WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1974

ENROLLED
SENATE BILL NO. 16

(By Mr. Richard)

PASSED March 8, 1974
In Effect January 1, 1975

FILED IN THE OFFICE
EDGAR F. REISKELL III
SECRETARY OF STATE
THIS DATE 3-18-74
ENROLLED

Senate Bill No. 76
(By Mr. Hubbard)

[Passed March 8, 1974; in effect January 1, 1975.]

AN ACT to amend and reenact sections twenty-three, twenty-four and twenty-five, article two, chapter twenty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to outfitters and guides; empowering the director of natural resources to promulgate rules and regulations covering the services of outfitters and guides; defining outfitters and guides to include a person taking land or water expeditions; and deleting the requirement of one year residency as a qualification for licensing as an outfitter or guide.

Be it enacted by the Legislature of West Virginia:

That sections twenty-three, twenty-four and twenty-five, 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.

§20-2-23. Outfitters and guides—Generally; definitions.

1 Services of outfitters and guides for the benefit and convenience of hunters, fishermen and others in this state are recognized as essential, and such outfitters and guides may be licensed and authorized to serve as provided in this article. The director is hereby authorized to promulgate rules and regulations on services of outfitters and guides as herein defined.
The word "outfitter", as used herein, shall mean and include any person who, operating from any temporary or permanent camp, private or public lodge, or private or incorporated home situate within this state, provides for monetary profit or gain, saddle or pack animals or other animals, vehicles, boats, conveyances or equipment, or guide services for any person or persons hunting game animals, game birds, fishing or taking expeditions, both land and water, in this state. The term "outfitter" shall not include, however, any person who occasionally for accommodation or favor rather than profit or gain, rents equipment to hunters, fishermen or others as a service incidental to his principal occupation or business without advertising outfitter or guide services or holding out to the public his offering of such services. The term "guide", as used herein, shall be construed to include and embrace outfitter services and the term "outfitter" shall be construed to include and embrace guide services, but the applicant for any license hereunder may in his application elect whether he wishes to be designated as an outfitter or as a guide.


Each outfitter and guide licensed under the provisions hereof shall be a financially responsible citizen of the United States of America. He shall possess and inventory proper and adequate materials and equipment to provide for hunters, fishermen and others the services and conveniences he advertises. All such materials and equipment shall be safe and free of infection and conditions inimical to the health and well-being of hunters, fishermen, their traveling, camping and lodging companions. The director shall cause all outfitter and guide applicants to be investigated and shall make a determination of their qualifications prior to the issuance or refusal of licenses thereto.

§20-2-25. Same—License applications; national forest requirements.

Each applicant for an outfitter or guide license shall file with the director a verified application setting forth the
applicant's name, his address, the property possessed and
to be used in the proposed outfitter and guide services,
the area within which he proposes to serve, his citizen-
ship, his age and such other data and information as may
be prescribed and required by the director on the applica-
tion forms to be furnished by the department. Each such
application, when filed by the applicant, shall be ap-
proved and signed by three resident real property owners
of the county in which such applicant resides.

Before any outfitter or guide license shall be issued
for serving hunters, fishermen or others in any national
forest areas within this state, the applicant shall obtain
from the supervisor of such national forest area a desig-
nation of the camp site or other site from which the out-
fitter or guide proposes to operate therein and shall like-
wise obtain from such supervisor any other authority or
permit to so operate in such national forest area, together
with copies of any rules and regulations of the forest
incident to maintenance of camps, sanitary conditions, and
prevention of forest fires and water pollution. The appli-
cant shall satisfy the director that he has obtained such
designation, permit, authority and rules and regulations,
as may be required, as a prerequisite to the director's
consideration of the applicant's license application.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the Senate.

Takes effect January 1, 1975.

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 _______, 1974.

Governor
PRESENTED TO THE GOVERNOR

Date 3/14/74
Time 2:15 p.m.