

1 COMMITTEE SUBSTITUTE

2 FOR

3 **Senate Bill No. 478**

4 (By Senators Unger, Klempa and Kessler (Mr. President))

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6 [Originating in the Committee on Natural Resources;  
7 reported February 9, 2012.]  
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9  
10 A BILL to amend and reenact §20-2-30a of the Code of West Virginia,  
11 1931, as amended; and to amend said code by adding thereto a  
12 new section, designated §20-2-42y, all relating to creating an  
13 apprentice hunting and trapping license; and penalty.

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

15 That 20-2-30a of the Code of West Virginia, 1931, as amended,  
16 be amended and reenacted; and that said code be amended by adding  
17 thereto a new section, designated §20-2-42y, all to read as  
18 follows:

19 **ARTICLE 2. WILDLIFE RESOURCES.**

20 **§20-2-30a. Certificate of training; falsifying, altering, forging,**  
21 **counterfeiting or uttering training certificate;**  
22 **penalties.**

23 (a) Notwithstanding any other provisions of this article, no  
24 hunting license or stamp may be issued to any person who was born  
25 on or after January 1, 1975, unless the person submits to the

1 person authorized to issue hunting licenses a certificate of  
2 training as provided in this section or proof of completion of any  
3 course which promotes as a major objective safety in the handling  
4 of firearms and of bow and arrows and which course is approved by  
5 the hunter education association or the director, or provides a  
6 State of West Virginia resident or nonresident hunting license from  
7 the previous hunting season that displays a certification of  
8 training, or attests that a hunter training course has been  
9 completed when purchasing a license or stamp online: Provided,  
10 That after January 1, 2013, a person who has never had a valid  
11 hunting license may be issued a Class AH apprentice hunting and  
12 trapping license pursuant to the provisions of section forty-two-y  
13 of this article and is exempt from the hunter training requirements  
14 set forth herein.

15 (b) The director shall establish a course in the safe handling  
16 of firearms and of bows and arrows, such as the course approved by  
17 the hunter education association. This course shall be given at  
18 least once per year in each county in this state and shall be  
19 taught by instructors certified by the director. In establishing  
20 and conducting this course, the director may cooperate with any  
21 reputable association or organization which promotes as a major  
22 objective safety in the handling of firearms and of bows and  
23 arrows: *Provided,* That any person holding a Class A-L or AB-L  
24 lifetime resident license obtained prior to his or her fifteenth  
25 birthday shall be required to obtain a certificate of training as  
26 provided in this section before hunting or trapping pursuant to

1 said license. This course of instruction shall be offered without  
2 charge, except for materials or ammunition consumed. Upon  
3 satisfactory completion of the course, each person instructed in  
4 the course shall be issued a certificate of training for the  
5 purposes of complying with the requirements of subsection (a) of  
6 this section. The certificate shall be in the form prescribed by  
7 the director and shall be valid for hunting license application  
8 purposes.

9 (c) (1) Upon satisfactory completion of this course, any  
10 person whose hunting license has been revoked for a violation of  
11 the provisions of this chapter may petition the director for a  
12 reduction of his or her revocation time. However, under no  
13 circumstances may the time be reduced to less than one year.

14 (2) Successful completion of this course shall be required to  
15 consider the reinstatement of a hunting license of any person whose  
16 license has been revoked due to a conviction for negligent shooting  
17 of a human being or of livestock under the provisions of section  
18 fifty-seven of this article, and who petitions the director for an  
19 early reinstatement of his or her hunting privileges. Such a  
20 petitioner shall also comply with the other requirements for  
21 consideration of reinstatement contained in section thirty-eight of  
22 this article.

23 (d) It is unlawful for any person to falsify, alter, forge,  
24 counterfeit or utter a certificate of training. Any person who  
25 violates the provisions of this subsection is guilty of a  
26 misdemeanor and, upon conviction thereof, shall be fined not less

1 than \$500 nor more than \$1,000, or confined in jail for a period  
2 not to exceed one year, or both fined and imprisoned.

3 (e) Nothing herein contained shall mandate that any county  
4 school district in the state be responsible for implementing hunter  
5 safety education programs.

6 **§20-2-42y. Class AH apprentice hunting and trapping license;**  
7 **penalties.**

8 (a) A Class AH license is an apprentice hunting and trapping  
9 license and entitles the licensee to hunt and trap for all legal  
10 species of wild animals and wild birds. The license shall be a base  
11 license and shall entitle the licensee to a deferral of the proof  
12 of a certificate of training required under the provisions of  
13 section thirty-a of this article. The apprentice hunting and  
14 trapping licensee shall not hunt or trap unless he or she is in  
15 possession of all other required documentation and stamps and is  
16 accompanied and directly supervised by an adult eighteen years of  
17 age or older who either possesses a valid West Virginia hunting  
18 license or has the lawful privilege to hunt pursuant to the  
19 provisions of this chapter. For purposes of this section,  
20 "accompanied and directly supervised" means that a person maintains  
21 a close visual and verbal contact with, provides adequate direction  
22 to, and can assume control of the firearm from the apprentice  
23 hunter. The cost of the license shall be \$19 for a resident and  
24 \$119 for a nonresident. An apprentice hunting and trapping license  
25 is a yearly license and may only be purchased electronically in a  
26 manner designated by the director. No person may purchase more than

1 three apprentice hunting and fishing licenses during his or her  
2 lifetime, and such licenses must be purchased during a period of  
3 five consecutive years which begin to run on the first day of the  
4 calendar year in which the first license is purchased. The director  
5 may promulgate rules in accordance with chapter twenty-nine-a of  
6 this code regulating the issuance of apprentice hunting and  
7 trapping licenses.

8 (b) Any person violating the provisions of this section is  
9 guilty of a misdemeanor and, upon conviction thereof, shall be  
10 subject to the punishment and penalties prescribed in section nine,  
11 article seven of this chapter.

NOTE: The purpose of this bill is to create an apprentice hunting license process which would allow new hunters to purchase a limited number of a new class of hunting license which would permit hunting with supervision prior to obtaining a certificate of training.

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.

§20-2-42y is new; therefore, strike-throughs and underscoring have been omitted.