

H. B. 4501

(By Delegates Cann, Ferro, Moye, Pethtel,
Williams, Perdue, Shaver, Perry, Hall,
R. Phillips and Ferns)

[Introduced February 13, 2012; referred to the
Committee on Natural Resources then Finance.]

**FISCAL
NOTE**

A BILL to amend and reenact §20-2-30a of the Code of West Virginia,
1931, as amended; and to amend said code by adding thereto a
new section, designated §20-2-42y, all relating to creating an
apprentice hunting and trapping license; and penalty.

Be it enacted by the Legislature of West Virginia:

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

ARTICLE 2. WILDLIFE RESOURCES.

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

(a) Notwithstanding any other provisions of this article, no
hunting license or stamp may be issued to any person who was born

1 on or after January 1, 1975, unless the person submits to the
2 person authorized to issue hunting licenses a certificate of
3 training as provided in this section or proof of completion of any
4 course which promotes as a major objective safety in the handling
5 of firearms and of bow and arrows and which course is approved by
6 the hunter education association or the director, or provides a
7 State of West Virginia resident or nonresident hunting license from
8 the previous hunting season that displays a certification of
9 training, or attests that a hunter training course has been
10 completed when purchasing a license or stamp online: Provided,
11 That a person issued a Class AH apprentice hunting and trapping
12 license pursuant to the provisions of section forty-two-y of this
13 article is exempt from the hunter training requirements set forth
14 in this subsection and subsection (b) of this section.

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

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

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

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

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

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

10 **§20-2-42y. Class AH apprentice hunting and trapping license;**
11 **penalties.**

12 (a) A Class AH license is an apprentice hunting and trapping
13 license and entitles the licensee to hunt and trap for all legal
14 species of wild animals and wild birds. The license shall be a base
15 license and shall entitle the licensee to a deferral of the proof
16 of a certificate of training required under the provisions of
17 section thirty-a of this article. The apprentice hunting and
18 trapping licensee shall not hunt or trap unless he or she is in
19 possession of all other required documentation and stamps and is
20 accompanied and directly supervised by an adult eighteen years of
21 age or older who either possesses a valid West Virginia hunting
22 license or has the lawful privilege to hunt pursuant to the
23 provisions of this chapter. For purposes of this section,
24 "accompanied and directly supervised" means that a person maintains

1 a close visual and verbal contact with, provides adequate direction
2 to, and can assume control of the firearm from the apprentice
3 hunter. The cost of the license shall be \$19 for a resident and
4 \$119 for a nonresident. An apprentice hunting and trapping license
5 is a yearly license and may only be purchased electronically in a
6 manner designated by the director. No person may purchase more than
7 three apprentice hunting and fishing licenses during his or her
8 lifetime, and such licenses must be purchased during a period of
9 five consecutive years which begin to run on the first day of the
10 calendar year in which the first license is purchased. The director
11 may promulgate rules in accordance with chapter twenty-nine-a of
12 this code regulating the issuance of apprentice hunting and
13 trapping licenses.

14 (b) Any person violating the provisions of this section is
15 guilty of a misdemeanor and, upon conviction thereof, shall be
16 subject to the punishment and penalties prescribed in section nine,
17 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, it has been completely underscored.