

WEST VIRGINIA LEGISLATURE

2018 REGULAR SESSION

Enrolled

Senate Bill 498

OFFICE WEST VIRGINIA
SECRETARY OF STATE

2018 MAR 27 A 9:54

FILED

BY SENATORS MAYNARD, STOLLINGS, AND PLYMALE

[Passed March 10, 2018; in effect 90 days from passage]

SB498

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1 AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,
2 designated §20-3-3a, relating to Cabwaylingo State Forest; creating a pilot project
3 permitting all-terrain or off-highway recreational vehicles on designated roads and trails in
4 Cabwaylingo State Forest; permitting the Director of the Division of Natural Resources to
5 designate roads, trails, and campgrounds and to close certain areas, or parts thereof, to
6 public use in consultation with the Director of the Division of Forestry; permitting the
7 Director of the Division of Natural Resources to establish special season and permit in
8 consultation with the Director of the Division of Forestry; making it unlawful to operate an
9 all-terrain or off-highway vehicle on any road or trail in Cabwaylingo State Forest without
10 such special permit, should one be created; applying the ATV, UTV, and Motorcycle
11 Responsibility Act to the project; providing the Director of the Division of Natural
12 Resources emergency and regular legislative rule-making authority; and requiring
13 Legislative Auditor to review project and file report.

Be it enacted by the Legislature of West Virginia:

ARTICLE 3. FORESTS AND WILDLIFE AREAS.

§20-3-3a. Cabwaylingo Pilot Project.

1 (a) The director in consultation with the forestry director shall establish a two-year pilot
2 project permitting all-terrain vehicles (ATVs) and off-highway recreational vehicles (ORVs) to drive
3 on roads and trails in Cabwaylingo State Forest, as designated and approved by the director. The
4 director may establish special seasons and designate certain campgrounds and tent sites for ATV
5 and ORV users in the forest.

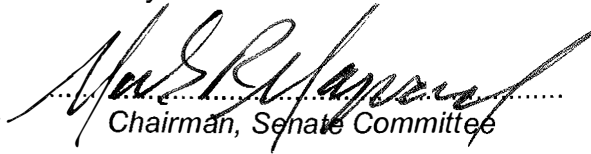
6 (b) The director in consultation with the forestry director may establish a special permit for
7 purchase by the ATV and ORV users for road and trail access, and may close any areas, or parts
8 thereof, to public use. Should the director establish such a special permit, it shall be unlawful, at
9 any time, to operate an ATV or ORV on any roads and trails in Cabwaylingo State Forest without
10 the special permit.

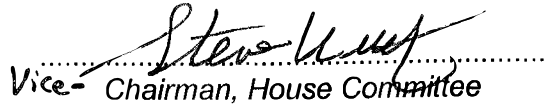
11 (c) The provisions of §20-15-1 *et seq.* of this code apply to the division, participants,
12 outfitters, and licensees of the Cabwaylingo Pilot Project, though ORVs may be permitted.

13 (d) At the conclusion of the two-year pilot project, the Legislative Auditor shall review the
14 pilot project and file a report with the Joint Committee on Government and Finance.

15 (e) The Director of the Division of Natural Resources shall have authority to promulgate
16 emergency legislative rules and legislative rules necessary to effectuate the provisions of this
17 section.

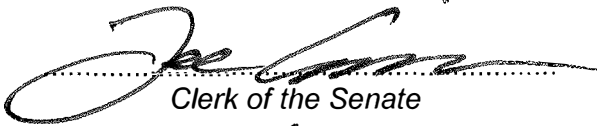
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.


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Chairman, Senate Committee

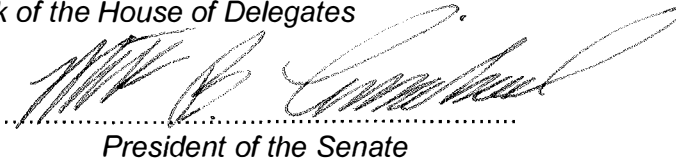

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Vice-Chairman, House Committee

Originated in the Senate.

In effect 90 days from passage.


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Clerk of the Senate

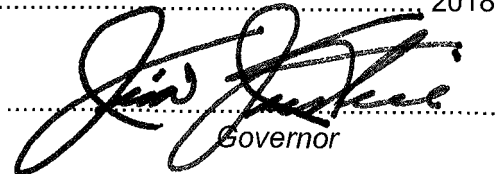

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Clerk of the House of Delegates


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President of the Senate


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Speaker of the House of Delegates

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OFFICE WEST VIRGINIA
SECRETARY OF STATE

The within is approved this the 27th
Day of March 2018.


.....
Governor

PRESENTED TO THE GOVERNOR

MAR 21 2018

Time 11:57am