

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1974

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ENROLLED

HOUSE BILL No. 922.

(By Mr. Lohr.....)

— ● —

PASSED March 9 1974

In Effect 90 days Passage



922

RECEIVED
COMMISSIONER
OF REVENUE
3-25-74

ENROLLED

H. B. 922

(By Mr. LOHR)

[Passed March 9, 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 service connected or non-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 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
- 2 to obtain licenses or permits as indicated:
- 3 (a) Bona fide resident landowners or their resident children,
- 4 or bona fide resident tenants of such land, may hunt, trap or

5 fish on their own land during open season in accordance with
6 the laws and regulations applying to such hunting, trapping
7 and fishing without obtaining a license to do so unless such
8 lands have been designated as a wildlife refuge or preserve.

9 (b) Any bona fide resident of this state who is totally blind
10 may fish in this state without obtaining a fishing license to do
11 so. A written statement or certificate from a duly licensed
12 physician of this state showing the said resident to be totally
13 blind shall serve in lieu of a fishing license and shall be carried
14 on the person of said resident at all times while he is fishing
15 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
31 or fishing licenses valid in that state may hunt or fish from
32 the West Virginia banks of the Potomac river without obtain-
33 ing licenses to do so, but such hunting or fishing shall be
34 confined to the fish and waterfowl of the river proper and
35 not on its tributaries: *Provided*, That the state of Maryland
36 shall first enter into a reciprocal agreement with the director
37 extending a like privilege of hunting and fishing on the Poto-
38 mac river from the Maryland banks of said river to licensed
39 residents of West Virginia, without requiring said residents to
40 obtain Maryland hunting and fishing licenses.

41 (f) Residents of the state of Ohio who carry hunting or
42 fishing licenses valid in that state may hunt or fish on the

43 Ohio river or from the West Virginia banks of said river
44 without obtaining licenses to do so, but such hunting or fish-
45 ing shall be confined to fish and waterfowl of the river proper
46 and not on its tributaries: *Provided*, That the state of Ohio shall
47 first enter into a reciprocal agreement with the director ex-
48 tending a like privilege of hunting and fishing from the Ohio
49 banks of said river to licensed residents of West Virginia with-
50 out requiring said residents to obtain Ohio hunting and fishing
51 licenses. In the event the state of Ohio accords this privilege
52 to residents of West Virginia, such Ohio residents will not be
53 required to obtain the license provided for by section forty-
54 two of this 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 service
58 connected or non-service connected disability as certified to
59 by the veterans administration, shall be permitted to hunt, trap
60 or fish in this state without obtaining a license therefor. The
61 director shall promulgate rules and regulations setting forth
62 the procedure for the certification of the veteran, manner of
63 applying for and receiving the certification and requirements
64 as 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
75 veteran, manner of applying for and receiving the certification
76 and requirements as to identification while said disabled veteran
77 is hunting, trapping or fishing.

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

H. Darrel Darby
Chairman Senate Committee

Clarence C. Chustor, Jr.
Chairman House Committee

Originated in the House.

Takes effect ninety days from passage.

Howard W. Carson
Clerk of the Senate

C. A. Blankenship
Clerk of the House of Delegates

H. T. Brotherton, Jr.
President of the Senate

Louis J. McMane
Speaker House of Delegates

The within approved this the 21st
day of March, 1974.

Arthur A. Phares, Jr.
Governor

PRESENTED TO THE
GOVERNOR

Date 3/21/74
Time 10:30 a.m.