

No: 606



WEST VIRGINIA LEGISLATURE  
REGULAR SESSION, 1985

OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

1985 MAY -3 AM 10:41

RECEIVED

ENROLLED

SENATE BILL NO. 606

(By Mr. Whitacre)

PASSED April 10, 1985

In Effect unity clays from Passage



# ENROLLED

## Senate Bill No. 606

(BY MR. WHITACRE (BY REQUEST))

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[Passed April 10, 1935; in effect ninety days from passage.]

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AN ACT to amend and reenact sections eleven and twelve, article two, chapter twenty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the sale and transportation of legally taken furs, pelts and parts of legally taken fur-bearing animals and fish beyond the limits of the state.

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

That sections eleven and twelve, 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.**

#### **§20-2-11. Sale of wildlife; transportation of same.**

1 No person, except those legally licensed to operate pri-  
2 vate game preserves for the purpose of propagating game  
3 for commercial purposes, and those legally licensed to  
4 propagate or sell fish, amphibians and other forms of  
5 aquatic life, shall purchase or offer to purchase, sell or  
6 offer to sell, expose for sale, or have in his possession for  
7 the purpose of sale any wildlife, or part thereof, which  
8 has been designated as game animals, fur-bearing ani-  
9 mals, game birds, game fish or amphibians, or any of the  
10 song or insectivorous birds of the state, or any other spe-

11 cies of wildlife which the director may designate: *Pro-*  
12 *vided*, That pelts of game or fur-bearing animals taken  
13 during the legal season may be sold: *Provided, however,*  
14 That hide, head, antlers and feet of a legally killed deer  
15 and the hide, head, skull, organs and feet of a legally  
16 killed black bear may be sold.

17 No person including a common carrier, shall transport,  
18 carry or convey, or receive for such purposes any wildlife,  
19 the sale of which is prohibited, if such person knows or  
20 has reason to believe that such wildlife has been or is to  
21 be sold in violation of this section.

22 The selling or exposing for sale, having in possession for  
23 sale, transporting or carrying in violation of this section  
24 shall each constitute a separate misdemeanor offense.  
25 Notwithstanding the provisions of this or any other sec-  
26 tion of this chapter, any game birds or game bird meats  
27 sold by licensed retailers may be served at any hotel,  
28 resturant or other licensed eating place in this state.

29 The director shall have authority to promulgate rules  
30 and regulations in accordance with chapter twenty-nine-  
31 a of this code, dealing with the sale of wildlife and the  
32 skins thereof.

**§20-2-12. Transportation of wildlife out of state; penalties.**

1 No person shall at any time transport or have in his  
2 possession with the intention of transporting beyond the  
3 limits of the state, any species of wildlife or any part  
4 thereof killed, taken, captured, or caught within this state:  
5 *Provided*, That a nonresident legally entitled to hunt and  
6 fish in this state may take with him personally, when  
7 leaving the state, any wildlife that he has lawfully taken  
8 or killed, not exceeding, during the open season, the num-  
9 ber that any person may lawfully take or kill in any  
10 two days. This section shall not apply to persons legally  
11 entitled to propagate and sell wild animals, wild birds,  
12 fish, amphibians and other forms of aquatic life: *Provided,*  
13 *however*, That licensed resident hunters and trappers and  
14 resident and nonresident fur dealers may transport be-  
15 yond the limits of the state pelts of game and fur-bearing  
16 animals taken during the legal season: *Provided further,*  
17 That hide, head, antlers and feet of a legally killed deer,

18 and the hide, head, skull, organs and feet of a legally  
19 killed black bear may also be transported beyond the  
20 limits of the state. The director shall have authority to  
21 promulgate rules and regulations in accordance with  
22 chapter twenty-nine-a of this code, dealing with the  
23 transportation and tagging of wildlife and the skins  
24 thereof.

25 Notwithstanding any provision of this section, any per-  
26 son violating the provisions of this section by transporting  
27 or possessing with the intention of transporting beyond  
28 the limits of this state, deer or wild boar, shall be deemed  
29 to have committed a separate offense for each animal so  
30 transported or possessed. Any person violating the provi-  
31 sions of this section shall be guilty of a misdemeanor, and,  
32 upon conviction thereof, shall be fined not less than  
33 twenty dollars nor more than three hundred dollars and  
34 be imprisoned in the county jail not less than ten nor  
35 more than sixty days.

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

*Benjamin O. Williams*  
Chairman Senate Committee

*Floyd Fuller*  
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

*Todd C. Hicks*  
Clerk of the Senate

*Donald L. Kopp*  
Clerk of the House of Delegates

*Sam Tankership*  
President of the Senate

*Joseph Albright*  
Speaker House of Delegates

The within *approved* this the *2nd*  
*May* day of \_\_\_\_\_, 1985.

*Rich A. Parris, Jr.*  
Governor



PRESENTED TO THE

GOVERNOR

Date 4/17/85

Time 4:10 p.m.