of agricultural  
49 products;

50 (2) "Farm labor contractor" means any person who, for a fee, employs workers to render  
51 personal services in connection with the production of any farm products to, for, or under the  
52 direction of a third person, or who recruits, solicits, supplies, or hires workers on behalf of an  
53 employer engaged in the growing or producing of farm products, and who, for a fee, provides in  
54 connection therewith one or more of the following services: furnishes board, lodging, or  
55 transportation for those workers; supervises, times, checks, counts, weighs, or otherwise directs  
56 or measures their work; or disburses wage payments to such persons: *Provided*, That such term  
57 shall not include a person engaged in the production of agricultural products;

58 (3) "Hospital" shall have the same meaning as set forth in §16-2D-2(21) of this code.

59 (4) "Hotel" means any establishment which offers overnight accommodations to the public  
60 in exchange for a monetary payment;

61 (5) "Primary airport" shall have the same meaning as set forth in 49 U.S.C. § 47102(16);  
62 and

63 (6) "Production of agricultural products" means raising, growing, harvesting, or storing of  
64 crops; feeding, breeding, or managing livestock, equine, or poultry; producing or storing feed for  
65 use in the production of livestock.



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

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*Chairman, House Committee*

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*Chairman, Senate Committee*

Originating in the House.

In effect ninety days from passage.

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*Clerk of the House of Delegates*

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*Clerk of the Senate*

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*Speaker of the House of Delegates*

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*President of the Senate*

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The within ..... this the.....  
day of ....., 2018.

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*Governor*