

H. B. 3072

(By Delegates Frazier, Shaver, Williams,
Talbot and Barill)

[Introduced February 8, 2011; referred to the
Committee on Natural Resources then the Judiciary.]

A BILL to amend the Code of West Virginia, 1931, as amended, by
adding thereto a new section, designated §20-2-46g, relating
to creating a hunting permit to safely accommodate visually
impaired hunters; setting forth the permit's requirements;
requiring that the permittee and his or her assistant must
also hold the underlying hunting licenses or otherwise be
exempt; and authorizes rulemaking.

Be it enacted by the Legislature of West Virginia:

That the Code of West Virginia, 1931, as amended, be amended
by adding thereto a new section, designated §20-2-46g to read as
follows:

ARTICLE 2. WILDLIFE RESOURCES.

**§20-2-46g. Class VI special hunting permit for the visually
impaired.**

(a) A Class VI permit is a special statewide hunting permit
entitling the permittee to hunt all legal species of game during
the designated hunting seasons with assistance from a person who

1 does not have a visual impairment in accordance with this section.

2 (b) A permit form shall be furnished by the director to an
3 applicant who meets the following requirements:

4 (1) His or her central visual acuity does not exceed 20/200
5 in the better eye with best correction or his or her visual acuity,
6 if better than 20/200, is accompanied by a limit to the field of
7 vision to such a degree that its widest diameter subtends an angle
8 of no greater than twenty degrees; and

9 (2) He or she holds a valid resident or nonresident statewide
10 hunting permit, including all required stamps, or is otherwise
11 exempt from the permit requirement.

12 (c) A licensed optometrist or ophthalmologist must certify the
13 applicant's visual impairment by completing the permit form. The
14 completed permit form shall be submitted to the director, which
15 will issue a wallet sized card to the permittee. The permit and
16 all other documents and identification required by this article
17 must be in the permittee's possession when hunting.

18 (d) Notwithstanding any provision in this chapter to the
19 contrary, an adult who does not have a visual impairment and who
20 accompanies a hunter who possesses a Class VI permit may:

21 (1) Assist the Class VI permittee in selecting a game animal
22 or bird;

23 (2) Assist the Class VI permittee in the aiming or sighting of
24 a firearm or bow with the use of a laser sight or other means by
25 which the selected game animal becomes plainly visible to the

1 assistant;

2 (3) Advise the Class VI permittee when to fire a firearm or
3 bow, provided that the game animal is plainly visible to the
4 assistant as set forth in subdivision (2) of this subsection;

5 (4) Dispatch a wounded or injured game animal on behalf of the
6 Class VI permittee while in his or her immediate presence; and

7 (5) Tag and retrieve game animal on behalf of the Class VI
8 permittee.

9 (e) The person accompanying a Class VI permittee must hold a
10 valid resident or nonresident statewide hunting permit, or be
11 otherwise exempt from the permit requirement.

12 (f) Notwithstanding any other provision of this code to the
13 contrary, a Class VI permittee must also hold a valid resident or
14 nonresident statewide hunting permit and any required stamp without
15 first obtaining the certificate of training set forth in section
16 thirty-a of this article, however, the person accompanying a Class
17 VI permittee must possess a valid certificate of training
18 regardless of his or her date of birth.

19 (g) Both the Class VI permittee and the person accompanying
20 him or her shall, except as specifically set forth in this section,
21 comply with all other relevant provisions of this code and any
22 rules promulgated thereunder. The Class VI permittee and the person
23 accompanying him or her are subject to the same criminal and civil
24 penalties and liabilities set forth in this code and any rules
25 promulgated thereunder for any negligent or unlawful acts while

1 hunting pursuant to this section.

2 (h) The Director of the Division of Natural Resources shall
3 propose for legislative approval, pursuant to the provisions of
4 article three, chapter twenty-nine-a of this code, all rules
5 necessary to implement this section.

NOTE: The purpose of this bill is to create a hunting permit to safely accommodate visually impaired hunters. The bill sets forth the permit's requirements and requires that the permittee and his or her assistant must also hold the underlying hunting licenses or otherwise be exempt. The bill also authorizes rulemaking.

This is a new section; therefore, it has been completely underscored.