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
ENROLLED

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 required to obtain licenses or permits as indicated:

2 (a) Bona fide resident landowners or their resident children, or resident parents, or bona fide resident tenants
of such land, may hunt, trap or fish on their own land
during open season in accordance with the laws and
regulations applying to such hunting, trapping and fishing
without obtaining a license to do so unless such lands have
been designated as a wildlife refuge or preserve.

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

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

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

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

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

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

(h) Any disabled veteran, who is a resident of West Virginia, and who, as certified to by the commissioner of motor vehicles, is eligible to be exempt from the payment of any fee on account of registration of any motor vehicle owned by such disabled veteran as provided for in section eight, article ten, chapter seventeen-a of this code, shall be permitted to hunt, trap or fish in this state without obtaining a license therefor. The director shall propose rules for legislative approval in accordance with the provisions of article three, chapter twenty-nine-a of this code.
code setting forth the procedure for the certification of the
disabled veteran, manner of applying for and receiving the
certification, and requirements as to identification while
said disabled veteran is hunting, trapping or fishing.

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

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

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

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

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

(4) Reflects the person's need for a combination and
sequence of care, treatment or supportive services which
are of lifelong or extended duration and are individually
planned and coordinated.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker of the House of Delegates

The within approved this the 14th day of

Governor