

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1937



ENROLLED

HOUSE BILL No. 326

(By Mr. Calvert)



PASSED March 11, 1937

In Effect January 1, 1938. Passage

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[Passed March 11, 1937; in effect January 1, 1938.]

AN ACT to amend and reenact section three, article three; to repeal sections two, three and four, article seven, and to enact sections two to two-g, inclusive, three to three-c, inclusive, and four to four-b, inclusive, article seven, all of chapter twenty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to hunting and fishing licenses.

Be it enacted by the Legislature of West Virginia:

That sections two, three and four, article seven, chapter twenty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be repealed and that section three, article three of said chapter be amended and reenacted, and sections two to two-g, inclusive, three to three-c, inclusive, and four to four-b, inclusive, be added to article seven, all of chapter twenty of the

code, to read as follows:

Article III.

Section 3. No person, not a citizen of the United States of
2 America, shall at any time hunt, pursue, kill, or catch any
3 wild animals or wild birds or wild fowl in this state, or have
4 in his possession firearms of any kind, or fish for, capture,
5 catch or kill any fish, frogs or turtles in this state, except
6 when licensed as provided by section two-f, article seven, of
7 this chapter.

Article VII.

Sec. 2. Licenses to hunt and fish shall be of the kinds and
2 classes and shall be conditioned upon the payment of the
3 fees, set forth in sections two-a through two-g of this article.
4 A resident of the state sixty years of age or over shall not
5 be required to obtain a license to fish with hook and line in
6 the waters of the state.

Sec. 2-a. A class A license shall be a state-wide hunting
2 and fishing license and shall entitle the licensee to hunt and
3 fish in all counties of the state. It shall be issued only to a
4 citizen of the United States who is a resident of this state.
5 The fee shall be two dollars.

Sec. 2-b. A class B license shall be a non-resident hunting
2 and fishing license and shall entitle the licensee to hunt and
3 fish in all counties of this state. It shall be issued only to a
4 citizen of the United States who is a non-resident of this
5 state. The fee shall be fifteen dollars.

Sec. 2-c. A class C license shall be a non-resident fishing
2 license and shall entitle the licensee to fish in all counties
3 of this state. It shall be issued only to a citizen of the United
4 States who is a non-resident of this state. The fee shall be
5 five dollars.

Sec. 2-d. A class D license shall be a tourist fishing license,
2 and shall entitle the licensee to fish in all counties of this
3 state for a period not to exceed one day. The license shall
4 state in hours the exact time at which the license expires,
5 and shall be returned by the licensee to the office of issue
6 within forty-eight hours after expiration. It shall be issued
7 only to a citizen of the United States who is a non-resident of
8 this state. The fee shall be one dollar.

Sec. 2-e. A class E license shall be an Ohio River hunting
2 and fishing license and shall entitle the licensee to hunt and
3 fish in the Ohio River only. It shall be issued only to a

4 citizen of the United States who is a resident of Ohio. The
5 fee shall be one dollar.

Sec. 2-f. A class F license shall be an alien hunting and
2 fishing license and shall entitle the licensee to hunt and fish
3 in all counties of this state. It shall be issued only to an alien
4 who is not a resident of the United States, and to whom a
5 permit has been issued in accordance with section three of
6 this article. The fee shall be fifteen dollars.

Sec. 2-g. A class G license shall be a courtesy hunting and
2 fishing license and shall entitle the licensee to hunt and fish
3 in all counties of this state. It shall be issued by the director
4 upon application made to him and without fee to:

5 1. Members and agents of the United States biological
6 survey and bureau of fisheries.

7 2. Members of state commissions of other states extending
8 similar courtesies.

9 3. Diplomatic and consular representatives of foreign
10 countries.

11 4. Persons engaged in scientific research.

12 Not more than fifty courtesy licenses shall be issued in one
13 year.

Sec. 3. A person eligible for a license under section two-a
2 to two-f inclusive of this article shall make application as
3 follows:

4 1. A resident of this state shall make application to the
5 clerk of the county court in which he resides.

6 2. A non-resident of this state may make application to
7 the clerk of the county court of any county in this state.

8 3. A citizen of Ohio applying for a class E license shall
9 make application to the clerk of the county court of a
10 county bordering upon the state of Ohio.

11 4. An alien, making application for a class F license, shall
12 first apply to the director for the issuance of a permit to
13 obtain a class F license. The director shall issue the permit
14 if he is satisfied that the applicant is legally entitled to a
15 class F license and has bona fide intentions to exercise the
16 license in accordance with the provisions of this chapter.
17 After issuance of the permit an alien may apply to the clerk
18 of the county court of any county in the state for the iss-
19 ance of a class F license in the same manner as a non-resident
20 of this state. A permit shall remain in force until revoked.

Sec. 3-a. Application may be made in person or by mail.

2 The applicant shall pay the license fee at the time of making
3 application. If application is made by mail the applicant
4 shall include postage for the return of the license.

5 The applicant shall make out and sign the application un-
6 der oath. The application shall be sworn to in the presence
7 of a person authorized to take affidavits. In the case of a
8 non-resident, the application may be sworn to before a person
9 authorized to take affidavits in the state of the applicant's
10 residence, and such person shall affix his seal to the appli-
11 cation.

Sec. 3-b. Applications shall be in the form and shall con-
2 tain the information prescribed by the director. The appli-
3 cation shall state at least the following:

- 4 1. The class of license for which application is made.
- 5 2. The name, age, occupation or profession of the appli-
6 cant.
- 7 3. The residence and citizenship of the applicant.
- 8 4. The weight, height, color of hair, and eyes, and the
9 complexion of the applicant.

Sec. 3-c. The clerk of the county court to whom applica-
2 tion is made shall issue the license if, to the best of his

3 knowledge and information,

4 1. The applicant is legally entitled to obtain the license.

5 2. The proper license is applied for.

6 3. The application form contains the required information
7 and the information is accurate.

8 4. The fee has been paid.

9 A license shall be signed by the clerk of the county court,
10 shall bear the seal of the county court of the county where
11 issued, and shall bear a serial number. With the license the
12 clerk shall deliver the badge provided for by section four of
13 this article.

14 The clerk shall keep an accurate record, in the form pre-
15 scribed by the director, of all licenses issued and of all moneys
16 collected as license fees.

Sec. 4. The director shall prepare and furnish to the clerks
2 of the county courts of the state :

3 1. Application form for each class of license authorized
4 by this article.

5 2. Licenses to be issued to applicants.

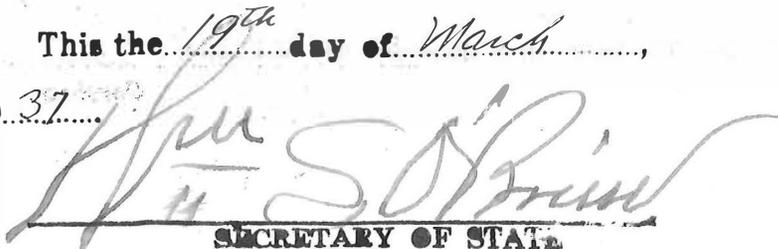
6 3. Badges to be issued with licenses, without additional
7 fee. The badge shall show the class of license.

Sec. 4-a. A licensee shall, while exercising the privilege of
 2 the license, have his license and the badge upon his person
 3 at all times. The licensee shall display the badge upon his
 4 outer garment so as to be plainly visible.

Sec. 4-b. At least forty per cent of the moneys derived
 2 from the sale of hunting and fishing licenses shall be used
 3 for the protection and propagation of game and fish.

I certify that the foregoing act,
 having been presented to the Governor for
 his approval, and not having been returned
 by him to the House of the Legislature in
 which it originated within the time pre-
 scribed by the constitution of the state, has
 become a law without his approval.

This the 19th day of March,
 1937.....



 SECRETARY OF STATE

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

W. B. Galt

Chairman Senate Committee

Geo. B. Bowen

Chairman House Committee

Originated in the.....

Takes effect..... passage.

Chas. L. Smith

Clerk of the Senate

Geo. S. Hall

Clerk of the House of Delegates

Chas. E. Hoyle

President of the Senate

James Kay Thomas

Speaker House of Delegates

The within..... this the.....

day of....., 1937.

.....
Governor.

Filed in the office of the Secretary of State
of West Virginia: **MAR 19 1937**
Wm. S. O'BRIEN,
Secretary of State