

# WEST VIRGINIA LEGISLATURE

## 2023 REGULAR SESSION

**Enrolled**  
**Committee Substitute**  
**for**  
**Senate Bill 468**

BY SENATORS HAMILTON, MAYNARD, PLYMALE, TAYLOR,

STUART, AND KARNES

[Passed March 11, 2023; in effect 90 days from  
passage (June 9, 2023)]

OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

2023 MAR 29 P 1:25

FILED

SB468

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1 AN ACT to amend and reenact §20-3-3a of the Code of West Virginia, 1931, as amended, relating  
2 to continuing the Cabwaylingo State Forest Trail System and developing the existing  
3 Hatfield-McCoy trail system solely for the purpose of providing access to state park and  
4 state forest recreational facilities.

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

**ARTICLE 3. FORESTS AND WILDLIFE AREAS.**

**§20-3-3a. Cabwaylingo State Forest Trail System.**

1 (a) The director, in consultation with the forestry director, may permit all-terrain vehicles  
2 (ATVs), off-highway recreational vehicles (ORVs), and utility-terrain vehicles (UTVs) to drive on  
3 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 in the  
5 forest.

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

14 (d) The Parks and Recreation Section of the Division of Natural Resources is prohibited  
15 from establishing any additional ATV, ORV, or UTV trail systems within state parks and state  
16 forests: *Provided*, That the Director of the Division of Natural Resources shall have the authority  
17 to authorize the development and use of certain connector trails, roads, and parking areas from  
18 private systems, including, without limitation, the Hatfield-McCoy systems, solely for the purpose

19 of providing access to state park and state forest recreational facilities and lodging by ATV, ORV,  
20 and UTV trail system users.

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

The Clerk of the Senate and the Clerk of the House of Delegates hereby certify that the foregoing bill is correctly enrolled.

*Joe Lavin*  
.....  
Clerk of the Senate

*Steve Harrison*  
.....  
Clerk of the House of Delegates

Originated in the Senate.  
In effect 90 days from passage.

**FILED**  
2023 MAR 29 P 1:25  
OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

*G.P. Blasz*  
.....  
President of the Senate

*Ray Haddock*  
.....  
Speaker of the House of Delegates

The within is *approved* this the *29th*  
Day of *March* ..... 2023.

*James Perdue*  
.....  
Governor

PRESENTED TO THE GOVERNOR

MAR 17 2023

Time 2:54 pm