

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1949



ENROLLED

Com. Sub. For

HOUSE BILL No. 181

(By Mr. *Tom. on. Game & Fish*)



PASSED March 10 1949

In Effect January 1, 1950 Passage



181

ENROLLED
COMMITTEE SUBSTITUTE FOR
House Bill No. 181

(Originating in the Committee on Game and Fish)

[Passed March 10, 1949; in effect January 1, 1950.]

AN ACT to amend and reenact sections one, two, two-a, two-b, two-c, two-d, two-e, two-f, two-g, two-h, three, three-a, three-b, three-c, four, four-a and twelve, article seven, chapter twenty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to necessity for hunting and fishing licenses, exemptions, payment of fees, defining classes of hunting, fishing, hunting and fishing licenses, prescribing prerequisites to the issuance thereof, fees therefor, place of license application, alien permits; disclosures by applicants; size and form of license; contents; information by licensee; impounding license where improperly filled in; issuance of license; supplies furnished to county clerks; carrying and display of license; offenses; penalties; and to repeal section two-i, article seven, chapter

twenty of the code of West Virginia, one thousand nine hundred thirty-one, as amended.

Be it enacted by the Legislature of West Virginia:

That sections one, two, two-a, two-b, two-c, two-d, two-e, two-f, two-g, two-h, three, three-a, three-b, three-c, four, four-a and twelve, article seven, chapter twenty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted; and section two-i, article seven, chapter twenty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be repealed, all to read as follows:

Section 1. *Necessity for Licensing.*—No person above
2 the age of fifteen years, (except persons over sixty years
3 of age mentioned in the following section) shall at any
4 time hunt, pursue, trap for, kill, catch or chase for sport
5 any wild animals or wild birds, or fish for, kill, or catch
6 any frogs, turtles or fish of any kind whatsoever in this
7 state without first having secured a license and then only
8 during the respective open seasons. A bona fide resident
9 land owner of this state, or his resident children, or his
10 bona fide resident tenants who are citizens of the United

11 States may hunt, kill, pursue, catch, or chase for sport
 12 any wild animals or wild birds, or fish for, capture or kill
 13 any of the fish, frogs or turtles of this state on his own
 14 land during the open season therefor in accordance with
 15 regulations and provisions of law applying to such hunt-
 16 ing or fishing, without obtaining a license so to do, so long
 17 as said land shall not have been designated and made, in
 18 manner provided by law, a state game refuge or reserve.
 19 No person, who is a resident of this state, under the age
 20 of fifteen years, shall hunt upon the lands of another
 21 unless accompanied by a licensed adult. A resident or
 22 non-resident member of any club or organization or asso-
 23 ciation of persons owning or leasing a game or fish reserve
 24 in this state shall not hunt or fish therein without securing
 25 a license.

Sec. 2. *Licenses Conditioned on Payment of Fees; Age*

2 *Exemption.*—Licenses to hunt and fish shall be of the
 3 kinds and classes and shall be conditioned upon the pay-
 4 ment of the fees set forth in this article. A resident of the
 5 state sixty years of age or over shall not be required to

6 obtain a license to fish with hook and line in the waters
7 of the state.

Sec. 2-a. *Class A; Resident State-wide Hunting License.*

2 —A class A license shall be a state-wide hunting license
3 and shall entitle the licensee to hunt in all counties of the
4 state. It shall be issued only to citizens of the United
5 States who are residents of this state. The fee therefor
6 shall be two dollars: *Provided*, That in any case where a
7 licensee purchases a class A and a class B license at the
8 same time, the fee for a class A license shall be one dollar
9 and fifty cents.

Sec. 2-b. *Class B; Resident State-wide Fishing License.—*

2 A class B license shall be a state-wide fishing license and
3 shall entitle the licensee to fish in all counties of the state.
4 It shall be issued only to citizens of the United States, and
5 unnaturalized persons possessing the permit mentioned
6 in section three of this article, who are residents of this
7 state. The fee therefor shall be two dollars: *Provided*,
8 That in any case where a licensee purchases a class A and
9 a class B license at the same time the fee for a class B
10 license shall be one dollar and fifty cents. For conven-

11 ience, the commission may provide for the issuance, in
 12 those cases where both class A and class B licenses are
 13 issued to a single licensee at the same time, of both class
 14 A and class B licenses upon a single form, but regardless
 15 of such form, each shall be and remain a separate license.

Sec. 2-c. *Class C, Courtesy State-wide Hunting and Fish-*
 2 *ing License.*—A class C license shall be a courtesy hunting
 3 and fishing license and shall entitle the licensee to hunt
 4 and fish in all counties of this state. It shall be issued by
 6 fee to:

7 (1) Members and agents of the United States Biological
 8 Survey and Bureau of Fisheries;

9 (2) Members of state commissions of other states ex-
 10 tending similar courtesies;

11 (3) Diplomatic and consular representatives of foreign
 12 countries; and

13 (4) Persons engaged in scientific research.

14 Not more than fifty courtesy licenses shall be issued in
 15 one year.

Sec. 2-d. *Class D; Ohio River Hunting and Fishing Li-*
 2 *cense.*—A class D license shall be an Ohio River hunting

3 and fishing license and shall entitle the licensee to hunt
4 and fish in the Ohio River only. It shall be issued only to
5 citizens of the United States who are residents of the state
6 of Ohio. The fee shall be one dollar.

Sec. 2-e. *Class E; Non-Resident State-wide Hunting and*
2 *Fishing License.*—A class E license shall be a non-resident
3 hunting and fishing license and shall entitle the licensee
4 to hunt and fish in all counties of the state. It shall be
5 issued only to citizens of the United States who are not
6 resident of this state. The fee therefor shall be twenty-
7 five dollars.

Sec. 2-f. *Class F; Non-Resident State-wide Fishing Li-*
2 *cense.*—A class F license shall be a non-resident fishing
3 license and shall entitle the licensee to fish in all counties
4 of the state. It shall be issued only to citizens of the
5 United States, and to unnaturalized persons possessing
6 the permit required by section three of this article, who
7 are not residents of this state. The fee therefor shall be
8 ten dollars.

Sec. 2-g. *Class G; Non-resident Single and Family State*
2 *Park and State Forest Fishing License.*—A class G license

3 shall be a non-resident family fishing license and shall
 4 entitle the licensee and members of his family to fish
 5 within the territorial limits of state parks and state forests
 6 and in the waters of streams bounding same, for a distance
 7 of not to exceed one hundred yards from the exterior
 8 boundary of any state park or state forest, for a period
 9 not to exceed one week. It may be issued to any adult
 10 non-resident who is temporarily residing in any state park
 11 or forest as tenant or lessee of the state. The fee therefor
 12 shall be two dollars and fifty cents for the head of the
 13 family, plus fifty cents additional for each member of his
 14 family to whom the privileges of such license are ex-
 15 tended. Class G licenses may be issued in such manner
 16 and under such regulations as the commission may see fit
 17 to prescribe.

Sec. 2-h. A class H license shall be a state-wide beaver
 2 trapping license and shall entitle the licensee to trap
 3 beaver only, in all counties of the state. It shall be issued
 4 only to a citizen of the United States who is a bona fide
 5 resident of West Virginia. This license shall become valid
 6 only when countersigned, in a space provided on face of

7 license, by landowner, lessee, or person who has legal
8 possession of land upon which the trapper is operating.
9 Setting beaver traps upon the lands of another person
10 without obtaining permission and signature in space pro-
11 vided on license shall be considered an illegal act. The
12 licensee shall not be required to hold any other class of
13 license to trap beaver; nor shall said license be required
14 of any bona fide resident landowner or bona fide resident
15 tenant, or a child of either under the age of fifteen years
16 in those cases where they may trap beavers upon lands
17 belonging to such landowner, or in possession of such
18 tenant. The fee therefor shall be two dollars.

Sec. 2-i. This section is hereby repealed.

Sec. 3. *Where License Applications Made; Alien Per-*
2 *mits.*—Persons eligible for any class license shall make
3 application therefor, either in person or by agent, in writ-
4 ing or orally, as follows:

5 (i) For class A, B, E, F and H license, to any county clerk.

6 (ii) For class D license, to the county clerk of any
7 county bordering the Ohio River;

8 (iii) For class C license, to the commission; and for class

9 G license, to the commission, or its administrative em-
10 ployees at state parks or state forests.

11 Aliens desiring to procure licenses shall first apply to
12 the director for a permit to secure such license. If the
13 director satisfies himself that the applicant is legally en-
14 titled to such license, and will observe the laws of this
15 state, and particularly the provisions of this chapter, he
16 may issue the permit. Permits, once issued, shall remain
17 in force until revoked. No issuing officer shall be required
18 to issue or deliver any license unless the applicant informs
19 him that the licensee is duly qualified and eligible to re-
20 ceive the class of license applied for, and payment of the
21 required fee is made to such officer.

Sec. 3-a. *Statement of Eligibility for License; Necessity*

2 *For; To Whom Made; False Representation, Penalty.—*

3 It shall be the duty of every person who makes application
4 for or procures the issuance of any class of license to
5 himself or another, to correctly inform the issuing officer
6 that the licensee for whom application is made, is eligible,
7 and fulfills the prerequisites of this article in respect of
8 age, citizenship and residence which are necessary to en-

9 title such person to have and hold the class of license
10 applied for; and the possession of any class of license by
11 any licensee shall presume that such licensee, or his agent,
12 duly informed the issuing officer that the licensee in ques-
13 tion was eligible to have, hold and procure the class of
14 license so issued. The procurement of a license by licensee,
15 or another for him, in violation of the provisions hereof
16 shall be unlawful, and punishable as hereinafter provided
17 in this article. It shall not be necessary for the state to
18 prove, in any proceeding for an offense hereunder, that
19 false statements were or were not made, if it be estab-
20 lished that the licensee possessed a class of license he was
21 not entitled to possess, or the license procured by the
22 offender for another was of a class the licensee named in
23 the license was not entitled to possess.

Sec. 3-b. *Size and Form of License and Tags; Con-*
2 *tests; Information by Licensee; and Impounding License*
3 *Where Not Filled In.*—The size, content and form of
4 licenses and tags shall be prescribed by the commission.
5 The license shall contain spaces for information disclosing
6 the age, citizenship and residence of the licensee, and his

7 weight, height, color of hair, eyes, and complexion or
 8 skin, and any unusual physical characteristics, if any. The
 9 information required by this section shall be placed upon
 10 the license by the licensee promptly after delivery of the
 11 license to him; and in any event, prior to the time he shall
 12 hunt or fish in the fields, forests and streams of the state.
 13 Any conservation officer who finds a licensee whose license
 14 is either not filled in, or is improperly filled in, may re-
 15 quire the licensee to properly fill it in at that time and
 16 place; and, in event of the licensee's refusal so to do, the
 17 officer is hereby authorized to impound such license and
 18 the tags, if any, issued with it, and forward same to the
 19 commission, with a statement of the facts. The commis-
 20 sion in such case may cancel the license, or return it to
 21 the licensee as it sees fit. Nothing in this article contained
 22 shall subject such licensee to the criminal penalties which
 23 are otherwise provided for violations of this article, so
 24 long as the license in the possession of the licensee was
 25 of the proper class, but the licensee may be punished by
 26 loss of this license for his failure or refusal to fill it in
 27 properly; and, the provisions of section one of this article

28 shall apply to him, after his license has been impounded,
29 until such time as he shall have procured a new license,
30 or the license so impounded has been returned to him.

Sec. 3-c. *Issuance of License by County Clerks.*—The
2 clerk of any county court to whom an application for
3 license is made shall issue it, if, to the best of his knowl-
4 edge and information the applicant has given him the
5 information required by section three-a of this article and,
6 in his opinion, is legally entitled to obtain the class of
7 license applied for, and pays the proper fee.

8 A license shall be signed by the clerk of the county
9 court, or his deputy, and shall bear a serial number. The
10 clerk shall deliver to the purchaser any tag, badge, or
11 other license contained which may be furnished by the
12 commission and is required to be worn by licensee. The
13 clerk shall keep an accurate record, in form prescribed
14 by the director, of all licenses issued and of all moneys
15 collected as license fees.

Sec. 4. *Supplies Furnished County Clerks.*—The direc-
2 tor shall prepare and furnish to the clerks of the county
3 courts of the state:

4 (i) License to be issued to applicants; and

5 (ii) Tags to be worn by licensees, and badges or con-
6 tainers for licenses, if any are required by the commis-
7 sion.

Sec. 4-a. *Wearing of License Tags.*—The licensee shall,
2 while exercising the privilege of the license, have his
3 license upon his person at all times. Tags furnished by
4 the commission, bearing the serial number of hunting
5 license, shall be attached and displayed on the outer gar-
6 ment. The license tag for the current year only shall be
7 displayed.

Sec. 12. *Offenses; Penalties.*—Any person violating any
2 provision of this article shall be guilty of a misdemeanor,
3 and, upon conviction thereof, shall, for each offense, be
4 fined not less than ten nor more than one hundred dollars,
5 or confined in jail not more than ninety days, or both fined
6 and imprisoned within the limitations aforesaid.

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

Joseph L. McMan
Chairman Senate Committee

R. P. Matthews
Chairman House Committee

Originated in the House of Delegates

Takes effect January 1, 1950 passage.

Howard Myers
Clerk of the Senate

J. R. Hoff
Clerk of the House of Delegates

James H. Shuler
President of the Senate

W. E. Denny
Speaker House of Delegates

The within APPROVED this the 18TH

day of MARCH, 1949.

Okie L. Patton
Governor



Filed in the Office of the Secretary of State
of West Virginia

MAR 18 1949
D. PITT O'BRIEN,
SECRETARY OF STATE