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WEST VIRGINIA LEGISLATURE

SECOND REGULAR SESSION, 1998



ENROLLED

HOUSE BILL No. 4062

(By Delegates Proudfoot, Prunty, Leggett,
Flanigan, Boggs, Border and Damron)



Passed February 19, 1998

In Effect from Passage

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H. B. 4062

(BY DELEGATES PROUDFOOT, PRUNTY, LEGGETT, FLANIGAN,
BOGGS, BORDER AND DAMRON)

[Passed February 19, 1998; in effect from passage.]

AN ACT to amend and reenact section four, article two, chapter twenty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the possession of wildlife; providing for the lawful possession of wildlife lawfully taken, killed or obtained; permitting the possession of certain wildlife killed by a motor vehicle after certain notification requirements are met; and requiring the director of natural resources to propose administrative policy pursuant to the section provisions.

Be it enacted by the Legislature of West Virginia:

That section four, 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.

§20-2-4. Possession of wildlife.

1 Except for wildlife, lawfully taken, killed, or obtained,
2 no person shall have in his or her possession any wildlife,
3 or parts thereof, during closed seasons. It is unlawful to
4 possess any wildlife, or parts thereof, which have been
5 illegally taken, killed or obtained. Any wildlife illegally
6 taken, killed or possessed shall be forfeited to the state and

7 shall be counted toward the daily, seasonal, bag, creel and
8 possession limit of the person in possession of, or
9 responsible for, the illegal taking or killing of any wildlife.

10 Wildlife lawfully taken outside of this state shall be
11 subject to the same laws and rules as that taken within this
12 state.

13 Migratory wild birds shall be possessed only in
14 accordance with the "Migratory Bird Treaty Act" and
15 regulations thereunder.

16 The restrictions in this section do not apply to the
17 director or duly authorized agents, who may, in any
18 manner, take or maintain in captivity, at any time, any
19 wildlife for the purpose of carrying out the provisions of
20 this chapter.

21 Wildlife, except protected birds, spotted fawn, and bear
22 cubs, killed or mortally wounded as a result of being
23 accidentally or inadvertently struck by a motor vehicle
24 may be lawfully possessed: *Provided*, That the possessor
25 of such wildlife shall provide notice of the claim within
26 twelve hours to a relevant law-enforcement agency, and
27 obtain a nonhunting game tag within twenty-four hours of
28 possession. The director shall propose administrative
29 policy which shall address the means, methods and
30 administrative procedure for implementing the provisions
31 of this section.

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

Frank Schoover

Chairman Senate Committee

Nick Fontana

Chairman House Committee

Originating in the House.

Takes effect from passage.

Darrell E. Holmes

Clerk of the Senate

Suzanne M. Day

Clerk of the House of Delegates

Earl Ray Tomblin

President of the Senate

[Signature]

Speaker of the House of Delegates

The within _____ this the _____
day of _____, 1998.

Governor

PRESENTED TO THE

GOVERNOR

Date. 2/27/98

Time 2:40 pm