

APPROVED AND SIGNED BY THE GOVERNOR

Date 4-28-81

Time \_\_\_\_\_

Mr: 308

**WEST VIRGINIA LEGISLATURE**  
**REGULAR SESSION, 1981**



**ENROLLED**

SENATE BILL NO. 308

(By Mr. Colombo)



PASSED April 11, 1981

In Effect ninty days from Passage



**ENROLLED**  
**Senate Bill No. 308**

(By MR. COLOMBO)

[Passed April 11, 1981; in effect ninety days from passage.]

AN ACT to amend and reenact section two, article six, chapter twenty-one of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to child labor; and permitting children ages sixteen through eighteen to work, with certain limitations, for volunteer fire departments, if they have proper training and the written consent of their parents or guardians.

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

That section two, article six, chapter twenty-one of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted 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 tunnel;
- 3 or in, about, or in connection with any of the following:
- 4 (1) Stone cutting or polishing;
- 5 (2) The manufacture or transportation of explosives or
- 6 highly inflammable substances;
- 7 (3) Ore reduction works, smelters, hot rolling mills,
- 8 furnaces, foundries, forging shops, or in any other place in
- 9 which the heating, melting or heat treatment of metals is
- 10 carried on;
- 11 (4) Machinery used in the cold rolling of heavy metal
- 12 stock, metal plate bending machines, or power-driven metal
- 13 planing machines.

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

21 The state commissioner of labor, the state director of  
22 health, and the state superintendent of free schools may, from  
23 time to time, after hearing duly had, determine whether or not  
24 any particular trade, process of manufacturing, or occupation  
25 in which the employment of children under eighteen years of  
26 age is not already forbidden by law, or any particular method  
27 of carrying on such trade, process of manufacture, or  
28 occupation, is sufficiently dangerous to the lives or limbs, or  
29 injurious to the health or morals of children under eighteen  
30 years of age to justify their exclusion therefrom. There shall  
31 be a right of appeal to the supreme court of appeals from any  
32 such determination. No child under eighteen years of age  
33 shall be employed or permitted to work in any occupation  
34 thus determined to be dangerous or injurious to such  
35 children: *Provided*, That a child between the ages of sixteen  
36 and eighteen years who has completed the minimum training  
37 requirements of the West Virginia University fire service  
38 extension fire-fighter training section one, or its equivalent,  
39 and who has the written consent of his parents or guardian  
40 may be employed by or elected as a member of a volunteer  
41 fire department to perform fire-fighting functions without  
42 any such determination: *Provided, however*, That no such  
43 child may be permitted to operate any fire-fighting vehicles,  
44 enter a burning building in the course of his employment or  
45 work or enter into any area determined by the fire chief or  
46 fireman in charge at the scene of a fire or other emergency to  
47 be an area of danger exposing the child to physical harm by  
48 reason of impending collapse of a building or explosion,  
49 unless such child is under the immediate supervision of a fire  
50 line officer.

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

*R. P. Boyer*  
Chairman Senate Committee

*Tommy E. Whitlow*  
Chairman House Committee

Originated in the Senate.

To take effect ninety days from passage.

*Todd C. Willis*  
Clerk of the Senate

*VA Blankenship*  
Clerk of the House of Delegates

*Thomas R. Berman*  
President of the Senate

*Charles M. See, Jr.*  
Speaker House of Delegates

The within *is approved* this the *28*

day of *April*, 1981.

*John R. Dyer*  
Governor

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SECY. OF STATE