WEST VIRGINIA CODE: §19-1B-12a

§19-1B-12a. Criminal and civil penalties.

(a) It is illegal for a person to:

(1) Conduct timbering operations, purchase timber, or buy logs for resale in this state without holding a valid license from the Director of the Division of Forestry, as required by §19-1B-4 of this code;

(2) Conduct timbering operations or sever trees for sale at a location in this state without providing the Director of the Division of Forestry with notice of the location where the timbering or harvesting operations are to be conducted, as required by §19-1B-6 of this code;

(3) Conduct a timbering operation in this state that is not supervised by a certified logger who holds a valid certificate from the Director of the Division of Forestry, as required by §19-1B-7 of this code;

(4) Continue to conduct timbering operations in violation of a suspension or revocation order that has been issued by the Director of the Division of Forestry or a conference panel under §19-1B-5, §19-1B-10, or §19-1B-11 of this code; and

(5) Fail to reclaim the real property in accordance with the best management practices set forth by the Division of Forestry and the committee established in §19-1B-7(h) of this code.

(b) Criminal and civil penalties. — A person who violates any provision of this section is guilty of a misdemeanor and, upon conviction, shall be: (1) Fined not less than $250 nor more than $500 for the first offense; (2) fined not less than $500 nor more than $1,000 for a second offense; (3) fined not less than $1,000 nor more than $5,000, or confined in jail not more than 30 days, or both, for a third or subsequent offense. In addition to fines and costs, a person or entity convicted of a violation of this section shall pay a $500 civil penalty to the division within 60 days. The civil penalty shall be collected by the court in which the person is convicted and forwarded to the State Treasurer for deposit in the Division of Forestry Timber Operations Enforcement Fund (3082) for use in administering the provisions of this article.

(c) Each day that a person is in violation of this section constitutes a separate criminal and civil offense.

(d) In addition to any other law-enforcement agencies that have jurisdiction over criminal violations, the following individuals who, as a part of their official duties, are authorized by the Director of the Division of Forestry to inspect timbering operations are also authorized to issue citations for any of the listed violations in this article that they have witnessed or

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confirmed through evidence thereof:

(1) Any forester;

(2) Any forest technician;

(3) Any forestry employee who has a two-year or four-year higher education degree in the field of forestry; or

(4) Any forestry employee that is accompanied by a forestry employee with a two-year or four-year higher education degree in forestry.

The limited authority granted to employees of the Division of Forestry to issue citations to enforce the provisions of this section does not include the power to place any individual or person under arrest except in the case of a third offense misdemeanor violation as defined in subsection (b) of this section.

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