

1 **H. B. 4621**

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3 (By Delegates Miley, Fragale and Caputo)  
4 [Introduced February 20, 2012; referred to the  
5 Committee on Natural Resources then Finance.]  
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10 A BILL to amend and reenact §20-2-28 of the Code of West Virginia,  
11 1931, as amended, relating to exempting nonresident property  
12 owners and their families from hunting, trapping and fishing  
13 license requirements when they are hunting, trapping or  
14 fishing on their own land.

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

16 That §20-2-28 of the Code of West Virginia, 1931, as amended,  
17 be amended and reenacted to read as follows:

18 **ARTICLE 2. WILDLIFE RESOURCES.**

19 **§20-2-28. When licenses or permits not required.**

20 Persons in the following categories are not required to obtain  
21 licenses or permits as indicated:

22 (a) Bona fide ~~resident~~ landowners or their ~~resident~~ children,  
23 or ~~resident~~ parents, or bona fide resident tenants of the land may

1 hunt, trap or fish on their own land during open season in  
2 accordance with the laws and rules applying to the hunting,  
3 trapping and fishing without obtaining a license, unless the lands  
4 have been designated as a wildlife refuge or preserve.

5 (b) Any bona fide resident of this state who is totally blind  
6 may fish in this state without obtaining a fishing license. A  
7 written statement or certificate from a duly licensed physician of  
8 this state showing the resident to be totally blind shall serve in  
9 lieu of a fishing license and shall be carried on the person of the  
10 resident at all times while he or she is fishing in this state.

11 (c) All residents of West Virginia on active duty in the Armed  
12 Forces of the United States of America, while on leave or furlough,  
13 may hunt, trap or fish in season in West Virginia without obtaining  
14 a license. Leave or furlough papers shall serve in lieu of any  
15 license and shall be carried on the person at all times while  
16 trapping, hunting or fishing.

17 (d) In accordance with the provisions of section twenty-seven  
18 of this article, any resident sixty-five years of age or older  
19 before January 1, 2012, is not required to have a license to hunt,  
20 trap or fish during the legal seasons in West Virginia, but in lieu  
21 of the license the person shall at all times while hunting,  
22 trapping or fishing carry on his or her person a valid West  
23 Virginia driver's license or nondriver identification card issued  
24 by the Division of Motor Vehicles.

1           (e) Residents of the state of Maryland who carry hunting or  
2 fishing licenses valid in that state may hunt or fish from the West  
3 Virginia banks of the Potomac River without obtaining licenses, but  
4 the hunting or fishing shall be confined to the fish and waterfowl  
5 of the river proper and not on its tributaries: *Provided*, That the  
6 state of Maryland shall first enter into a reciprocal agreement  
7 with the director extending a like privilege of hunting and fishing  
8 on the Potomac River from the Maryland banks of the river to  
9 licensed residents of West Virginia without requiring the residents  
10 to obtain Maryland hunting and fishing licenses.

11           (f) Residents of the state of Ohio who carry hunting or  
12 fishing licenses valid in that state may hunt or fish on the Ohio  
13 River or from the West Virginia banks of the river without  
14 obtaining licenses, but the hunting or fishing shall be confined to  
15 fish and waterfowl of the river proper and to points on West  
16 Virginia tributaries and embayments identified by the director:  
17 *Provided*, That the state of Ohio shall first enter into a  
18 reciprocal agreement with the director extending a like privilege  
19 of hunting and fishing from the Ohio banks of the river to licensed  
20 residents of West Virginia without requiring the residents to  
21 obtain Ohio hunting and fishing licenses.

22           (g) Any resident of West Virginia who was honorably discharged  
23 from the Armed Forces of the United States of America and who  
24 receives a veteran's pension based on total permanent service-

1 connected disability as certified to by the Veterans Administration  
2 may hunt, trap or fish in this state without obtaining a license.  
3 The director shall propose rules for legislative approval in  
4 accordance with the provisions of article three, chapter twenty-  
5 nine-a of this code setting forth the procedure for the  
6 certification of the veteran, manner of applying for and receiving  
7 the certification and requirements as to identification while the  
8 veteran is hunting, trapping or fishing.

9 (h) Any disabled veteran who is a resident of West Virginia  
10 and who, as certified to by the Commissioner of Motor Vehicles, is  
11 eligible to be exempt from the payment of any fee on account of  
12 registration of any motor vehicle owned by the disabled veteran as  
13 provided in section eight, article ten, chapter seventeen-a of this  
14 code shall be permitted to hunt, trap or fish in this state without  
15 obtaining a license. The director shall propose rules for  
16 legislative approval in accordance with the provisions of article  
17 three, chapter twenty-nine-a of this code setting forth the  
18 procedure for the certification of the disabled veteran, manner of  
19 applying for and receiving the certification and requirements as to  
20 identification while the disabled veteran is hunting, trapping or  
21 fishing.

22 (i) Any resident or inpatient in any state mental health,  
23 health or benevolent institution or facility may fish in this  
24 state, under proper supervision of the institution involved,

1 without obtaining a fishing license. A written statement or  
2 certificate signed by the superintendent of the mental health,  
3 health or benevolent institution or facility in which the resident  
4 or inpatient, as the case may be, is institutionalized shall serve  
5 in lieu of a fishing license and shall be carried on the person of  
6 the resident or inpatient at all times while he or she is fishing  
7 in this state.

8 (j) Any resident who is developmentally disabled, as certified  
9 by a physician and the Director of the Division of Health, may fish  
10 in this state without obtaining a fishing license. As used in this  
11 section, "developmentally disabled" means a person with a severe,  
12 chronic disability which:

13 (1) Is attributable to a mental or physical impairment or a  
14 combination of mental and physical impairments;

15 (2) Is manifested before the person attains age twenty-two;

16 (3) Results in substantial functional limitations in three or  
17 more of the following areas of major life activity:

18 (A) Self-care;

19 (B) Receptive and expressive language;

20 (C) Learning;

21 (D) Mobility;

22 (E) Self-direction;

23 (F) Capacity for independent living; and

24 (G) Economic self-sufficiency; and

1           (4) Reflects the person's need for a combination and sequence  
2 of care, treatment or supportive services which are of lifelong or  
3 extended duration and are individually planned and coordinated.

4           (k) A student eighteen years of age or younger receiving  
5 instruction in fly fishing in a public, private, parochial or  
6 Christian school in this state may fly fish in the state for catch  
7 and release only without obtaining a fishing license while under  
8 the supervision of an instructor authorized by the school.

NOTE: The purpose of this bill is to exempt nonresident property owners and their families from hunting, trapping and fishing license requirements when they are hunting, trapping or fishing on their own land.

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