

**Senate Bill No. 466**

(By Senators Laird, Kessler (Mr. President), Stollings,  
Fitzsimmons and Williams)

[Introduced March 6, 2013; referred to the Committee on Natural  
Resources; and then to the Committee on Finance.]

**FISCAL  
NOTE**

A BILL to amend the Code of West Virginia, 1931, as amended, by  
adding thereto a new chapter, designated §60B-1-1, §60B-2-1,  
§60B-2-2, §60B-2-3, §60B-3-1, §60B-3-2, §60B-3-3, §60B-3-4,  
§60B-3-5, §60B-3-6, §60B-4-1 and §60B-4-2, all relating to the  
regulation of wild, dangerous animals; creating a regulatory  
board; providing rule-making authority; and creating offenses  
and establishing penalties.

*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 chapter, designated §60B-1-1, §60B-2-1,  
§60B-2-2, §60B-2-3, §60B-3-1, §60B-3-2, §60B-3-3, §60B-3-4, §60B-3-  
5, §60B-3-6, §60B-4-1 and §60B-4-2, all to read as follows:

**CHAPTER 60B. DANGEROUS WILD ANIMALS ACT.**

**ARTICLE 1. DEFINITIONS.**

1 **§60B-1-1. Definitions.**

2 As used in this article unless otherwise specified:

3 (a) "Board" means the Dangerous Wild Animal Board;

4 (b) "Dangerous wild animal" means mammals, birds, reptiles,  
5 amphibians and aquatic life, including hybrids, that are dangerous  
6 to humans, other animals and the environment due to their inherent  
7 nature. Wildlife, as defined by section two, article one, chapter  
8 twenty of this code, agricultural animals, as defined in section  
9 two, article ten-b and section two, article twenty-nine, chapter  
10 nineteen of this code and domestic animals as defined in this  
11 article, are excluded. A comprehensive list of "dangerous wild  
12 animals" shall be set forth by the board pursuant to the rule-  
13 making authority of this chapter.

14 (c) "Person" means an individual, partnership, corporation,  
15 organization, trade or professional association, firm, limited  
16 liability company, joint venture, association, trust, estate or  
17 other legal entity and an officer, member, shareholder, director,  
18 employee, agent or representative thereof.

19 **ARTICLE 2. PROHIBITION ON THE POSSESSION OF DANGEROUS WILD**  
20 **ANIMALS.**

21 **§60B-2-1. Findings and purpose.**

22 The possession of dangerous wild animals presents serious  
23 public health and safety concerns and are regulated for the  
24 following reasons:

1 (1) To prevent the introduction or spread of disease or  
2 parasites harmful to humans, domestic livestock and poultry,  
3 wildlife and captive wild animals;

4 (2) To ensure the physical safety of humans;

5 (3) To prevent the escape or release of an animal injurious to  
6 or competitive with agricultural, horticultural, forestry, wildlife  
7 and other natural resources; and

8 (4) To prevent the mistreatment of permitted dangerous wild  
9 animals.

10 **§60B-2-2. Dangerous Wild Animal Board; creation; composition;**  
11 **duties and responsibilities; staff and support**  
12 **services.**

13 (a) There is hereby created the Dangerous Wild Animal Board  
14 for the purpose of proposing rules for legislative approval in  
15 accordance with the provisions of chapter twenty-nine-a of this  
16 code designed to protect the state from dangerous wild animals.

17 (b) The board shall consist of three members, the Commissioner  
18 of the Department of Agriculture, the Secretary of the West  
19 Virginia Department of Health and Human Resources and the Director  
20 of the Division of Natural Resources, or their designees. The  
21 Commissioner of Agriculture or his or her designee shall serve as  
22 the chair, the Secretary of the West Virginia Department of Health  
23 and Human Resources or his or her designee shall serve as the vice  
24 chair, and the Director of the Division of Natural Resources or his

1 or her designee shall serve as the secretary.

2 (c) The board has the following duties and responsibilities:

3 (1) To propose rules for legislative approval in accordance  
4 with the provisions of article three, chapter twenty-nine-a of the  
5 code to determine prohibited dangerous wild animal species;

6 (2) To establish minimum caging requirements for various  
7 dangerous wild animals;

8 (3) To issue, renew or revoke permits to persons lawfully in  
9 possession of a dangerous wild animal prior to the effective date  
10 of this chapter or subsequent to the addition of a dangerous wild  
11 animal to the list of prohibited species through the rule-making  
12 process;

13 (4) To annually review animal species to determine if new  
14 dangerous wild animals should be added to the list of prohibited  
15 species through the rule-making process; and

16 (5) To address any other matter required to implement and make  
17 effective the powers and duties vested in it by the provisions of  
18 this chapter.

19 (d) The Department of Agriculture shall provide necessary  
20 staff and support services to the board to effectuate the purposes  
21 of this section.

22 **§60B-2-3. Dangerous Wild Animal Fund; creation; purpose.**

23 There is hereby created in the State Treasury a Special  
24 Revenue Fund to be known as the "Dangerous Wild Animal Fund," which

1 shall consist of all permit fees or payments received by the board  
2 from a governmental entity or persons for the purposes of this  
3 chapter. Expenditures from the fund shall be made by the board for  
4 the purposes set forth in this chapter.

5 **ARTICLE 3. LICENSING AND ADMINISTRATIVE PROVISIONS.**

6 **§60B-3-1. Prohibition on the possession of dangerous wild**  
7 **animals; exceptions.**

8 (a) Except as otherwise provided in this article, no person  
9 may possess a dangerous wild animal.

10 (b) Pursuant to the provisions of this article, the board may  
11 issue a permit for the possession of a dangerous wild animal if the  
12 applicant was in legal possession of the animal prior to the  
13 effective date of this article or subsequent to the addition of a  
14 dangerous wild animal to the list of prohibited species through the  
15 rule-making process.

16 **§60B-3-2. Permit requirements.**

17 (a) The issuance of a permit for the possession of a dangerous  
18 wild animal that was in the legal possession of the owner prior to  
19 the effective date of this article or subsequent to the addition of  
20 a dangerous wild animal to the list of prohibited species through  
21 the rule-making process has the following requirements:

22 (1) The person may not breed, receive or replace a dangerous  
23 wild animal;

1           (2) The person shall notify the sheriff of his or her county  
2 immediately if the dangerous wild animal escapes;

3           (3) The person shall notify the board before moving the  
4 dangerous wild animal or changing the person's address;

5           (4) The person may not allow the dangerous wild animal to come  
6 into physical contact with a person other than the person  
7 possessing the animal, the animal's designated handler, an employee  
8 of a law-enforcement agency enforcing this article or a  
9 veterinarian administering medical examination, treatment or care;

10          (5) The person has not been convicted for an offense involving  
11 the abuse or neglect of an animal;

12          (6) The person has not had a permit or license concerning the  
13 care, possession, exhibition, breeding or sale of an animal revoked  
14 or suspended by a governmental agency;

15          (7) The person shall permanently mark each dangerous wild  
16 animal with a unique identifier;

17          (8) The person shall maintain records for each dangerous wild  
18 animal including veterinary records, acquisition papers and other  
19 records that prove ownership of the dangerous wild animal;

20          (9) The person presents proof of liability insurance in an  
21 amount of not less than \$100,000 with a deductible of not more than  
22 \$250 for each occurrence of property damage, bodily injury or death  
23 caused by a dangerous wild animal possessed by the person;

1 (10) The person must notify the board not less than three days  
2 before a dangerous wild animal is sold or transferred to another  
3 person out of state;

4 (11) The person may not sell or otherwise transfer dangerous  
5 wild animals in the State of West Virginia;

6 (12) The person may not move the animal without the written  
7 consent of the board except, in the event of a medical emergency,  
8 a dangerous wild animal may be transported to a licensed  
9 veterinarian's facility for treatment and care if the animal is at  
10 all times confined sufficiently to prevent escape; and

11 (13) The person must comply with all rules promulgated by the  
12 board pursuant to the provisions of this chapter.

13 **§60B-3-3. Permit applications and issuance.**

14 (a) An applicant for a permit to possess a dangerous wild  
15 animal must submit an application that includes the following:

16 (1) A fee established by the board for each dangerous wild  
17 animal;

18 (2) The name, address and telephone number of the applicant;

19 (3) A description of each dangerous wild animal including the  
20 scientific name, common name, permanent and unique identifier and  
21 any information that would aid in the identification of the animal;  
22 and

23 (4) The exact location where each dangerous wild animal is to  
24 be housed in captivity.

1 (b) The board may issue a permit to possess a dangerous wild  
2 animal if it determines that the applicant has met the requirements  
3 of this article.

4 (c) A permit to possess a dangerous wild animal is valid for  
5 one calendar year and shall be renewed annually.

6 **§60B-3-4. Suspension and revocation of permits.**

7 (a) The board may summarily suspend a permit issued under this  
8 chapter if one of the following conditions exists:

9 (1) A permitted animal is in a position to harm another  
10 animal; or

11 (2) A permitted animal poses a risk to public health or  
12 safety.

13 (b) In the event of the suspension of a permit pursuant to  
14 this section, the dangerous wild animal may be transferred to  
15 another currently licensed person in compliance with the provisions  
16 of this chapter if the transfer would abate the imminent harm to  
17 the animal or the public as determined by the responding  
18 law-enforcement officers, county humane officer or veterinarian.  
19 If the transfer of the dangerous wild animal cannot be accomplished  
20 without additional risk to public safety or if no suitable facility  
21 is available for transfer, the responding law-enforcement officers,  
22 county humane officer or veterinarian may humanely euthanize the  
23 animal in compliance with all federal and state laws.



1 (c) Upon conviction of an offense under this chapter, the  
2 license of a person shall be revoked.

3 (d) The board may, for cause, revoke a license.

4 (e) A person aggrieved by action of the board is entitled to  
5 judicial review as set forth in chapter twenty-nine-a of this code.

6 **§60B-3-5. Permit fees.**

7 The board shall adopt rules concerning the fee for each  
8 dangerous wild animal permit.

9 **§60B-3-6. Exemptions.**

10 The licensing provisions of this article do not apply to:

11 (1) Institutions accredited by the Association of Zoos and  
12 Aquariums (AZA) or an AZA-certified facility;

13 (2) Animal control or law-enforcement agencies or officer  
14 acting under the authority of this chapter;

15 (3) Licensed veterinary hospitals or clinics treating  
16 dangerous wild animals;

17 (4) A licensed or accredited research medical institution;

18 (5) A research facility as defined in the Animal Welfare Act,  
19 7 U.S.C. § 2132(e), as amended;

20 (6) A circus that is an incorporated, class c licensee under  
21 the Animal Welfare Act, 7 U.S.C. § 2132(e), as amended;

22 (7) A person temporarily transporting a dangerous wild animal  
23 through the state if the transit time is not more than forty-eight

1 hours and the animal is at all times confined sufficiently to  
2 prevent escape.

3 **ARTICLE 4. OFFENSES AND PENALTIES.**

4 **§60B-4-1. Criminal penalties.**

5 (a) A person who violates a provision of this chapter is  
6 guilty of a misdemeanor and, upon conviction thereof, shall be  
7 fined not less than \$200 nor more than \$2,000 for each animal with  
8 respect to which there is a violation.

9 (b) A person who knowingly and intentionally releases a  
10 dangerous wild animal or unlawfully possesses a dangerous wild  
11 animal that does not cause injury to a person, shall be guilty of  
12 a misdemeanor and, upon conviction, may be confined in jail for not  
13 more than one year or fined not less than \$500 nor more than  
14 \$2,500, or both confined and fined.

15 (c) A person who knowingly and intentionally releases a  
16 dangerous wild animal or unlawfully possesses a dangerous wild  
17 animal that injures a person is guilty of a felony and, upon  
18 conviction thereof, may be imprisoned in a state correctional  
19 facility for not less than one year nor more than three years, or  
20 fined not less than \$1,000 nor more than \$5,000, or both confined  
21 and fined.

22 **§60B-4-2. Civil liability.**

23 A person convicted of an offense under this chapter is liable  
24 for all costs, including personnel costs to the law-enforcement

25 agencies, associated with the capture, transfer or euthanasia of a  
26 dangerous wild animal of the person.

NOTE: The purpose of this bill is to regulate the ownership of wild, dangerous animals by creating a regulatory board, providing rule-making authority, creating offenses and establishing penalties.

This bill is new; therefore, strike-throughs and underscoring have been omitted.