WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1999

ENROLLED

SENATE BILL NO. 148

(By Senator DITMAR, ET AL.)

PASSED March 3, 1999
In Effect Ninety Days From Passage
ENROLLED

Senate Bill No. 148

(By Senators Dittmar, Kessler, Ross and Snyder)

[Passed March 3, 1999; in effect ninety days from passage.]

AN ACT to amend and reenact section three, article one, chapter seven of the code of West Virginia, one thousand nine hundred thirty-one, as amended; and to amend and reenact section five-a, article twelve, chapter eight of said code, all relating to restricting the power of counties and municipalities to control the purchase, possession, transfer, carrying, transport, sale and storage of certain weapons and ammunition; and providing certain exceptions thereto.

Be it enacted by the Legislature of West Virginia:

That section three, article one, chapter seven of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted; and that section five-a, article twelve, chapter eight of said code be amended and reenacted, all to read as follows:

CHAPTER 7. COUNTY COMMISSIONS AND OFFICERS.

ARTICLE 1. COUNTY COMMISSIONS GENERALLY.

§7-1-3. Jurisdiction, powers and duties.
The county commissions, through their clerks, shall have the custody of all deeds and other papers presented for record in their counties and the same shall be preserved therein, or otherwise disposed of as now is, or may be prescribed by law. They shall have jurisdiction in all matters of probate, the appointment and qualification of personal representatives, guardians, committees, curators and the settlement of their accounts and in all matters relating to apprentices. They shall also, under the rules as now are or may be prescribed by law, have the superintendence and administration of the internal police and fiscal affairs of their counties, including the establishment and regulation of roads, ways, streets, avenues, drives and the like, and the naming or renaming thereof, in cooperation with local postal authorities, the division of highways and the directors of county emergency communications centers, to assure uniform, nonduplicative conversion of all rural routes to city-type addressing on a permanent basis, bridges, public landings, ferries and mills, with authority to lay and disburse the county levies. They shall, in all cases of contest, judge of the election, qualification and returns of their own members, and of all county and district officers, subject to appeal as prescribed by law. The tribunals as have been heretofore established by the Legislature under and by virtue of section thirty-four, article VIII of the constitution of one thousand eight hundred seventy-two, for police and fiscal purposes, shall, until otherwise provided by law, remain and continue as at present constituted in the counties in which they have been respectively established, and shall be and act as to police and fiscal matters in lieu of the county commission herein mentioned, until otherwise provided by law. And until otherwise provided by law, the clerk as is mentioned in section twenty-six of said article, as amended, shall exercise any powers and discharge any duties heretofore conferred on, or required of, any court or tribunal established for judicial purposes under said section, or the clerk of the court or tribunal, respectively, respecting the recording and preservation of deeds and other papers presented for record, matters of probate, the appointment and qualification of personal representatives, guardians, committees, curators and the settlement of their accounts.
and in all matters relating to apprentices. The county
commission may not limit the right of any person to
purchase, possess, transfer, own, carry, transport, sell or
store any revolver, pistol, rifle or shotgun or any ammuni-
tion or ammunition components to be used therewith nor
to so regulate the keeping of gunpowder so as to, directly
or indirectly, prohibit the ownership of the ammunition:

*Provided,* That no provision in this section may be con-
strued to limit the authority of a county to restrict the
commercial use of real estate in designated areas through
planning or zoning ordinances.

**CHAPTER 8. MUNICIPAL CORPORATIONS.**

**ARTICLE 12. GENERAL AND SPECIFIC POWERS, DUTIES AND ALLIED
RELATIONS OF MUNICIPALITIES, GOVERNING BODIES
AND MUNICIPAL OFFICERS AND EMPLOYEES; SUITS
AGAINST MUNICIPALITIES.**

§8-12-5a. Limitations upon municipalities' power to restrict the
purchase, possession, transfer, ownership, carrying,
transport, sale and storage of certain weapons and
ammunition.

The provisions of section five of this article notwith-
standing, neither a municipality nor the governing body of
any municipality may limit the right of any person to
purchase, possess, transfer, own, carry, transport, sell or
store any revolver, pistol, rifle or shotgun or any ammuni-
tion or ammunition components to be used therewith nor
to so regulate the keeping of gunpowder so as to directly
or indirectly prohibit the ownership of the ammunition.
Nothing herein shall in any way impair the authority of
any municipality, or the governing body thereof, to enact
any ordinance or resolution respecting the power to arrest,
convict and punish any individual under the provisions of
subdivision (16), section five of this article or from enforc-
ing any such ordinance or resolution: *Provided,* That any
municipal ordinance in place as of the effective date of this
section shall be excepted from the provisions of this
section: *Provided, however,* That no provision in this
section may be construed to limit the authority of a
municipality to restrict the commercial use of real estate
in designated areas through planning or zoning ordi-
nances.
That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originating 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...........................................this the............................

Day of............................................March.................................1999

Governor