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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. Sayson.....)

—•—
PASSED March 8,..... 1975

In Effect ninety days from Passage

487

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; revo-
cation.**

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. Chestnut 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. B. Brantley Jr.

President of the Senate

Lewis F. Thomas

Speaker House of Delegates

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

Arch A. Phares Jr.

Governor



PRESENTED TO THE
GOVERNOR

Date 3/18/75

Time 4:55 a.m.