

# WEST VIRGINIA LEGISLATURE

2022 REGULAR SESSION

ENROLLED

Committee Substitute

for

House Bill 4242

BY DELEGATE FOSTER

[Passed March 8, 2022; in effect from passage.]

FILED

2022 MAR 30 P 5:11

OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

HB4242

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1 AN ACT to amend and reenact §64-10-1 *et. seq.* of the Code of West Virginia, 1931, as amended,  
2 all relating generally to authorizing certain agencies of the Department of Commerce to  
3 promulgate legislative rules; authorizing the rules as filed, as modified, and as amended  
4 by the Legislative Rule-Making Review Committee; authorizing the Division of Labor to  
5 promulgate a legislative rule relating to child labor; authorizing the Office of Miners' Health,  
6 Safety and Training to promulgate a legislative rule relating to the safety of those  
7 employed in and around surface mines in West Virginia; authorizing the Office of Miners'  
8 Health, Safety and Training to promulgate a legislative rule relating to the first-aid training  
9 of shaft and slope employees; authorizing the Office of Miners' Health, Safety and Training  
10 to promulgate a legislative rule relating to substance abuse screening, standards, and  
11 procedures; authorizing the Division of Natural Resources to promulgate a legislative rule  
12 relating to the revocation of hunting and fishing licenses; authorizing the Division of Natural  
13 Resources to promulgate a legislative rule relating to special motorboating; authorizing  
14 the Division of Natural Resources to promulgate a legislative rule relating to public  
15 shooting ranges; authorizing the Division of Natural Resources to promulgate a legislative  
16 rule relating to hunting; authorizing the Division of Natural Resources to promulgate a  
17 legislative rule relating to the commercial sale of wildlife; and authorizing the Division of  
18 Natural Resources to promulgate a legislative rule relating to lifetime hunting, trapping,  
19 and fishing licenses.

*Be it enacted by the Legislature of West Virginia:*

**ARTICLE 10. AUTHORIZATION FOR DEPARTMENT OF COMMERCE TO  
PROMULGATE LEGISLATIVE RULES.**

**§64-10-1. Division of Labor.**

1 The legislative rule filed in the State Register on July 30, 2021, authorized under the  
2 authority of §21-6-11 of this code, modified by the Division of Labor to meet the objections of the

3 Legislative Rule-Making Review Committee and refiled in the State Register on September 1,  
4 2021, relating to the Division of Labor (Child Labor, 42 CSR 09), is authorized.

**§64-10-2. Office of Miners' Health, Safety and Training.**

1 (a) The legislative rule filed in the State Register on June 11, 2021, authorized under the  
2 authority of §22A-1-42 of this code, modified by the Office of Miners' Health, Safety And Training  
3 to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State  
4 Register on August 24, 2021, relating to the Office of Miners' Health, Safety And Training (Rule  
5 Governing the Safety of Those Employed in and Around Surface Mines in West Virginia, 56 CSR  
6 03), is authorized.

7 (b) The legislative rule filed in the State Register on June 11, 2021, authorized under the  
8 authority of §22A-7-6 of this code, relating to the Office of Miners' Health, Safety and Training  
9 (Rule Governing First-Aid Training of Shaft and Slope Employees, 56 CSR 11), is authorized.

10 (c) The legislative rule filed in the State Register on July 30, 2021, authorized under the  
11 authority of §22A-1A-2 of this code, modified by the Office of Miners' Health, Safety and Training  
12 to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State  
13 Register on August 24, 2021, relating to the Office Miners' Health, Safety and Training (Substance  
14 Abuse Screening, Standards and Procedures, 56 CSR 19), is authorized.

**§64-10-3. Division of Natural Resources.**

1 (a) The legislative rule filed in the State Register on July 30, 2021, authorized under the  
2 authority of §20-1-7 of this code, modified by the Division of Natural Resources to meet the  
3 objections of the Legislative Rule-Making Review Committee and refiled in the State Register on  
4 August 31, 2021, relating to the Division of Natural Resources (Revocation of Hunting and Fishing  
5 Licenses, 58 CSR 23), is authorized.

6 (b) The legislative rule filed in the State Register on July 30, 2021, authorized under the  
7 authority of §20-7-22 of this code, relating to the Division of Natural Resources (Special  
8 Motorboating Regulations, 58 CSR 27), is authorized.

9 (c) The legislative rule filed in the State Register on July 30, 2021, authorized under the  
10 authority of §20-3-2 of this code, modified by the Division of Natural Resources to meet the  
11 objections of the Legislative Rule-Making Review Committee and refiled in the State Register on  
12 August 31, 2021, relating to the Division of Natural Resources (Public Shooting Ranges, 58 CSR  
13 38), is authorized.

14 (d) The legislative rule filed in the State Register on July 30, 2021, authorized under the  
15 authority of §20-1-7 of this code, relating to the Division of Natural Resources (General Hunting,  
16 58 CSR 49), is authorized.

17 (e) The legislative rule filed in the State Register on July 30, 2021, authorized under the  
18 authority of §20-2-11 of this code, modified by the Division of Natural Resources to meet the  
19 objections of the Legislative Rule-Making Review Committee and refiled in the State Register on  
20 December 29, 2021, relating to the Division of Natural Resources (Commercial Sale of Wildlife,  
21 58 CSR 63), is authorized with the amendment set forth below:

22 On page 5, section 8.1, by striking out subsection 8.1 in its entirety and inserting in lieu  
23 thereof a new subsection 8.1 to read as follows:

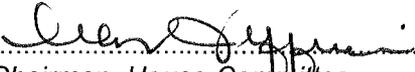
24 "§58-63-8. Penalties.

25 8.1. Any person accused of violating any provision of this rule may, in the discretion of the  
26 Director, be referred to the county prosecutor in the county of the alleged offense for potential  
27 prosecution of a misdemeanor or felony. If the county prosecutor determines that a referred  
28 violation of this rule meets the act and state of mind requirements for criminal liability under West  
29 Virginia law, upon conviction thereof, the violator may be punished by a fine of up to a \$500 or up  
30 to 30 days of incarceration in the county jail, or a combination of fine and incarceration. As  
31 applicable, the violation may, in the discretion of the county prosecutor, be prosecuted pursuant  
32 to and sentenced by a court in accordance with W.Va. Code Chapter 61: *Provided*, That  
33 convictions for violations of this rule may only be subject to incarceration if the rule violation

34 convicted of posed a substantial risk to life or public safety, or in fact caused actual substantial  
35 harm resulting from the violation.”

36 (f) The legislative rule filed in the State Register on July 30, 2021, authorized under the  
37 authority of §20-2B-7 of this code, modified by the Division of Natural Resources to meet the  
38 objections of the Legislative Rule-Making Review Committee and refiled in the State Register on  
39 August 31, 2021, relating to the Division of Natural Resources (Lifetime Hunting, Trapping, and  
40 Fishing Licenses, 58 CSR 67), is authorized.

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

  
.....  
Chairman, House Committee

  
.....  
Chairman, Senate Committee

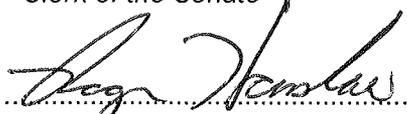
FILED  
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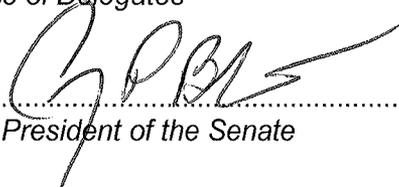
Originating in the House.

In effect from passage.

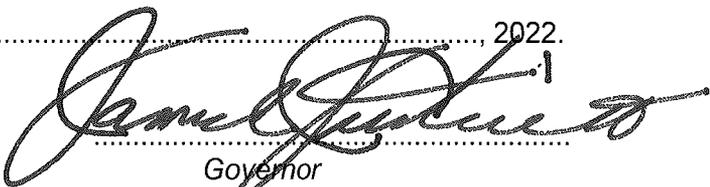
  
.....  
Clerk of the House of Delegates

  
.....  
Clerk of the Senate

  
.....  
Speaker of the House of Delegates

  
.....  
President of the Senate

The within is approved this the 30th  
day of March ..... 2022.

  
.....  
Governor

PRESENTED TO THE GOVERNOR

MAR 24 2022

Time 10:01 am