WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1981

ENROLLED
SENATE BILL NO. 308

(By Mr. Clendenin)

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, permitted or suffered to work in any mine, quarry or tunnel; or in, about, or in connection with any of the following:

2. (1) Stone cutting or polishing;

3. (2) The manufacture or transportation of explosives or highly inflammable substances;

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

5. (4) Machinery used in the cold rolling of heavy metal stock, metal plate bending machines, or power-driven metal planing machines.
No child under eighteen years of age shall be employed or permitted to work in a public poolroom or billiard room, or be permitted, employed or suffered to sell, dispense or serve beer, in any place or establishment where beer is served, sold or dispensed, if dancing is permitted or allowed in the same room in which such beer is served, sold or dispensed, or in any indecent, obscene or immoral exhibition or practice.

The state commissioner of labor, the state director of health, and the state superintendent of free schools may, from time to time, after hearing duly had, determine whether or not any particular trade, process of manufacturing, or occupation in which the employment of children under eighteen years of age is not already forbidden by law, or any particular method of carrying on such trade, process of manufacture, or occupation, is sufficiently dangerous to the lives or limbs, or injurious to the health or morals of children under eighteen years of age to justify their exclusion therefrom. There shall be a right of appeal to the supreme court of appeals from any such determination. No child under eighteen years of age shall be employed or permitted to work in any occupation thus determined to be dangerous or injurious to such children: Provided, That a child between the ages of sixteen and eighteen years who has completed the minimum training requirements of the West Virginia University fire service extension fire-fighter training section one, or its equivalent, and who has the written consent of his parents or guardian may be employed by or elected as a member of a volunteer fire department to perform fire-fighting functions without any such determination: Provided, however, That no such child may be permitted to operate any fire-fighting vehicles, enter a burning building in the course of his employment or work or enter into any area determined by the fire chief or fireman in charge at the scene of a fire or other emergency to be an area of danger exposing the child to physical harm by reason of impending collapse of a building or explosion, unless such child is under the immediate supervision of a fire line officer.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

R. P. Bayne
Chairman Senate Committee

Tony E. Whittow
Chairman House Committee

Originated in the Senate.

To take effect ninety days from passage.

Judd L. Wilk
Clerk of the Senate

G. Bland Showalter
Clerk of the House of Delegates

President of the Senate

Henry N. Beck Jr.
Speaker House of Delegates

The within bill is approved this the 28
day of April, 1981.

John R. Dopson
Governor