

WEST VIRGINIA LEGISLATURE

2025 REGULAR SESSION

Enrolled

Committee Substitute

for

Senate Bill 427

BY SENATORS PHILLIPS AND DEEDS

[Passed April 12, 2025; in effect 90 days from
passage]

1 AN ACT to amend and reenact §21-6-3, §21-6-5, and §21-6-10 of the Code of West Virginia,
2 1931, as amended; and to repeal §21-6-4 and §21-6-8a, relating to eliminating
3 requirement that 14- and 15-year-olds obtain a work permit as condition of employment;
4 requiring employers to obtain parental or other consent and age certificate prior to
5 employing 14- or 15-year-olds; authorizing State Commissioner of Labor to issue age
6 certificates for children aged 14 and over; setting requirements for age certificate contents;
7 and providing penalties for a person that illegally issues an age certificate.

Be it enacted by the Legislature of West Virginia:

ARTICLE 6. CHILD LABOR.

§21-6-3. Parental consent for employment of children under 16.

1 A child 14 or 15 years of age may be employed or permitted to work in any gainful
2 occupation, except as provided in §21-6-2 of this code, when the person, firm, or corporation by
3 whom the child is employed or permitted to work, obtains and keeps on file and accessible to
4 officers charged with the enforcement of this article, the written consent of the parent or parents,
5 guardian, or custodian of the child.

§21-6-4. Contents of work permit; forms; filing; records; revocation.

1 [Repealed.]

§21-6-5. Age certificate for employers; contents of certificate; forms; records; filing; inquiry as to age; revocation of certificate.

1 (a) A child 14 or 15 years of age may be employed or permitted to work in any gainful
2 occupation, except as provided in §21-6-2 of this code, when the person, firm, or corporation by
3 whom the child is employed or permitted to work, obtains and keeps on file and accessible to
4 officers charged with the enforcement of this article, an age certificate issued by the State
5 Commissioner of Labor or a person authorized by him or her in writing. Upon request of any
6 employer who is desirous of employing a child who represents his or her age to be 16 years or

over, the commissioner or a person authorized by him or her in writing shall issue to the employer an age certificate in accordance with the provisions of this article.

(b) The commissioner, or a person authorized by him or her in writing to issue an age certificate under this article, shall issue the certificate only upon obtaining proof of age of the child in the form of a birth certificate, or attested transcript thereof, issued by the registrar of vital statistics or other officer charged with the duty of recording births. The age certificate shall set forth the full name and the date and place of birth of the child, with the name and address of his or her parents or parent, or guardian or custodian. It shall certify that the child has submitted for review proof of age, school attendance, prospective employment, brief description of job supplied by the employer, parental or other consent for children under 16 years of age as required by §21-6-3 of this code, and applicable work hours for children under 16 years of age as provided for in §21-6-7 of this code, with such work hours to be printed on the age certificate.

(c) The commissioner shall prepare printed forms for age certificates and make them available by posting on the Division of Labor's website or other method determined pursuant to rule. A record of all age certificates issued shall be kept in the office of the commissioner.

(d) The age certificate, when filed in the office of the employer, must be accepted by an officer charged with the enforcement of this article as evidence of the age of the child in whose name it was issued.

(e) Any officer charged with the enforcement of this article may inquire into the true age of a child apparently under the age of 16 years who is employed or permitted to work in any gainful occupation and for whom no age certificate is on file; and if the age of the child is found to be actually under 16 years, the employment of the child shall be considered a violation of the provisions of this article.

(f) The commissioner may at any time revoke any age certificate if in his or her judgment it was improperly issued, and for this purpose he or she is authorized to investigate the true age

32 of any child employed, to hear evidence, and to require the production of relevant books and
33 documents. If an age certificate is revoked, the issuing officer shall be notified of the action.

§21-6-8a. Blanket work permits.

1 [Repealed.]

§21-6-10. Offenses; penalties.

1 Any person who violates a provision of this article, or any parent, guardian, or custodian
2 of a child who permits the child to work in violation of the provisions of this article, or any other
3 person who illegally issues an age certificate, or any person who furnishes false evidence in
4 reference to the age, birthplace, job description, consent, or educational qualifications of a child
5 under this article, shall be guilty of a misdemeanor and, upon conviction thereof, shall for the first
6 offense be fined not less than \$50 nor more than \$200. A person convicted of a second or
7 subsequent offense shall be fined not less than \$200 nor more than \$1,000 or confined in the
8 county or regional jail for not more than six months, or both fined and confined.

The Clerk of the Senate and the Clerk of the House of Delegates hereby certify that the foregoing bill is correctly enrolled.

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Clerk of the Senate

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Clerk of the House of Delegates

Originated in the Senate.

In effect 90 days from passage.

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President of the Senate

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Speaker of the House of Delegates

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Day of, 2025.

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Governor