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OFFICE OF  
SECRETARY OF STATE  
STATE OF WEST VIRGINIA

# WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1975

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**ENROLLED**

SENATE BILL NO. 487

(By Mr. Sagerson.....)

—•—  
PASSED March 8,..... 1975

In Effect ninety days from Passage

**ENROLLED**  
**Senate Bill No. 487**

(By MR. ROGERSON)

[Passed March 8, 1975; in effect ninety days from passage.]

AN ACT to amend and reenact sections two, three, four and seven, article six, chapter twenty-one of the code of West Virginia, one thousand nine hundred thirty-one, as amended; and to further amend said article by adding thereto two new sections, designated sections eight-a and eleven, all relating to child labor, employment of minors in certain occupations, work permits, contents of permits, hours and days of labor by minors, blanket work permits, and rules and regulations.

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

That sections two, three, four and seven, article six, chapter twenty-one of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto two new sections, designated sections eight-a and eleven, all to read as follows:

**ARTICLE 6. CHILD LABOR.**

**§21-6-2. Employment of children under eighteen in certain occupations; determination as to other occupations; appeal to supreme court.**

1 No child under eighteen years of age shall be employed,  
2 permitted or suffered to work in any mine, quarry or  
3 tunnel; or in, about, or in connection with any of the  
4 following:

5 (1) Stone cutting or polishing;

6 (2) The manufacture or transportation of explosives  
7 or highly inflammable substances;

8     (3) Ore reduction works, smelters, hot rolling mills,  
9     furnaces, foundries, forging shops, or in any other place  
10    in which the heating, melting or heat treatment of metals  
11    is carried on;

12    (4) Machinery used in the cold rolling of heavy metal  
13    stock, metal plate bending machines, or power-driven  
14    metal planing machines.

15    No child under eighteen years of age shall be employed  
16    or permitted to work in a public poolroom or billiard  
17    room, or be permitted, employed or suffered to sell, dis-  
18    pense or serve beer, in any place or establishment where  
19    beer is served, sold or dispensed, if dancing is permitted  
20    or allowed in the same room in which such beer is served,  
21    sold or dispensed, or in any indecent, obscene or immoral  
22    exhibition or practice.

23    The state commissioner of labor, the state director of  
24    health, and the state superintendent of free schools may,  
25    from time to time, after hearing duly had, determine  
26    whether or not any particular trade, process of manufac-  
27    turing, or occupation in which the employment of children  
28    under eighteen years of age is not already forbidden by  
29    law, or any particular method of carrying on such trade,  
30    process of manufacture, or occupation, is sufficiently  
31    dangerous to the lives or limbs, or injurious to the health  
32    or morals of children under eighteen years of age to justify  
33    their exclusion therefrom. No child under eighteen years  
34    of age shall be employed or permitted to work in any  
35    occupation thus determined to be dangerous or injurious  
36    to such children. There shall be a right of appeal to the  
37    supreme court of appeals from any such determination.

**§21-6-3. Issuance of work permit.**

1    No child under sixteen years of age shall be employed or  
2    permitted to work in any gainful occupation, except agri-  
3    culture, horticulture, or domestic service, unless the per-  
4    son, firm or corporation by whom such child is employed  
5    or permitted to work, obtains and keeps on file and acces-  
6    sible to officers charged with the enforcement of this arti-  
7    cle, a work permit issued by the superintendent of schools  
8    of the county in which such child resides, or by some per-  
9    son authorized by him in writing. Before any such work

10 permit has been issued, it shall be necessary to obtain in  
11 writing the consent of the parent or parents, guardian or  
12 custodian of such child. Whenever such work permit has  
13 been issued, or wherever an age certificate has been issued  
14 under the provisions of section five of this article, it shall  
15 be conclusive as to the age of the child on whose behalf  
16 such work permit or age certificate was issued.

17 The superintendent of schools, or person authorized by  
18 him in writing, shall issue such work permit only upon  
19 receipt of the following documents:

20 (1) A written statement, signed by the person for  
21 whom the child expects to work, that he intends legally  
22 to employ such child.

23 (2) (a) A birth certificate, or attested transcript  
24 thereof, issued by the registrar of vital statistics or other  
25 officer charged with the duty of recording births; or

26 (b) A record of baptism, or a certificate or attested  
27 transcript thereof, showing the date of birth and place of  
28 baptism of the child; or

29 (c) A bona fide contemporary record of the date and  
30 place of the child's birth kept in the Bible in which the  
31 records of the births of the family of the child are pre-  
32 served, or other documentary evidence approved by the  
33 state commissioner of labor, such as a passport showing  
34 the age of the child, a certificate of arrival in the United  
35 States issued by the United States immigration officers and  
36 showing the age of the child, or a life insurance policy:  
37 *Provided*, That such other satisfactory documentary evi-  
38 dence shall have been in existence at least one year prior  
39 to the time it is offered in evidence: *Provided further*,  
40 That a school record or parent's, guardian's or custodian's  
41 affidavit, certificate or other written statement of age shall  
42 not be accepted.

43 The issuing officer shall require first the proof of age  
44 specified in subdivision (a) and shall not accept the proof  
45 of age designated in a subsequent subdivision until he  
46 shall be convinced that the proof specified in the pre-  
47 ceding subdivision cannot be obtained.

48 (3) A certificate signed by the principal or a teacher  
49 of the school last attended showing that the child is

50 attending school. In case such certificate cannot be ob-  
51 tained, then the officer issuing the work permit shall ex-  
52 amine such child to determine whether he can read and  
53 write correctly simple sentences in the English language.

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

1 A work permit issued under this article shall set forth  
2 the full name and the date and place of birth of the child,  
3 with the name and address of his parents or parent,  
4 guardian or custodian. It shall certify that the child has  
5 appeared before the officer issuing the permit and sub-  
6 mitted the proofs of age, school and prospective employ-  
7 ment required in section three.

8 Printed forms for such permits and certificates shall  
9 be prepared and furnished by the state commissioner of  
10 labor to the superintendents of schools in the counties of  
11 the state. A copy of each permit issued shall be forwarded  
12 to the state commissioner of labor within four days after  
13 its issuance, and there shall be kept in the office of the  
14 issuing officer a record of all permits granted and of all  
15 applications denied as well as all certificates of age,  
16 schooling, and prospective employment submitted by the  
17 applicants for permits.

18 The state commissioner of labor may at any time revoke  
19 a permit if in his judgment it was improperly issued, and  
20 for this purpose he is authorized to investigate the true  
21 age of any child employed, to hear evidence, and to re-  
22 quire the production of relevant books and documents.  
23 If a permit is revoked, the issuing officer shall be notified  
24 of such action, and the child shall not thereafter be em-  
25 ployed or permitted to labor until a new permit has  
26 been legally obtained or until he is of such age as to be  
27 outside the operation of this article.

**§21-6-7. Hours and days of labor by minors.**

1 No child under the age of sixteen shall be employed or  
2 permitted to work in, about, or in connection with any  
3 gainful occupation, except agriculture, horticulture or  
4 domestic service in a private home, for more than six  
5 days in any one week, nor more than forty hours in any  
6 one week, nor more than eight hours in any one day; nor

7 between the hours of eight o'clock in the evening and  
8 five o'clock in the morning of any day: *Provided*, That a  
9 child under sixteen years of age may be employed in a  
10 concert or in a theatrical performance up to the hour of  
11 eleven o'clock p.m.

12 No child under the age of sixteen years shall be em-  
13 ployed or permitted to work for more than five hours  
14 continuously without an interval of at least thirty minutes  
15 for a lunch period, and no period of less than thirty  
16 minutes shall, for the purposes of this section, be deemed  
17 to interrupt a continuous period of work.

**§21-6-8a. Blanket work permits.**

1 Blanket work permits are required when a large num-  
2 ber (twenty-five or more) of minors are employed for  
3 a short period of time (ninety days or less) by an em-  
4 ployer.

5 The employer, or person authorized by him in writing,  
6 shall forward to the commissioner of labor the following  
7 information:

8 (1) A letter from the employer stating that he is  
9 familiar with the child labor law of West Virginia and  
10 will abide by the law.

11 (2) A list containing the names, birth dates, ages, and  
12 job classification of each minor.

13 The minors to be covered by the blanket work permit  
14 shall not be employed until the permit is received from  
15 the commissioner of labor.

16 The commissioner of labor shall acknowledge the re-  
17 ceipt of the information with a letter which shall be re-  
18 tained on file for the duration of the minors' employment.

**§21-6-11. Rules and regulations.**

1 The commissioner shall make rules and regulations to  
2 the extent necessary to effectuate the purposes of this  
3 article in accordance with the provisions of chapter  
4 twenty-nine-a of the code of West Virginia, one thou-  
5 sand nine hundred thirty-one, as amended, and the pro-  
6 visions thereof.

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

James L. Davis  
Chairman Senate Committee

Clarence C. Christian Jr.  
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

J. C. Dillon Jr.  
Clerk of the Senate

C. A. Blankenship  
Clerk of the House of Delegates

H. R. Brotherton Jr.  
President of the Senate

Lewis F. Thomas  
Speaker House of Delegates

The within approved this the 24th  
March, 1975.  
day of

Arch A. Phares Jr.  
Governor



PRESENTED TO THE  
GOVERNOR

Date 3/18/75

Time 4:55 p.m.