

# **WEST VIRGINIA LEGISLATURE**

## **2018 REGULAR SESSION**

**Introduced**

### **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 MARSHALL)

[Introduced February 6, 2018; Referred  
to the Committee on Fire Departments and  
Emergency Medical Services then the Judiciary.]



1 A BILL 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) No child under eighteen years of age may be employed, permitted or suffered to work  
2 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) No child under eighteen years of age may be employed or permitted to work in a bar,  
25 or be permitted, employed or suffered to sell, dispense or serve alcoholic beverages in any place  
26 or establishment where the consumption of alcoholic beverages is permitted by law.

27 (c) No child under eighteen years of age may 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 the West Virginia State Fire  
31 Commission, West Virginia Department of Education Public Service Training, or of the West  
32 Virginia University fire service extension, ~~firefighter training section one~~ or its equivalent approved  
33 program, and who has the written consent of his or her parents or guardian may be employed by  
34 or elected as a member of a volunteer fire department to perform fire fighting functions: *Provided*,  
35 *however*, That no child may be permitted to operate any fire fighting vehicles, enter a burning  
36 building in the course of his or her employment or work or enter into any area determined by the  
37 fire chief or fireman in charge at the scene of a fire or other emergency to be an area of danger  
38 exposing the child to physical harm by reason of impending collapse of a building or explosion,  
39 unless the child is under the immediate supervision of a fire line officer.

NOTE: The purpose of this bill is to clarify when a minor between the ages of 16 and 18 may be employed by or elected as a member of a volunteer fire department to perform fire fighting functions.

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