Committee Substitute
for
House Bill 2521

BY DELEGATES HARSHBARGER, PAYNTER, COOPER,
BIBBY, KELLY, D., ATKINSON, SYPOLT, HANNA, MANDT
AND PORTERFIELD

[Passed February 15, 2019; in effect ninety days from passage.]
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AN ACT to amend and reenact §20-2-11 of the Code of West Virginia, 1931, as amended; to
amend and reenact §20-2-12 of said code; and to amend and reenact §20-2-49 of said
code, all relating to permitting the selling, trading, and bartering of fur-bearer parts,
including carcasses for the making of lures and baits, carcass parts, including glands,
skulls, claws, and bones, and fur-bearer urine; and providing that the hide and tails of
legally killed squirrels may be sold, traded or bartered.

Be it enacted by the Legislature of West Virginia:

ARTICLE 2. WILDLIFE RESOURCES.

§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 §19-2H-1 et seq. of this code. However, pelts of game or fur-bearing animals, fur-bearer parts,
including carcasses for the making of lures and baits, carcass parts, including glands, skulls,
claws, and bones, and fur-bearer urine 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, the hide, head and skull of a legally killed black bear, and the hide and tails of
legally killed squirrels 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 proposal rules for promulgation in accordance with §29A-3-1 et seq. of this code dealing with the sale of wildlife and the skins thereof.

§20-2-12. Transportation of wildlife out of state; penalties.

(a) A person may not transport or have in his or her possession with the intention of transporting beyond the limits of the state any species of wildlife or any part thereof killed, taken, captured or caught within this state, except as provided in this section.

(1) A person legally entitled to hunt and fish in this state may take with him or her personally, when leaving the state, any wildlife that he or she has lawfully taken or killed, not exceeding, during the open season, the number that any person may lawfully possess.

(2) Licensed resident hunters and trappers and resident and nonresident fur dealers may transport beyond the limits of the state pelts of game and fur-bearing animals, fur-bearer parts, including carcasses for the making of lures and baits, carcass parts, including glands, skulls, claws, and bones, and fur-bearer urine taken during the legal season.

(3) A person may transport the hide, head, antlers and feet of a legally killed deer and the hide, head, skull, organs and feet of a legally killed black bear beyond the limits of the state.

(4) A person legally entitled to possess an animal according to §20-2-4 of this code may transport that animal, including the parts or urine of that animal, beyond the limits of the state.
(b) The director may promulgate rules in accordance with §29A-3-1 et seq. of this code dealing with the transportation and tagging of wildlife, parts, urine and skins.

(c) A person who violates this section by transporting or possessing with the intention of transporting beyond the limits of this state deer or wild boar shall be considered to have committed a separate offense for each animal so transported or possessed. This section does not apply to captive cervids regulated pursuant to §19-2H-1 et seq. of this code.

(d) A person violating this section shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than $20 nor more than $300 or be confined in jail not less than 10 nor more than 60 days, or both.

(e) This section does not apply to persons legally entitled to propagate and sell wild animals, wild birds, fish, amphibians and other forms of aquatic life beyond the limits of the state.

§20-2-49. Licenses for dealers in furs, pelts, etc.

The director may issue licenses for buying or dealing in raw furs, pelts or skins, and carcasses for the making of lures and baits, carcass parts, including glands, skulls, claws, and bones, and fur-bearer urine of fur-bearing animals as follows:

(1) A resident county license, which shall apply only to the county or counties designated on the license and shall be issued only to persons who have been bona fide residents of this state for a period of at least six months prior to the date of application, and of a county in which the privilege is to be exercised. A license shall apply to the county for which issued and to such adjacent counties as are designated in the license. A fee of $1 for each county shall accompany the application;

(2) A resident statewide license, which shall apply to all counties in the state and shall be issued only to persons who have been bona fide residents of this state for a period of at least six months prior to the date of application. A fee of $10 shall accompany the application;

(3) A nonresident statewide license, which shall apply to all counties in the state and shall be issued only to nonresidents. A fee of $50 shall accompany the application; and
(4) An agent’s permit which shall apply to a person employed by a licensee under subsections (1), (2) or (3) above, to buy or deal as an agent of the licensee other than at the place of business of the licensee. A fee of $2.50 for each such agent shall accompany the application.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman, House Committee

Chairman, Senate Committee

Originating in the House.

In effect ninety days from passage.

Clerk of the House of Delegates

Clerk of the Senate

Speaker of the House of Delegates

President of the Senate

The within is approved this the 28th day of February 2019.

Governor