

H. B. 3120

(By Delegate Howell ( By Request), Espinosa, Folk,  
Miller, D. Evans and Westfall

[Introduced March 25, 2013; 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 §20-2-5h, relating to  
taking fish and game by proxy; permitting a resident holding  
a valid hunting or fishing license to take fish or game on  
behalf of a person who is sixty-five years of age or older, or  
a person who is blind or has other physical disabilities;  
penalty; and rules.

*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 §20-2-5h to read as  
follows:

**ARTICLE 2. WILDLIFE RESOURCES.**

**§20-2-5h. Taking fish and game by proxy.**

(a) Subject to rules promulgated by the director pursuant to  
subsection (h) of this section and any applicable hunting and  
fishing regulations, a resident may take fish or game on behalf of

1 another person under this section.

2 (b) Notwithstanding any provision in this chapter to the  
3 contrary, a resident holding a valid resident hunting license may  
4 take game on behalf of a person who is blind, a person with  
5 physical disabilities, or a person who is sixty-five years of age  
6 or older, if the resident possesses on the resident's person:

7 (1) A document signed by the person on whose behalf the game  
8 is taken, stating that the resident possesses the person's:

9 (A) Hunting license, or if exempted from obtaining a hunting  
10 license under the provisions of this chapter, a valid West Virginia  
11 driver's license or identification card issued by the Division of  
12 Motor Vehicles, in order to take game on behalf of that person;  
13 and

14 (B) Harvest ticket, tag, stamp, or any other document required  
15 by law as a condition of taking the game being hunted.

16 (c) Notwithstanding any provision in this chapter to the  
17 contrary, a resident holding a valid noncommercial fishing license  
18 may take fish on behalf of a person who is blind, a person with  
19 physical disabilities, or a person who is sixty-five years of age  
20 or older, if the resident possesses on the resident's person:

21 (1) A document signed by the person on whose behalf the fish  
22 are taken, stating that the resident possesses the person's:

23 (A) Fishing license, or if exempted from obtaining a fishing  
24 license under the provisions of this chapter, a valid West Virginia

1 driver's license or identification card issued by the Division of  
2 Motor Vehicles, in order to take fish on behalf of that person;  
3 and

4 (B) Stamp or any other document required by law as a condition  
5 of taking the fish being pursued.

6 (d) A resident who takes fish or game on behalf of another  
7 person under this section may, subject to applicable hunting and  
8 fishing regulations, take the fish or game only under those  
9 conditions that would apply to the other person if the other person  
10 took the fish or game personally.

11 (e) A resident who takes, or attempts to take, fish or game on  
12 behalf of a person under this section may also simultaneously  
13 engage in fishing or hunting for the resident's use; however, the  
14 resident may not take or attempt to take fish or game by proxy for  
15 more than one person at a time, and must have on his or her  
16 possession the requisite documentation set forth in subsections  
17 (b) (1) and (c) (1) of this section while simultaneously acting as  
18 proxy and fishing or hunting on his or her behalf.

19 (f) A resident who takes fish or game on behalf on another  
20 person under this section shall:

21 (1) Complete any documents or reports relating to the taking  
22 of the fish or game as may be required by the director;

23 (2) Deliver all parts of fish and game removed from the field  
24 to the person on whose behalf the fish or game was taken within a

1 reasonable time after the fish or game is taken; and

2 (3) Until the fish or game is delivered to the person on whose  
3 behalf the fish or game was taken, retain the person's:

4 (A) Hunting or fishing license, or driver's license or  
5 identification card, and all other documents issued to the person  
6 that are required by law as a condition of taking the fish or game;  
7 and

8 (B) Signed document required under subsections (b)(1) or  
9 (c)(1) of this section.

10 (g) A person violating the provisions of this section while  
11 taking fish or game by proxy is guilty of a misdemeanor and, upon  
12 conviction thereof, shall be fined not more than \$10,000.

13 (h) The director shall propose legislative rules in accordance  
14 with the provisions of article three, chapter twenty-nine-a of this  
15 code to implement the provisions of this section, including setting  
16 standards for physical disability and blindness to have fish or  
17 game taken by proxy, and standards for documentation and reporting.

NOTE: The purpose of this bill is to permit a resident with a valid hunting or fishing license to take fish or game by proxy on behalf of senior citizens and disabled persons.

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