

1 **ENROLLED**

2 COMMITTEE SUBSTITUTE

3 FOR

4 COMMITTEE SUBSTITUTE

5 FOR

6 **Senate Bill No. 478**

7 (SENATORS UNGER, KLEMPA AND KESSLER (MR. PRESIDENT), *original sponsors*)

8 _____
9 [Passed March 10, 2012; in effect ninety days from passage.]
10 _____

11
12 AN ACT to amend and reenact §20-2-30a of the Code of West Virginia,
13 1931, as amended; and to amend said code by adding thereto a
14 new section, designated §20-2-42y, all relating to creating
15 apprentice hunting and trapping licenses; exempting hunter
16 training requirements for apprentice hunting and trapping
17 licenses; and establishing penalties.

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

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

23 **ARTICLE 2. WILDLIFE RESOURCES.**

24 **§20-2-30a. Certificate of training; falsifying, altering, forging,**
25 **counterfeiting or uttering training certificate;**

1 **penalties.**

2 (a) Notwithstanding any other provisions of this article, no
3 base hunting license may be issued to any person who was born on or
4 after January 1, 1975, unless the person submits to the person
5 authorized to issue hunting licenses a certificate of training as
6 provided in this section or proof of completion of any course which
7 promotes as a major objective safety in the handling of firearms
8 and of bow and arrows and which course is approved by the hunter
9 education association or the director, or provides a State of West
10 Virginia resident or nonresident hunting license from the previous
11 hunting season that displays a certification of training, or
12 attests that a hunter training course has been completed when
13 purchasing a license or stamp online: *Provided*, That after January
14 1, 2013, a person may be issued a Class AH, Class AHJ, Class AAH
15 and Class AAHJ apprentice hunting and trapping license pursuant to
16 the provisions of section forty-two-y of this article and is exempt
17 from the hunter training requirements set forth herein.

18 (b) The director shall establish a course in the safe handling
19 of firearms and of bows and arrows, such as the course approved by
20 the Hunter Education Association. This course shall be given at
21 least once per year in each county in this state and shall be
22 taught by instructors certified by the director. In establishing
23 and conducting this course, the director may cooperate with any
24 reputable association or organization which promotes as a major
25 objective safety in the handling of firearms and of bows and
26 arrows: *Provided*, That any person holding a Class A-L or AB-L

1 lifetime resident license obtained prior to his or her fifteenth
2 birthday shall be required to obtain a certificate of training as
3 provided in this section before hunting or trapping pursuant to
4 said license. This course of instruction shall be offered without
5 charge, except for materials or ammunition consumed. Upon
6 satisfactory completion of the course, each person instructed in
7 the course shall be issued a certificate of training for the
8 purposes of complying with the requirements of subsection (a) of
9 this section. The certificate shall be in the form prescribed by
10 the director and shall be valid for hunting license application
11 purposes.

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

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

26 (d) It is unlawful for any person to falsify, alter, forge,

1 counterfeit or utter a certificate of training. Any person who
2 violates the provisions of this subsection is guilty of a
3 misdemeanor and, upon conviction thereof, shall be fined not less
4 than \$500 nor more than \$1,000, or confined in jail for a period
5 not to exceed one year, or both fined and imprisoned.

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

9 **§20-2-42y. Class AH, AHJ, AAH, AAHJ apprentice hunting and**
10 **trapping licenses; penalties.**

11 (a) Except for persons otherwise exempted, Class AH, AHJ, AAH,
12 and AAHJ licenses are apprentice hunting and trapping licenses and
13 entitle the licensee to hunt and trap for all legal species of wild
14 animals and wild birds. The licenses shall be base licenses and
15 entitle the licensee to a deferral of the proof of a certificate of
16 training required under the provisions of section thirty-a of this
17 article.

18 (b) The apprentice hunting and trapping licensee shall not
19 hunt or trap unless he or she is in possession of all other
20 required documentation and stamps and is accompanied and directly
21 supervised by an adult eighteen years of age or older who either
22 possesses a valid West Virginia hunting license or has the lawful
23 privilege to hunt pursuant to the provisions of this chapter. For
24 purposes of this section, "accompanied and directly supervised"
25 means that a person maintains a close visual and verbal contact
26 with, provides adequate direction to and can assume control of the

1 firearm from the apprentice hunter.

2 (c) The cost of the Class AH license for residents who have
3 reached their eighteenth birthday shall be \$19 and shall have the
4 same privileges associated with Class A base license. The cost of
5 the Class AAH license for nonresidents who have reached their
6 eighteenth birthday shall be \$119 and shall have the same
7 privileges associated with a Class E base license. The cost of the
8 Class AHJ license shall be \$16 for residents who have reached their
9 fifteenth birthday and who have not reached their eighteenth
10 birthday, and shall have the same privileges associated with Class
11 XJ base license. The cost of the Class AAHJ license shall be \$16
12 for nonresidents who have not reached their eighteenth birthday and
13 shall have the same privileges associated with a Class XXJ base
14 license.

15 (d) An apprentice hunting and trapping license is a yearly
16 license and may only be purchased electronically in a manner
17 designated by the director. No person who has ever had a valid
18 base hunting license, other than a Class AH, Class AHJ, Class AAH,
19 or Class AAHJ license, may be issued one of the apprentice hunting
20 and trapping licenses. Further, no person may purchase more than
21 three apprentice hunting and trapping licenses, and the purchases
22 must occur within a period of five consecutive years.

23 (e) The director may promulgate rules in accordance with
24 chapter twenty-nine-a of this code regulating the issuance of
25 apprentice hunting and trapping licenses.

26 (f) Any person violating the provisions of this section is

1 guilty of a misdemeanor and, upon conviction thereof, shall be
2 subject to the punishment and penalties prescribed in section nine,
3 article seven of this chapter.