PHTA 2020 Legislative Recap:
WEST VIRGINIA

During the past legislative session in West Virginia, PHTA was monitoring a wide range of bills that impact your livelihood. Many of the bills we were monitoring failed due to implications with COVID-19. We have outlined some of the key items we’ve been tracking in West Virginia below:

**HB 2024: (Home Improvement Contractors) FAILED** This measure would have allowed an oral contract to be used to perform any home improvement transaction. Specifically, this measure states it is not an unfair or deceptive practice to have an oral contract to perform any home improvement transaction.

**HB 4276: (Those who Specialize in Construction: Building Code Standards) FAILED** The measure authorizes the Fire Commission to enforce a legislative rule relating to state building code. Specifically, this legislative rule establishes the standards considered necessary by the State Fire Commission for the safeguarding of life and property and to ensure compliance with the minimum standards of safe construction of all structures erected or renovated throughout West Virginia. This rule does not include a reprinting of all the requirements imposed by statute or by the incorporation of various nationally recognized standards and codes. The measure failed and is no longer eligible for consideration. A similar measure, **SB 356**, was introduced in the Senate but failed upon adjournment as well.

**SB 313: (Licensing for Trades) FAILED** This measure reorganizing various boards and authorities for the licensing and oversight of trades, occupations, and professions. Specifically, this measure is to reorganize the articles in the current Chapter 30, regarding licensing of professions and occupations, into three separate chapters arranged by duties and educational requirements, both prior to and following licensing. The measure failed upon adjournment and is no longer eligible for consideration.

**SB 318: (Occupational Licensing) FAILED** SB 318 sought to prohibit the enactment or application of local laws for the registration, certification, or licensing of any trade, occupation, or profession. This measure states a county commission will not enact, and will not enforce, any law, ordinance, regulation, or rule, requiring the licensing, certification, or registration of any person or business in order to practice or conduct a trade, occupation, or profession within the jurisdiction of the county: Provided, that this section shall not limit the authority of a county to impose or levy per project fees upon development projects and other forms of capital improvement affecting the county and its government. Also, except as expressly provided by this article, a municipality and the governing body of any municipality also falls
under the provisions outlined above for counties. This section does not limit the authority of a municipality to regulate the repair, alteration, improvement, demolition or removal of buildings, structures, or of any equipment or part of a structure. Furthermore, the power to regulate occupations for the protection of the public is exclusively a function of the Legislature. A public body or political subdivision may only propose and administer the regulation of a trade, occupation, or profession including, but not limited to, the issuance of a license, requirement of registration, or recognition of a certification to the extent expressly authorized to do so under this code.