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WEST VIRGINIA LEGISLATURE

SECOND REGULAR SESSION, 1998



ENROLLED

HOUSE BILL No. 4501

(By Delegates Proudfoot, Ennis, Anderson,
Damron, Kelley, Williams and Evans)



Passed March 2, 1998

In Effect ninety days from Passage

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H. B. 4501

(BY DELEGATES PROUDFOOT, ENNIS, ANDERSON, DAMRON, KELLEY,
WILLIAMS AND EVANS)

[Passed March 2, 1998; 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 permitting residents sixty-five years of age or older to hunt, trap or fish without a license; requiring that any such person carry on his or her person a valid driver's license or nondriver picture identification card issued by the division of motor vehicles while hunting, trapping or fishing; and abolishing the card previously issued by the director of the division of natural resources.

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
- 2 required to obtain licenses or permits as indicated:
- 3 (a) Bona fide resident landowners or their resident
- 4 children, or resident parents, or bona fide resident tenants

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

10 (b) Any bona fide resident of this state who is totally
11 blind may fish in this state without obtaining a fishing
12 license to do so. A written statement or certificate from a
13 duly licensed physician of this state showing the said
14 resident to be totally blind shall serve in lieu of a fishing
15 license and shall be carried on the person of said resident
16 at all times while he is fishing in this state.

17 (c) All residents of West Virginia on active duty in the
18 armed forces of the United States of America, while on
19 leave or furlough, shall have the right and privilege to
20 hunt, trap or fish in season in West Virginia without
21 obtaining a license to do so. Leave or furlough papers
22 shall serve in lieu of any such license and shall be carried
23 on the person at all times while trapping, hunting or
24 fishing.

25 (d) In accordance with the provisions of section
26 twenty-seven of this article, any resident sixty-five years of
27 age or older is not required to have a license to hunt, trap
28 or fish during the legal seasons in West Virginia, but in
29 lieu of such license any such person shall at all times while
30 hunting, trapping or fishing, carry on his or her person a
31 valid West Virginia driver's license or nondriver
32 identification card issued by the division of motor
33 vehicles.

34 (e) Residents of the state of Maryland who carry
35 hunting or fishing licenses valid in that state may hunt or
36 fish from the West Virginia banks of the Potomac river
37 without obtaining licenses to do so, but such hunting or
38 fishing shall be confined to the fish and waterfowl of the
39 river proper and not on its tributaries: *Provided*, That the
40 state of Maryland shall first enter into a reciprocal
41 agreement with the director extending a like privilege of
42 hunting and fishing on the Potomac river from the
43 Maryland banks of said river to licensed residents of West

44 Virginia, without requiring said residents to obtain
45 Maryland hunting and fishing licenses.

46 (f) Residents of the state of Ohio who carry hunting or
47 fishing licenses valid in that state may hunt or fish on the
48 Ohio river or from the West Virginia banks of said river
49 without obtaining licenses to do so, but such hunting or
50 fishing shall be confined to fish and waterfowl of the river
51 proper and not on its tributaries: *Provided*, That the state
52 of Ohio shall first enter into a reciprocal agreement with
53 the director extending a like privilege of hunting and
54 fishing from the Ohio banks of said river to licensed
55 residents of West Virginia without requiring said residents
56 to obtain Ohio hunting and fishing licenses. In the event
57 the state of Ohio accords this privilege to residents of West
58 Virginia, such Ohio residents will not be required to obtain
59 the license provided for by section forty-two of this
60 article.

61 (g) Any resident of West Virginia who was honorably
62 discharged from the armed forces of the United States of
63 America, and who receives a veteran's pension based on
64 total permanent service connected disability as certified to
65 by the veterans administration, shall be permitted to hunt,
66 trap or fish in this state without obtaining a license
67 therefor. The director shall propose rules for legislative
68 approval in accordance with the provisions of article three,
69 chapter twenty-nine-a of this code setting forth the
70 procedure for the certification of the veteran, manner of
71 applying for and receiving the certification and
72 requirements as to identification while said veteran is
73 hunting, trapping or fishing.

74 (h) Any disabled veteran, who is a resident of West
75 Virginia, and who, as certified to by the commissioner of
76 motor vehicles, is eligible to be exempt from the payment
77 of any fee on account of registration of any motor vehicle
78 owned by such disabled veteran as provided for in section
79 eight, article ten, chapter seventeen-a of this code, shall be
80 permitted to hunt, trap or fish in this state without
81 obtaining a license therefor. The director shall propose
82 rules for legislative approval in accordance with the
83 provisions of article three, chapter twenty-nine-a of this

84 code setting forth the procedure for the certification of the
85 disabled veteran, manner of applying for and receiving the
86 certification, and requirements as to identification while
87 said disabled veteran is hunting, trapping or fishing.

88 (i) Any resident or inpatient in any state mental health,
89 health or benevolent institution or facility may fish in this
90 state, under proper supervision of the institution involved,
91 without obtaining a fishing license to do so. A written
92 statement or certificate signed by the superintendent of the
93 mental health, health or benevolent institution or facility in
94 which the resident or inpatient, as the case may be, is
95 institutionalized shall serve in lieu of a fishing license and
96 shall be carried on the person of the resident or inpatient
97 at all times while he is fishing in this state.

98 (j) Any resident who is developmentally disabled, as
99 certified by a physician and the director of the division of
100 health, may fish in this state without obtaining a fishing
101 license to do so. As used in this section, "developmentally
102 disabled" means a person with a severe, chronic disability
103 which:

104 (1) Is attributable to a mental or physical impairment,
105 or a combination of mental and physical impairments;

106 (2) Is manifested before the person attains age
107 twenty-two;

108 (3) Results in substantial functional limitations in three
109 or more of the following areas of major life activity: (A)
110 Self-care; (B) receptive and expressive language; (C)
111 learning; (D) mobility; (E) self-direction; (F) capacity for
112 independent living; and (G) economic self-sufficiency;
113 and

114 (4) Reflects the person's need for a combination and
115 sequence of care, treatment or supportive services which
116 are of lifelong or extended duration and are individually
117 planned and coordinated.

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

Paul Schoopover
Chairman Senate Committee

Nick Jantasia
Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

Darrel Edelman
Clerk of the Senate

Bryan R. Gray
Clerk of the House of Delegates

Carl Ray Tomblin
President of the Senate

TTK
Speaker of the House of Delegates

The within approved this the 14th
day of March, 1998.

Lee R. Rademan
Governor

PRESENTED TO THE

GOVERNOR

Date 3/11/98

6:38 pm