

WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

Introduced

House Bill 2087

By Delegate Walker

[Introduced January 11, 2023; Referred to the
Committee on Education]

1 A BILL to amend and reenact §21-6-3 of the Code of West Virginia, 1931 as amended, relating to
 2 authorizing children age 12 or older to referee youth sporting events; and establishing
 3 conditions for eligibility.

Be it enacted by the Legislature of West Virginia:

ARTICLE 6. CHILD LABOR.

§21-6-3. Issuance of work permit.

1 (a) A child fourteen or fifteen years of age may be employed or permitted to work in any
 2 gainful occupation, except as provided in section two of this article, when the person, firm or
 3 corporation by whom the child is employed or permitted to work, obtains and keeps on file and
 4 accessible to officers charged with the enforcement of this article, a work permit issued by the
 5 superintendent of schools of the county in which the child resides, or by some person authorized
 6 by him or her in writing. Whenever a work permit has been issued, or wherever an age certificate
 7 has been issued under the provisions of section five of this article, it shall be conclusive as to the
 8 age of the child on whose behalf the work permit or age certificate was issued.

9 (b) ~~The superintendent of schools~~ Secondary Schools Athletic Commission, or person
 10 authorized by him or her in writing, shall issue the work permit only upon receipt of the following
 11 documents:

12 (1) A written statement, signed by the person for whom the child expects to work, that he or
 13 she intends legally to employ the child;

14 (2) A brief written description of the job the child is expected to perform;

15 (3) A birth certificate, or attested transcript thereof, issued by the registrar of vital statistics
 16 or other officer charged with the duty of recording births;

17 (4) A certificate signed by the principal or registrar of the school attended showing that the
 18 child is attending school; and

19 (5) The written consent of the parent or parents, guardian or custodian of the child.

20 (c) ~~The superintendent of schools~~ Secondary Schools Athletic Commission shall may not

21 require a physical examination to be included in the application for a work permit.

22 (d) The superintendent of schools is not required to certify that the minor personally
23 appeared before him or her prior to the issuance, modification, or rejection of a work permit.

24 (e) Notwithstanding the age limitations of subsection (a) of this section, if the conditions of
25 subdivisions (1) and (2) of this subsection are satisfied, a child who is twelve or more years of age
26 may be employed as a youth athletic program referee, umpire, or official upon compliance with the
27 provisions of this subsection.

28 (1) A child must satisfy all of the following:

29 (A) The child is at least twelve years of age;

30 (B) The child is certified as a referee, umpire, or official by a national certification program;

31 and

32 (C) The child is a referee, umpire, or official for an age bracket younger than the child's own

33 age.

34 (2) In addition, one of the following conditions must also be satisfied:

35 (A) The child works with a person who is:

36 (i) At least eighteen years of age; and

37 (ii) Also working as a referee, umpire, or official at the same athletic event at which the child

38 is working as a referee, umpire, or official; and

39 (iii) Has on file with the person responsible for assigning the child to officiate for the youth

40 athletic program the original or a copy of a written consent to the child's employment as a referee,

41 umpire, or official signed by the child's parent or guardian; or the child's parent or guardian is

42 present during the athletic event at which the child is working as a referee, umpire, or official.

NOTE: The purpose of this bill is to allow children 12 or older to officiate youth athletic events if the child is certified to referee in that sport by a national certification program, and referees or officiates only for events for younger children sporting events; is supervised by an adult or guardian, and is authorized by the superintendent of schools by receipt of a work permit.

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