

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1939

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**ENROLLED**

HOUSE BILL No. 233

(By Mr. Walker)

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PASSED Feb. 23, 1939

In Effect ninety days from Passage

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AN ACT to amend chapter twenty-one of the code of West Virginia, one thousand nine hundred thirty-one, by adding thereto a new article designated article seven, relating to industrial homework.

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

That chapter twenty-one of the code of West Virginia, one thousand nine hundred thirty-one, be amended by the addition of a new article designated article seven, to read as follows:

**Article 8. Industrial Home Work.**

Section 1. *Police Power.* The provisions of this article are  
2 designed to protect the health and welfare of the people of  
3 the state, and are in necessary exercise of the state's police  
4 power.

Sec. 2. *Definitions.* For the purposes of this article :

2    “Employer” means any person who, directly or indirectly,  
3    or through an employee, agent, independent contractor or  
4    any other person, delivers to another person any materials  
5    or articles to be manufactured in a home, not for the personal  
6    use of himself or a member of his family ; but shall not include  
7    the several departments, agencies and institutions of the state  
8    of West Virginia, nor any of its political subdivisions ;

9    “Home” means any room, house, apartment or other  
10   premises, whichever is the most extensive, used in whole or  
11   in part as a place of dwelling ;

12   “Industrial Homework” means any manufacture, in the  
13   home, of materials or articles for an employer ;

14   “Commissioner” means the state commissioner of labor.

Sec. 3. *Prohibited Homework.* The manufacture, or de-  
2   livery for manufacture, of any of the following by industrial  
3   homework shall be unlawful and no permit or certificate  
4   issued under this article shall be deemed to authorize such  
5   manufacture or delivery :

6    (1) Tobacco ;

7    (2) Drugs and poisons ;

- 8 (3) Bandages and other sanitary goods;
- 9 (4) Explosives, fireworks, and articles of like character;
- 10 (5) Any other articles, the manufacture of which, in  
11 industrial homework, is in violation of this article or of any  
12 other labor law or of any health law of the state.

Sec. 4. *Investigations by Commissioner.* To carry out the  
2 purposes of this article, the commissioner shall have the power  
3 to make investigations into all phases of industrial homework  
4 in this state, including the investigation of any industry  
5 which employs industrial homeworkers.

6 No person shall interfere with or obstruct the commis-  
7 sioner or his authorized representatives in the carrying out  
8 of any investigation under this section.

Sec. 5. *Duty of Commissioner.* Whenever, after investi-  
2 gation, or on the basis of other information in his possession,  
3 the commissioner finds that a person has violated any pro-  
4 vision of section three, he shall take appropriate action to  
5 bring about the enforcement of such provision.

Sec. 6. *Employer's Permit.* No employer shall deliver or  
2 cause to be delivered to a person in this state any materials  
3 for manufacture by industrial homework unless and until

4 such employer has obtained an employer's permit from the  
5 commissioner. Application for such permit shall be in the  
6 form prescribed by the commissioner.

7 An employer's permit shall be issued only after payment  
8 by the employer of a fee of fifty dollars, and shall be valid  
9 for a period of one year from its date of issuance unless  
10 sooner revoked or suspended pursuant to section ten. All fees  
11 collected under this section shall be paid forthwith into the  
12 state treasury to the credit of the general fund.

Sec. 7. *Scope of Permit; Labels.* No employer shall deliver  
2 or cause to be delivered, in this state, any materials for  
3 manufacture by industrial homework unless the person to be  
4 engaged in such manufacture is in possession of a valid home-  
5 worker's certificate issued in accordance with this article.

6 No employer shall deliver or cause to be delivered to any  
7 person any materials for manufacture by industrial home-  
8 work unless there has been conspicuously affixed to each  
9 article, or, if this is not practicable, to the package or other  
10 container in which such materials are delivered, a label or  
11 other mark of identification bearing the employer's name and  
12 address printed or written legibly in English.

Sec. 8. *Homeworker's Certificate.* No person shall engage  
2 in industrial homework in this state unless and until he has  
3 obtained a homeworker's certificate from the commissioner.  
4 Application for such certificate shall be made in the form  
5 prescribed by the commissioner.

6 A homeworker's certificate shall be issued free of charge,  
7 and shall be valid for a period of one year from its date of  
8 issuance unless sooner revoked or suspended pursuant to  
9 section ten.

Sec. 9. *Unlawfully Manufactured Articles.* Any article  
2 which is being, or is to be, manufactured in a home in viola-  
3 tion of any provision of this article may be removed by the  
4 commissioner and retained by him. The commissioner shall,  
5 by registered mail, notify the employer of such removal and  
6 retention. Unless the articles so removed and retained are  
7 claimed within thirty days after the notification, they may  
8 be destroyed or otherwise disposed of.

Sec. 10. *Authority of Commissioner.* The commissioner is  
2 authorized to revoke or suspend any employer's permit or  
3 homeworker's certificate for the violation of a provision of

4 this article.

5 The commissioner is further authorized to prescribe the  
6 form of application for employers' permits and homeworkers'  
7 certificates, and to prescribe the form of and to issue such  
8 permits and certificates; and to do all other acts required of  
9 him under the provisions of this article.

10 Sec. 11. *Penalties.* A person who violates any provision of  
11 this article shall be guilty of a misdemeanor, and upon con-  
12 viction of such violation shall be fined not less than five nor  
13 more than fifty dollars and confined in jail not more than  
14 thirty days, or by both such fine and imprisonment in the  
15 discretion of the court.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

*Frank Millender*  
Acting Chairman Senate Committee

*Deed O. Walter*  
Chairman House Committee

Originated in the *House of Delegates*

Takes effect *ninety days from* passage.

*Chancelor Finley*  
Clerk of the Senate

*Wm. S. Hance*  
Clerk of the House of Delegates

*Wm. S. Hance*  
President of the Senate

*James Tay Thomas*  
Speaker House of Delegates

The within *approved* this the *4th* day of *November*, 1939.

*James A. Cheek*  
Governor.

