

# **WEST VIRGINIA LEGISLATURE**

**2020 REGULAR SESSION**

**ENGROSSED**

**Committee Substitute**

**for**

**House Bill 4020**

BY DELEGATES FOSTER, PHILLIPS, JENNINGS, ATKINSON,

BIBBY, STEELE, BUTLER, WAXMAN, ESPINOSA,

PORTERFIELD AND MANDT

[Originating in the Committee on Government

Organization, January 15, 2020.]



1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,  
2 designated §7-1-3tt; to amend said code by adding thereto a new section, designated §8-  
3 12-20; and to amend said code by adding thereto a new section, designated §30-1-25, all  
4 relating to prohibiting the regulation and licensing of occupations by local governments;  
5 declaring state authority to regulate trades, occupations, and professions; prohibiting  
6 regulation of occupations by county commissions; prohibiting municipalities from enacting  
7 or enforcing laws regulating trades, occupations, and professions; and preserving the  
8 authority of local governments to regulate certain projects, construction, and modifications.

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

## **CHAPTER 7. COUNTY COMMISSIONS AND OFFICERS.**

### **ARTICLE 1. COUNTY COMMISSIONS GENERALLY.**

#### **§7-1-3tt. Restriction on the regulation of trades, occupations, and professions.**

1 Unless specifically authorized under this chapter, a county commission shall not enact,  
2 and shall not enforce, any law, ordinance, regulation, or rule, requiring the licensing, certification,  
3 or registration of any person or business in order to practice or conduct a trade, occupation, or  
4 profession within the jurisdiction of the county: *Provided*, That this section shall not limit the  
5 authority of a county to impose or levy per project fees upon development projects and other  
6 forms of capital improvement affecting the county and its government.

## **CHAPTER 8. MUNICIPAL CORPORATIONS.**

### **ARTICLE 12. GENERAL AND SPECIFIC POWERS, DUTIES AND ALLIED RELATIONS OF MUNICIPALITIES, GOVERNING BODIES AND MUNICIPAL OFFICERS AND EMPLOYEES; SUITS AGAINST MUNICIPALITIES.**

#### **§8-12-20. Restriction on the regulation of trades, occupations, and professions.**

1 Except as expressly provided by this chapter, neither a municipality nor the governing  
2 body of any municipality may, by ordinance or otherwise, enact or enforce any law, ordinance,

3 regulation, or rule, requiring the licensing, certification, or registration of any person or business  
4 in order to practice or conduct a trade, occupation, or profession within the jurisdiction of the  
5 municipality. This section does not limit the authority of a municipality to regulate the repair,  
6 alteration, improvement, demolition or removal of buildings, structures, or of any equipment or  
7 part of a structure as provided in §8-12-14 and §8-12-16 of this code.

## **CHAPTER 30. PROFESSIONS AND OCCUPATIONS.**

### **ARTICLE 1. GENERAL PROVISIONS APPLICABLE TO ALL STATE BOARDS OF EXAMINATION OR REGISTRATION REFERRED TO IN CHAPTER.**

#### **§30-1-25. Primacy of state regulation of occupational practice.**

1 The power to regulate occupations for the protection of the public is exclusively a function  
2 of the Legislature. A public body or political subdivision may only propose and administer the  
3 regulation of a trade, occupation, or profession – including, but not limited to, the issuance of a  
4 license, requirement of registration, or recognition of a certification – to the extent expressly  
5 authorized to do so under this code.

NOTE: The purpose of this bill is to remove authority of municipalities to require occupational licensure if licensure for the occupation is required by the state.

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