ENROLLED

House Bill No. 2285

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

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

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

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

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

Any person having in his or her possession in or near the fields or woods, or about the streams of this state, any dog, gun, fishing rod or other hunting, fishing or trapping paraphernalia, shall, upon demand of any officer authorized to enforce the provisions of this chapter, state his or her correct name and address, and shall exhibit for inspection: (a) All applicable licenses and documents set forth in section thirty-six of this
article; and (b) all firearms and wildlife which he or she may have in his or her possession.

Nothing in this section may be construed as authorizing searches that violate article three, section six of the West Virginia Constitution or the Fourth Amendment to the Constitution of the United States, nor may anything in this section be construed as effecting a waiver of these constitutional provisions.
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