

# **WEST VIRGINIA LEGISLATURE**

## **2021 REGULAR SESSION**

**Introduced**

**House Bill Number**

INTRODUCED FEBRUARY 10, 2021; REFERRED TO THE

COMMITTEE ON GOVERNMENT ORGANIZATION

[Introduced \_\_\_\_\_, 2021; ]

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 12-22; and to amend said code by adding thereto a new section, designated §30-1-27, all  
 4 relating to prohibiting the regulation and licensing of occupations by local government;  
 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.**

#### **§8-12-22. 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.**

**§30-1-27. 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 prohibit the enactment or application of local laws for the registration, certification, or licensing of any trade, occupation, or profession.

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