WEST VIRGINIA LEGISLATURE
Regular Session 2004

ENROLLED
Committee Substitute for
SENATE BILL NO. 71

(By Senator Hunter)

PASSED March 13, 2004

In Effect 90 days from Passage
ENROLLED

COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 71

(SENATOR HUNTER, original sponsor)

(Passed March 13, 2004; in effect ninety days from passage.)

AN ACT to amend and reenact §21-1B-1, §21-1B-2 and §21-1B-3 of the code of West Virginia, 1931, as amended, all relating to verifying legal employment status of workers employed in West Virginia; defining "unauthorized workers"; and permitting division of labor permits as proof of employment.

Be it enacted by the Legislature of West Virginia:

That §21-1B-1, §21-1B-2 and §21-1B-3 of the code of West Virginia, 1931, as amended, be amended and reenacted, all to read as follows:

ARTICLE 1B. VERIFYING LEGAL EMPLOYMENT STATUS OF WORKERS.

§21-1B-1. Findings; policy.

1. The Legislature finds that employers have the responsibility to verify the legal employment status of all persons
who come into their employ and to report their employ-
ment to the appropriate governmental agencies. Employ-
ers are precluded from hiring unauthorized workers and
can be penalized for doing so. Additionally, employers
owe a duty to the residents of the state to uphold the intent
and integrity of the general workforce due to the potential
loss of revenue to the state by loss of taxes, unemployment
premiums and workers' compensation premiums.

§21-1B-2. Definitions.

(a) “Employer” means any individual, person, corpora-
tion, department, board, bureau, agency, commission,
division, office, company, firm, partnership, council or
committee of the state government, public benefit corpora-
tion, public authority or political subdivision of the state
or other business entity which employs or seeks to employ
an individual or individuals.

(b) “Commissioner” means the labor commissioner or his
or her designated agent.

(c) “Unauthorized worker” means a person who does not
have the legal right to be employed or is employed in
violation of law.

(d) “Records” means records that may be required by the
commissioner of labor for the purposes of compliance with
the provisions of this article.

§21-1B-3. Unauthorized workers; employment prohibited.

(a) It is unlawful for any employer to employ, hire,
recruit, or refer, either for him or herself or on behalf of
another, for private or public employment within the state,
an unauthorized worker who is not duly authorized to be
employed by law.

(b) Employers shall be required to verify a prospective
employee’s legal status or authorization to work prior to
employing the individual or contracting with the individ-
ual for employment services.
For purposes of this article, proof of legal status or authorization to work includes, but is not limited to, a valid social security card, a valid immigration or nonimmigration visa including photo identification, a valid birth certificate, a valid passport, a valid photo identification card issued by a government agency, a valid work permit or supervision permit authorized by the division of labor, a valid permit issued by the department of justice or other valid document providing evidence of legal residence or authorization to work in the United States.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within is approved this the 5th Day of April, 2004.

Governor
PRESENTED TO THE
GOVERNOR
DATE 3/22/04
TIME 3:50 pm