

WEST VIRGINIA LEGISLATURE

2020 REGULAR SESSION

Committee Substitute

for

House Bill 4020

BY DELEGATES FOSTER, PHILLIPS, JENNINGS, ATKINSON,

BIBBY, STEELE, BUTLER, WAXMAN, ESPINOSA,

PORTERFIELD AND MANDT

[Originating in the Committee on Government

Organization, January 15, 2020.]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,
2 designated §7-1-3tt; to amend said code by adding thereto a new section, designated §8-
3 12-20; and to amend said code by adding thereto a new section, designated §30-1-25, all
4 relating to prohibiting the regulation and licensing of occupations by local governments;
5 declaring state authority to regulate trades, occupations, and professions; prohibiting
6 regulation of occupations by county commissions; prohibiting municipalities from enacting
7 or enforcing laws regulating trades, occupations, and professions; and preserving the
8 authority of local governments to regulate certain projects, construction, and modifications.

Be it enacted by the Legislature of West Virginia:

CHAPTER 7. COUNTY COMMISSIONS AND OFFICERS.

ARTICLE 1. COUNTY COMMISSIONS GENERALLY.

§7-1-3tt. Restriction on the regulation of trades, occupations, and professions.

1 Unless specifically authorized under this chapter, a county commission shall not enact,
2 and shall not enforce, any law, ordinance, regulation, or rule, requiring the licensing, certification,
3 or registration of any person or business in order to practice or conduct a trade, occupation, or
4 profession within the jurisdiction of the county: *Provided*, That this section shall not limit the
5 authority of a county to impose or levy per project fees upon development projects and other
6 forms of capital improvement affecting the county and its government.

CHAPTER 8. MUNICIPAL CORPORATIONS.

ARTICLE 12. GENERAL AND SPECIFIC POWERS, DUTIES AND ALLIED RELATIONS OF MUNICIPALITIES, GOVERNING BODIES AND MUNICIPAL OFFICERS AND EMPLOYEES; SUITS AGAINST MUNICIPALITIES.

§8-12-20. Restriction on the regulation of trades, occupations, and professions.

1 Except as expressly provided by this article, neither a municipality nor the governing body
2 of any municipality may, by ordinance or otherwise, enact or enforce any law, ordinance,

3 regulation, or rule, requiring the licensing, certification, or registration of any person or business
4 in order to practice or conduct a trade, occupation, or profession within the jurisdiction of the
5 municipality. This section does not limit the authority of a municipality to regulate the repair,
6 alteration, improvement, demolition or removal of buildings, structures, or of any equipment or
7 part of a structure as provided in §8-12-14 and §8-12-16 of this code.

CHAPTER 30. PROFESSIONS AND OCCUPATIONS.

ARTICLE 1. GENERAL PROVISIONS APPLICABLE TO ALL STATE BOARDS OF EXAMINATION OR REGISTRATION REFERRED TO IN CHAPTER.

§30-1-25. Primacy of state regulation of occupational practice.

1 The power to regulate occupations for the protection of the public is exclusively a function
2 of the Legislature. A public body or political subdivision may only propose and administer the
3 regulation of a trade, occupation, or profession – including, but not limited to, the issuance of a
4 license, requirement of registration, or recognition of a certification – to the extent expressly
5 authorized to do so under this code.

NOTE: The purpose of this bill is to remove authority of municipalities to require occupational licensure if licensure for the occupation is required by the state.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.