

# **WEST VIRGINIA LEGISLATURE**

**2025 REGULAR SESSION**

**Committee Substitute**

**for**

**Senate Bill 427**

BY SENATOR PHILLIPS

[Reported February 25, 2025, from the Committee on  
the Workforce]



1 A BILL to amend and reenact §21-6-3, §21-6-5, and §21-6-10 of the Code of West Virginia, 1931,  
2 as amended; and to repeal §21-6-4 and §21-6-8a, relating to eliminating requirement that  
3 14- and 15-year-olds obtain a work permit as condition of employment; requiring  
4 employers to obtain parental or other consent and age certificate prior to employing 14-  
5 or 15-year-olds; authorizing State Commissioner of Labor to issue age certificates for  
6 children aged 14 and over; setting requirements for age certificate contents; and providing  
7 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. ~~Issuance of work permit~~ 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, ~~a work permit issued by the Superintendent~~  
5 ~~of Schools of the county in which the child resides, by some person authorized by him or her in~~  
6 ~~writing, or by a person authorized to issue education credentials to that child upon completion of~~  
7 ~~the secondary education program pursuant to §18-8-12 of this code. Whenever a work permit~~  
8 ~~has been issued, or wherever an age certificate has been issued under the provisions of §21-6-5~~  
9 ~~of this code, it shall be conclusive as to the age of the child on whose behalf the work permit or~~  
10 ~~age certificate was issued.~~

11 ~~(b) The Superintendent of Schools, person authorized by him or her in writing, or other~~  
12 ~~person authorized to issue a work permit pursuant to subsection (a) of this section shall issue the~~  
13 ~~work permit only upon review of the following documents:~~

14 ~~(1) A written statement, signed by the person for whom the child expects to work, that he~~  
15 ~~or she intends legally to employ the child;~~

16 ~~(2) A brief written description of the job the child is expected to perform;~~

~~(3) A birth certificate, or attested transcript thereof, issued by the registrar of vital statistics or other officer charged with the duty of recording births;~~

~~(4) A certificate signed by the principal of the school attended showing that the child is attending school: *Provided*, That the requirement for review of this certificate does not apply in the case of a homeschooled student exempt from compulsory school attendance pursuant to §18-8-1(e) of this code; and~~

~~(5) the written consent of the parent or parents, guardian, or custodian of the child.~~

~~(c) No person authorized to issue a work permit pursuant to subsection (a) of this section may require a physical examination to be included in the application for a work permit.~~

~~(d) No person authorized to issue a work permit pursuant to subsection (a) of this section is required to certify that the minor personally appeared before him or her prior to the issuance, modification, or rejection of a work permit.~~

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

[Repealed.]

**§21-6-5. Age certificate for employers; contents of certificate; forms; records; filing; inquiry as to age; revocation of certificate; ~~supervision by State Superintendent of Schools.~~**

(a) A child 14 or 15 years of age may be employed or permitted to work in any gainful occupation, except as provided in §21-6-2 of this code, when the person, firm, or corporation by whom the child is employed or permitted to work, obtains and keeps on file and accessible to officers charged with the enforcement of this article, an age certificate issued by the State Commissioner of Labor or a person authorized by him or her in writing. Upon request of any employer who is desirous of employing a child who represents his or her age to be 16 years or over, ~~the officer or other person charged with the issuance of work permits shall require of the child the proof of age specified in §21-6-3 of this code, and, upon review thereof, if it be found that the child is actually 16 years of age or over,~~ commissioner or a person authorized by him or

her in writing shall issue to the employer a certificate showing the age and date and place of birth of the child 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, 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.

~~(b)~~ (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 work permit or 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.

~~(e)~~ (f) The State commissioner of Labor 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 of any child employed ~~as in the case of work permits,~~ to hear evidence,

36 and to require the production of relevant books and documents. If an age certificate is revoked,  
37 the issuing officer shall be notified of the action.

38 ~~(d) The issuance of work permits and of age certificates shall be under the supervision of~~  
39 ~~the State Superintendent of Schools.~~

**§21-6-8a. Blanket work permits.**

1 [Repealed.]

**§21-6-10. Offenses; penalties.**

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

10 ~~(b) For the second or subsequent offense, a person convicted of violating a provision of~~  
11 ~~this article shall be fined not less than \$200 nor more than \$1,000 or confined in the county or~~  
12 ~~regional jail for not more than six months, or both fined and confined.~~