

WEST VIRGINIA LEGISLATURE

2020 REGULAR SESSION

Introduced

House Bill 4145

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JEFFRIES, BARTLETT, JENNINGS AND HARDY

[Introduced January 13, 2020; Referred to the
Committee on Government Organization]

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 a new section, designated §30-1-25, all relating
 4 to prohibiting the regulation and licensing of occupations by local government; declaring
 5 state authority to regulate trades, occupations, and professions; prohibiting regulation of
 6 occupations by county commissions; prohibiting municipalities from enacting or enforcing
 7 laws regulating trades, occupations, and professions; and preserving the authority of local
 8 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 article, neither a municipality nor the governing body
 2 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 prohibit the enactment or application of local laws for the registration, certification, or licensing of any trade, occupation, or profession.

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