WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1985

ENROLLED
SENATE BILL NO. 606

(By Mr. Hite)

PASSED April 10, 1985
In Effect one year after passage.
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 private game preserves for the purpose of propagating game
2 for commercial purposes, and those legally licensed to
3 propagate or sell fish, amphibians and other forms of
4 aquatic life, shall purchase or offer to purchase, sell or
5 offer to sell, expose for sale, or have in his possession for
6 the purpose of sale any wildlife, or part thereof, which
7 has been designated as game animals, fur-bearing ani-
8 mals, game birds, game fish or amphibians, or any of the
9 song or insectivorous birds of the state, or any other spe-
cies of wildlife which the director may designate: Provided, That pelts of game or fur-bearing animals taken during the legal season may be sold: Provided, however, That hide, head, antlers and feet of a legally killed deer and the hide, head, skull, organs and feet of a legally killed black bear may be sold.

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

The selling or exposing for sale, having in possession for sale, transporting or carrying in violation of this section shall each constitute a separate misdemeanor offense.

Notwithstanding the provisions of this or any other section of this chapter, any game birds or game bird meats sold by licensed retailers may be served at any hotel, restaurant or other licensed eating place in this state.

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

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

No person shall at any time transport or have in his possession with the intention of transporting beyond the limits of the state, any species of wildlife or any part thereof killed, taken, captured, or caught within this state: Provided, That a nonresident legally entitled to hunt and fish in this state may take with him personally, when leaving the state, any wildlife that he has lawfully taken or killed, not exceeding, during the open season, the number that any person may lawfully take or kill in any two days. This section shall not apply to persons legally entitled to propagate and sell wild animals, wild birds, fish, amphibians and other forms of aquatic life: Provided, however, That licensed resident hunters and trappers and resident and nonresident fur dealers may transport beyond the limits of the state pelts of game and fur-bearing animals taken during the legal season: Provided further, That hide, head, antlers and feet of a legally killed deer,
and the hide, head, skull, organs and feet of a legally
killed black bear may also be transported beyond the
limits of the state. The director shall have authority to
promulgate rules and regulations in accordance with
chapter twenty-nine-a of this code, dealing with the
transportation and tagging of wildlife and the skins
thereof.

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

In effect ninety days from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within ______ approved this the ______ day of ______, 1985.

Governor
PRESENTED TO THE
GOVERNOR

Date  4/17/85
Time  4:10 p.m.