

HB# 2285

FILED

2003 MAR 27 P 4: 08

OFFICE WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

FIRST REGULAR SESSION, 2003



ENROLLED

House Bill No. 2285

(By Delegates Stemple, Varner and Yeager)



Passed March 8, 2003

In Effect Ninety Days from Passage

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OFFICE WEST VIRGINIA
SECRETARY OF STATE

E N R O L L E D

H. B. 2285

(BY DELEGATES STEMPLER, VARNER AND YEAGER)

[Passed March 8, 2003; in effect ninety days from passage.]

AN ACT to amend and reenact sections thirty-six and thirty-seven, article two, chapter twenty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, all relating to requiring licensees of hunting and fishing licenses to carry and exhibit for inspection proof of identity and all documents applicable to the nature and location of the licensees' regulated activities.

Be it enacted by the Legislature of West Virginia:

That sections thirty-six and thirty-seven, article two, chapter twenty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted, all to read as follows:

ARTICLE 2. WILDLIFE RESOURCES.

§20-2-36. When license, related documents, and picture identification to be carried; using license of another; transferring license to another.

1 (a) A person who is required by this article to be licensed
2 may not hunt, take, pursue, trap for, kill, catch or chase for
3 sport any wild animal or wild bird; or fish for, take, kill or catch
4 any fish or amphibians of any kind whatsoever in this state
5 unless he or she shall have on his or her person: (1) A valid
6 license issued to him or her, or other proof that a valid license
7 has been issued to him or her in accordance with this article; (2)
8 all applicable stamps, permits, and written consents required by
9 this article; (3) a driver's license, passport, or picture identifica-
10 tion issued to him or her by his or her state of residence; and (4)
11 a certificate of training or other proof of hunter safety education
12 as required by section thirty-a of this article.

13 As an alternative to the identification required by subsec-
14 tion (a)(3) of this section, the name, address and birthdate of a
15 licensee under the age of fifteen years may be established by
16 the averment of an accompanying licensed adult.

17 (b) It is unlawful for any person to use at any time any
18 license other than those valid licenses legally issued to him or
19 her in accordance with this article.

20 (c) Except as expressly provided by this article, it is
21 unlawful for any person to transfer a license to any other
22 person.

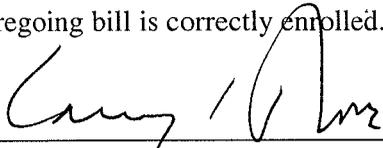
**§20-2-37. Display of license, etc., by persons in possession of
hunting, fishing, etc., paraphernalia.**

1 Any person having in his or her possession in or near the
2 fields or woods, or about the streams of this state, any dog, gun,
3 fishing rod or other hunting, fishing or trapping paraphernalia,
4 shall, upon demand of any officer authorized to enforce the
5 provisions of this chapter, state his or her correct name and
6 address, and shall exhibit for inspection: (a) All applicable
7 licenses and documents set forth in section thirty-six of this

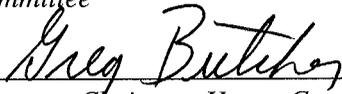
8 article; and (b) all firearms and wildlife which he or she may
9 have in his or her possession.

10 Nothing in this section may be construed as authorizing
11 searches that violate article three, section six of the West
12 Virginia Constitution or the Fourth Amendment to the Constitu-
13 tion of the United States, nor may anything in this section be
14 construed as effecting a waiver of these constitutional provi-
15 sions.

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



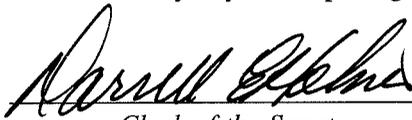
Chairman Senate Committee



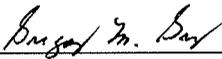
Chairman House Committee

Originating in the House.

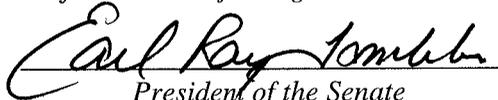
In effect ninety days from passage



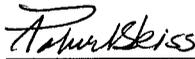
Clerk of the Senate



Clerk of the House of Delegates

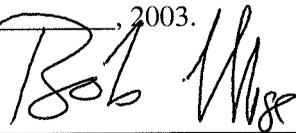


President of the Senate



Speaker of the House of Delegates

The within is approved this the 27th
day of March, 2003.



Governor

PRESENTED TO THE
GOVERNOR

Date 3/25/03

Time 9:35 am