

**WEST VIRGINIA LEGISLATURE**

**FIRST EXTRAORDINARY SESSION, 1974**

**ENROLLED**

**HOUSE BILL No. 215**

(By Mr. Lohr and Mr. Stacy)

PASSED May 24, 1974

In Effect 90 days from Passage



C 641

FILED IN THE OFFICE  
EDGAR T. HEISKELL III  
SECRETARY OF STATE

THIS DATE 6-5-74

19/2

**ENROLLED**

**H. B. 215**

(By MR. LOHR and MR. STACY)

[Passed May 24, 1974; in effect ninety days from passage.]

AN ACT to amend and reenact section twenty-eight, article two, chapter twenty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to natural resources; wildlife resources; when licenses or permits not required; permitting any resident who was honorably discharged from the armed forces and receives a veteran's pension based on total permanent service connected disability to hunt, trap or fish without obtaining a license, promulgation of rules and regulations governing same; permitting any disabled veteran who is a resident, and eligible to to be exempt from the payment of any motor vehicle registration fee in this state to hunt, trap or fish without obtaining a license, promulgation of rules and regulations governing same.

*Be it enacted by the Legislature of West Virginia:*

That section twenty-eight, article two, chapter twenty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

**ARTICLE 2. WILDLIFE RESOURCES.**

**§20-2-28. When licenses or permits not required.**

1     Persons in the following categories shall not be required to  
2     obtain licenses or permits as indicated:

3     (a) Bona fide resident landowners or their resident children,  
4     or resident parents, or bona fide resident tenants of such land,  
5     may hunt, trap or fish on their own land during open season in

6 accordance with the laws and regulations applying to such hunt-  
7 ing, trapping and fishing without obtaining a license to do so  
8 unless such lands have been designated as a wildlife refuge or  
9 preserve.

10 (b) Any bona fide resident of this state who is totally blind  
11 may fish in this state without obtaining a fishing license to do  
12 so. A written statement or certificate from a duly licensed phy-  
13 sician of this state showing the said resident to be totally blind  
14 shall serve in lieu of a fishing license and shall be carried on the  
15 person of said resident at all times while he is fishing in this state.

16 (c) All residents of West Virginia on active duty in the  
17 armed forces of the United States of America, while on leave  
18 or furlough, shall have the right and privilege to hunt, trap or  
19 fish in season in West Virginia without obtaining a license to  
20 do so. Leave or furlough papers shall serve in lieu of any such  
21 license and shall be carried on the person at all times while  
22 trapping, hunting or fishing.

23 (d) In accordance with the provisions of section twenty-  
24 seven of this article, any resident sixty-five years of age or  
25 older shall not be required to have a license to hunt, trap or  
26 fish during the legal seasons in West Virginia, but in lieu of  
27 such license any such person shall at all times while hunting,  
28 trapping or fishing, carry on his person a card issued by the  
29 director stating his name, address and date of birth.

30 (e) Residents of the state of Maryland who carry hunting or  
31 fishing licenses valid in that state may hunt or fish from the  
32 West Virginia banks of the Potomac river without obtaining  
33 licenses to do so, but such hunting or fishing shall be confined  
34 to the fish and waterfowl of the river proper and not on its  
35 tributaries: *Provided*, That the state of Maryland shall first  
36 enter into a reciprocal agreement with the director extending a  
37 like privilege of hunting and fishing on the Potomac river from  
38 the Maryland banks of said river to licensed residents of West  
39 Virginia, without requiring said residents to obtain Maryland  
40 hunting and fishing licenses.

41 (f) Residents of the state of Ohio who carry hunting or fish-  
42 ing licenses valid in that state may hunt or fish on the Ohio river  
43 or from the West Virginia banks of said river without obtain-

44 ing licenses to do so, but such hunting or fishing shall be con-  
45 fined to fish and waterfowl of the river proper and not on its  
46 tributaries: *Provided*, That the state of Ohio shall first enter  
47 into a reciprocal agreement with the director extending a like  
48 privilege of hunting and fishing from the Ohio banks of said  
49 river to licensed residents of West Virginia without requiring  
50 said residents to obtain Ohio hunting and fishing licenses. In  
51 the event the state of Ohio accords this privilege to residents  
52 of West Virginia, such Ohio residents will not be required to  
53 obtain the license provided for by section forty-two of this  
54 article.

55 (g) Any resident of West Virginia who was honorably dis-  
56 charged from the armed forces of the United States of Ameri-  
57 ca, and who receives a veteran's pension based on total  
58 permanent service connected disability as certified to by  
59 the veterans administration, shall be permitted to hunt, trap or  
60 fish in this state without obtaining a license therefor. The di-  
61 rector shall promulgate rules and regulations setting forth the  
62 procedure for the certification of the veteran, manner of ap-  
63 plying for and receiving the certification and requirements as  
64 to identification while said veteran is hunting, trapping or  
65 fishing.

66 (h) Any disabled veteran, who is a resident of West Vir-  
67 ginia, and who, as certified to by the commissioner of motor  
68 vehicles, is eligible to be exempt from the payment of any fee  
69 on account of registration of any motor vehicle owned by such  
70 disabled veteran as provided for in section eight, article ten,  
71 chapter seventeen-a of this code, shall be permitted to hunt,  
72 trap or fish in this state without obtaining a license therefor.  
73 The director shall promulgate rules and regulations setting  
74 forth the procedure for the certification of the disabled vet-  
75 eran, manner of applying for and receiving the certification,  
76 and requirements as to identification while said disabled vet-  
77 eran is hunting, trapping or fishing.

78 (i) Any resident or in-patient in any state mental health,  
79 health or benevolent institution or facility may fish in this  
80 state, under proper supervision of the institution involved,  
81 without obtaining a fishing license to do so. A written state-  
82 ment or certificate signed by the superintendent of the mental

83 health, health or benevolent institution or facility in which the  
84 resident or in-patient, as the case may be, is institutionalized  
85 shall serve in lieu of a fishing license and shall be carried on  
86 the person of the resident or in-patient at all times while he is  
87 fishing in this state.

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

H. Laurel Darby  
Chairman Senate Committee

Clarence L. Christian Jr.  
Chairman House Committee

Originated in the House.

Takes effect ninety days from passage.

Howard W. Carlson  
Clerk of the Senate

Ch Blankenship  
Clerk of the House of Delegates

W. T. Bratherton Jr.  
President of the Senate

Louis H. McManus  
Speaker House of Delegates

The within approved this the 5th  
day of June, 1974.

Arthur A. Shaver Jr.  
Governor



PRESENTED TO THE  
GOVERNOR

Date 5/31/74  
Time 1:55 p.m.