

WEST VIRGINIA LEGISLATURE

2018 REGULAR SESSION

ENROLLED

House Bill 4436

BY DELEGATES FRICH, ATKINSON, BYRD, COOPER, A.

EVANS, HAMILTON, LOVE, MAYNARD, PUSHKIN, STATLER

AND WARD

(BY REQUEST OF THE WEST VIRGINIA FIRE MARSHAL)

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

1 AN ACT to amend and reenact §21-6-2 of the Code of West Virginia, 1931, as amended, relating
2 to clarifying when a minor between the ages of 16 and 18 may be employed by or elected
3 as a member of a volunteer fire department to perform fire fighting functions.

Be it enacted by the Legislature of West Virginia:

ARTICLE 6. CHILD LABOR.

§21-6-2. Employment of children under eighteen in certain occupations; determination as to other occupations; appeal to supreme court.

1 (a) A child under eighteen years of age may not be employed, permitted or suffered to
2 work in, about, or in connection with any of the following occupations:

3 (1) Motor vehicle driver and outside helper whose work includes riding on a motor vehicle
4 outside the cab for the purpose of assisting in transporting or delivery of goods;

5 (2) The manufacture, storage, handling or transportation of explosives or highly flammable
6 substances;

7 (3) Ore reduction works, smelters, hot rolling mills, furnaces, foundries, forging shops, or
8 in any other place in which the heating, melting or heat treatment of metals is carried on;

9 (4) Logging and saw milling occupations;

10 (5) Power-driven woodworking machine occupations;

11 (6) Occupations involving exposure to radioactive substances and ionizing radiations;

12 (7) Power-driven hoisting apparatus occupations;

13 (8) Power-driven metal-forming, punching, and shearing machine occupations;

14 (9) Mining, including coal mining;

15 (10) Occupations involving slaughtering, meat-packing, or processing or rendering;

16 (11) Power-driven bakery machines;

17 (12) Power-driven paper-products machine occupations;

18 (13) Occupations involved in the manufacturing of brick, tile, and kindred products;

19 (14) Occupations involved in the operation of power-driven circular saws, band saws, and
20 guillotine shears;

21 (15) Occupations involved in wrecking, demolition, and ship-breaking operations;

22 (16) Roofing operations above ground level; and

23 (17) Excavation operations.

24 (b) A child under eighteen years of age may not be employed or permitted to work in a
25 bar, or be permitted, employed or suffered to sell, dispense or serve alcoholic beverages in any
26 place or establishment where the consumption of alcoholic beverages is permitted by law.

27 (c) A child under eighteen years of age may not be employed or permitted to work in any
28 occupation prohibited by law or determined by the commissioner to be dangerous or injurious:
29 *Provided*, That a child between the ages of sixteen and eighteen years who is enrolled in,
30 participating in, or has completed the minimum training requirements of the West Virginia State
31 Fire Commission, West Virginia Department of Education Public Service Training, or West
32 Virginia University fire service extension, or equivalent approved program, and who has the
33 written consent of his or her parents or guardian may be employed by or elected as a member of
34 a volunteer fire department to perform fire fighting functions: *Provided, however*, That no child
35 may be permitted to operate any fire fighting vehicles, enter a burning building in the course of
36 his or her employment or work or enter into any area determined by the fire chief or fireman in
37 charge at the scene of a fire or other emergency to be an area of danger exposing the child to
38 physical harm by reason of impending collapse of a building or explosion, unless the child is under
39 the immediate supervision of a fire line officer.

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

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

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Governor