Enrolled
Committee Substitute
for
Senate Bill 473

Senators Maynard and Cline, original sponsors

[Passed March 31, 2017; in effect 90 days from passage]
WEST VIRGINIA LEGISLATURE

2017 REGULAR SESSION

Enrolled

Committee Substitute

for

Senate Bill 473

SENATORS MAYNARD AND CLINE, original sponsors

[Passed March 31, 2017; in effect 90 days from passage]
AN ACT to amend and reenact §20-2-4 and §20-2-11 of the Code of West Virginia, 1931, as amended, all relating to wildlife; permitting the collection, possession and sale of naturally shed deer antlers; and clarifying the sale, trade or barter of wildlife or parts thereof.

Be it enacted by the Legislature of West Virginia:

That §20-2-4 and §20-2-11 of the Code of West Virginia, 1931, as amended, be amended and reenacted, all to read as follows:

ARTICLE 2. WILDLIFE RESOURCES.

§20-2-4. Possession of wildlife.

(a) Except for wildlife lawfully taken, killed or obtained, no person may have in his or her possession any wildlife, or parts thereof, during closed seasons. It is unlawful to possess any wildlife, or parts thereof, which have been illegally taken, killed or obtained. This does not include the possession of deer antlers that are naturally shed and collected by a person from his or her own land, from public lands unless prohibited by law, or from private lands with the written permission of the landowner in hand. Any wildlife illegally taken, killed or possessed shall be forfeited to the state and shall be counted toward the daily, seasonal, bag, creel and possession limit of the person in possession of, or responsible for, the illegal taking or killing of any wildlife. It is unlawful to take, obtain, purchase, possess or maintain in captivity any live wildlife, wild animals, wild birds, game or fur-bearing animals except as provided by this chapter or any rule promulgated thereunder.

(b) Wildlife lawfully taken outside of this state is subject to the same laws and rules as wildlife taken within this state.

(c) Migratory wild birds may be possessed only in accordance with the Migratory Bird Treaty Act, 16 U. S. C. §703, et seq., and its regulations.

(d) The restrictions in this section do not apply to the director or duly authorized agents, who may take or maintain in captivity any wildlife for the purpose of carrying out the provisions of this chapter.
(e) Wildlife, except protected birds, elk, spotted fawn and bear cubs, killed or mortally wounded as a result of being accidentally or inadvertently struck by a motor vehicle may be lawfully possessed if the possessor of the wildlife provides notice of the claim within twelve hours to a relevant law-enforcement agency and obtains a nonhunting game tag within twenty-four hours of possession. The director shall propose administrative policy which addresses the means, methods and administrative procedures for implementing the provisions of this section.

(f) Persons are required to electronically register deer, bear, turkey, wild boar, bobcat, beaver, otter and fisher in accordance with rules promulgated by the director. “Electronically register” means submission of all necessary and relevant information to the division, in the manner designated by rule governing the electronic registration of wildlife. The director may promulgate rules, pursuant to article three, chapter twenty-nine-a of this code, governing the electronic registration of wildlife: Provided, That the rules shall include a procedure for persons who are not required to obtain licenses or permits under section twenty-eight of this article to register wildlife using identification other than a social security number. The rules may use a system of a combination of the last four digits of the social security number, date of birth and last name of the person.

§20-2-11. Sale of wildlife; transportation of same.

(a) A person, except those legally licensed to operate private game preserves for the purpose of propagating game for commercial purposes and those legally licensed to propagate or sell fish, amphibians and other forms of aquatic life, may not purchase or offer to purchase, sell or offer to sell, trade or offer to trade, barter or offer to barter, expose for sale, trade or barter or have in his or her possession for the purpose of sale, trade or barter any wildlife, or part thereof, which has been designated as game animals, fur-bearing animals, game birds, game fish or amphibians, or any of the song or insectivorous birds of the state, or any other species of wildlife which the director may designate, except for captive cervids regulated pursuant to the provisions of article two-h, chapter nineteen of this code. However, pelts of game or fur-bearing animals
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taken during the legal season may be sold, traded or bartered and live red and gray foxes and
raccoon taken by legal methods during legal and established trapping seasons may be sold,
traded or bartered within the state. In addition, the hide, head, antlers and feet of a legally killed
deer, lawfully collected and possessed naturally shed deer antlers and the hide, head and skull
of a legally killed black bear may be sold, traded or bartered.

(b) A person, including a common carrier, may not transport, carry or convey, or receive
for such purposes, any wildlife, the sale, trade or bartering of which is prohibited, if such person
knows or has reason to believe that such wildlife has been or is to be sold, traded or bartered in
violation of this section.

(c) Each separate act of selling or exposing for sale, trading or exposing for trade or
bartering or exposing for barter or having in possession for sale, trade, barter, transporting or
carrying in violation of this section constitutes a separate misdemeanor offense. Notwithstanding
this or any other section of this chapter, any game birds or game bird meats sold by licensed
retailers may be served at any hotel, restaurant or other licensed eating place in this state.

(d) The director may propose rules for promulgation in accordance with article three,
chapter twenty-nine-a of this code dealing with the sale of wildlife and the skins thereof.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Mark R. Wenzel
Chairman, Senate Committee

Regan Hambrick
Chairman, House Committee

Originated in the Senate.

In effect 90 days from passage.

Clare Brown
Clerk of the Senate

Dana T. Minor
Clerk of the House of Delegates

Tim K.胶囊
President of the Senate

Cal. H. Boggs
Speaker of the House of Delegates

The within was approved this the 11th Day of April, 2017.

Jim Justice
Governor
PRESENTED TO THE GOVERNOR

APR. 06 2017

Time 3:09 pm