WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1949

ENROLLED
Com. Sub. For
HOUSE BILL No. 181

(By [signature: Tom. on. Game & 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two-i, article seven, chapter twenty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be repealed, all to read as follows: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 the age of fifteen years, (except persons over sixty years of age mentioned in the following section) shall at any time hunt, pursue, trap for, kill, catch or chase for sport any wild animals or wild birds, or fish for, kill, or catch any frogs, turtles or fish of any kind whatsoever in this state without first having secured a license and then only during the respective open seasons. A bona fide resident land owner of this state, or his resident children, or his bona fide resident tenants who are citizens of the United
States may hunt, kill, pursue, catch, or chase for sport any wild animals or wild birds, or fish for, capture or kill any of the fish, frogs or turtles of this state on his own land during the open season therefor in accordance with regulations and provisions of law applying to such hunting or fishing, without obtaining a license so to do, so long as said land shall not have been designated and made, in manner provided by law, a state game refuge or reserve.

No person, who is a resident of this state, under the age of fifteen years, shall hunt upon the lands of another unless accompanied by a licensed adult. A resident or non-resident member of any club or organization or association of persons owning or leasing a game or fish reserve in this state shall not hunt or fish therein without securing a license.

Sec. 2. Licenses Conditioned on Payment of Fees; Age Exemption.—Licenses to hunt and fish shall be of the kinds and classes and shall be conditioned upon the payment of the fees set forth in this article. A resident of the state sixty years of age or over shall not be required to
obtain a license to fish with hook and line in the waters of the state.

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

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

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

A class B license shall be a state-wide fishing license and shall entitle the licensee to fish in all counties of the state. It shall be issued only to citizens of the United States, and unnaturalized persons possessing the permit mentioned in section three of this article, who are residents of this state. The fee therefor shall be two dollars: Provided, That in any case where a licensee purchases a class A and a class B license at the same time the fee for a class B license shall be one dollar and fifty cents. For conven-
ience, the commission may provide for the issuance, in those cases where both class A and class B licenses are issued to a single licensee at the same time, of both class A and class B licenses upon a single form, but regardless of such form, each shall be and remain a separate license.

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

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

(2) Members of state commissions of other states extending similar courtesies;

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

(4) Persons engaged in scientific research.

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

Sec. 2-d. Class D; Ohio River Hunting and Fishing License.—A class D license shall be an Ohio River hunting
and fishing license and shall entitle the licensee to hunt
and fish in the Ohio River only. It shall be issued only to
citizens of the United States who are residents of the state
of Ohio. The fee shall be one dollar.

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

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

Sec. 2-g. Class G; Non-resident Single and Family State
Park and State Forest Fishing License.—A class G license
shall be a non-resident family fishing license and shall entitle the licensee and members of his family to fish within the territorial limits of state parks and state forests and in the waters of streams bounding same, for a distance of not to exceed one hundred yards from the exterior boundary of any state park or state forest, for a period not to exceed one week. It may be issued to any adult non-resident who is temporarily residing in any state park or forest as tenant or lessee of the state. The fee therefor shall be two dollars and fifty cents for the head of the family, plus fifty cents additional for each member of his family to whom the privileges of such license are extended. Class G licenses may be issued in such manner and under such regulations as the commission may see fit to prescribe.

Sec. 2-h. A class H license shall be a state-wide beaver trapping license and shall entitle the licensee to trap beaver only, in all counties of the state. It shall be issued only to a citizen of the United States who is a bona fide resident of West Virginia. This license shall become valid only when countersigned, in a space provided on face of
license, by landowner, lessee, or person who has legal possession of land upon which the trapper is operating. Setting beaver traps upon the lands of another person without obtaining permission and signature in space provided on license shall be considered an illegal act. The licensee shall not be required to hold any other class of license to trap beaver; nor shall said license be required of any bona fide resident landowner or bona fide resident tenant, or a child of either under the age of fifteen years in those cases where they may trap beavers upon lands belonging to such landowner, or in possession of such tenant. The fee therefor shall be two dollars.

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

Sec. 3. *Where License Applications Made; Alien Permits.*—Persons eligible for any class license shall make application therefor, either in person or by agent, in writing or orally, as follows:

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

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

(iii) For class C license, to the commission; and for class
G license, to the commission, or its administrative employees at state parks or state forests.

Aliens desiring to procure licenses shall first apply to the director for a permit to secure such license. If the director satisfies himself that the applicant is legally entitled to such license, and will observe the laws of this state, and particularly the provisions of this chapter, he may issue the permit. Permits, once issued, shall remain in force until revoked. No issuing officer shall be required to issue or deliver any license unless the applicant informs him that the licensee is duly qualified and eligible to receive the class of license applied for, and payment of the required fee is made to such officer.

Sec. 3-a. Statement of Eligibility for License; Necessity For; To Whom Made; False Representation, Penalty.—It shall be the duty of every person who makes application for or procures the issuance of any class of license to himself or another, to correctly inform the issuing officer that the licensee for whom application is made, is eligible, and fulfills the prerequisites of this article in respect of age, citizenship and residence which are necessary to en-
title such person to have and hold the class of license applied for; and the possession of any class of license by any licensee shall presume that such licensee, or his agent, duly informed the issuing officer that the licensee in question was eligible to have, hold and procure the class of license so issued. The procuration of a license by licensee, or another for him, in violation of the provisions hereof shall be unlawful, and punishable as hereinafter provided in this article. It shall not be necessary for the state to prove, in any proceeding for an offense hereunder, that false statements were or were not made, if it be established that the licensee possessed a class of license he was not entitled to possess, or the license procured by the offender for another was of a class the licensee named in the license was not entitled to possess.

Sec. 3-b. Size and Form of License and Tags; Contest; Information by Licensee; and Impounding License Where Not Filled In.—The size, content and form of licenses and tags shall be prescribed by the commission. The license shall contain spaces for information disclosing the age, citizenship and residence of the licensee, and his
weight, height, color of hair, eyes, and complexion or
skin, and any unusual physical characteristics, if any. The
information required by this section shall be placed upon
the license by the licensee promptly after delivery of the
license to him; and in any event, prior to the time he shall
hunt or fish in the fields, forests and streams of the state.
Any conservation officer who finds a licensee whose license
is either not filled in, or is improperly filled in, may re-
quire the licensee to properly fill it in at that time and
place; and, in event of the licensee's refusal so to do, the
officer is hereby authorized to impound such license and
the tags, if any, issued with it, and forward same to the
commission, with a statement of the facts. The commis-
sion in such case may cancel the license, or return it to
the licensee as it sees fit. Nothing in this article contained
shall subject such licensee to the criminal penalties which
are otherwise provided for violations of this article, so
long as the license in the possession of the licensee was
of the proper class, but the licensee may be punished by
loss of this license for his failure or refusal to fill it in
properly; and, the provisions of section one of this article
shall apply to him, after his license has been impounded, 
until such time as he shall have procured a new license, 
or the license so impounded has been returned to him.

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

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

Sec. 4. Supplies Furnished County Clerks.—The direc-
tor shall prepare and furnish to the clerks of the county 
courts of the state:
(i) License to be issued to applicants; and
(ii) Tags to be worn by licensees, and badges or containers for licenses, if any are required by the commission.

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

Sec. 12. Offenses; Penalties.—Any person violating any provision of this article shall be guilty of a misdemeanor, and, upon conviction thereof, shall, for each offense, be fined not less than ten nor more than one hundred dollars, or confined in jail not more than ninety days, or both fined and imprisoned within the limitations aforesaid.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the House of Delegates

Takes effect January 1, 1956 passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within APPROVED this the 18TH day of MARCH, 1949.

Governor

Filed in the Office of the Secretary of State of West Virginia MAR 18 1949 D. PITT O'BRIEN, SECRETARY OF STATE