

# **WEST VIRGINIA LEGISLATURE**

## **2016 REGULAR SESSION**

### **Committee Substitute**

**for**

### **House Bill 4339**

(BY DELEGATES CADLE, FOSTER, BUTLER, IHLE, LYNCH,  
ATKINSON, R. SMITH, GEARHEART, IRELAND, HOWELL  
AND STORCH)

[Originating in the Committee on the Judiciary;

February 24, 2016.]



1 A BILL to amend and reenact §20-2-4 of the Code of West Virginia, 1931, as amended, relating  
2 to wildlife resources; requiring the Director of the Division of Natural Resources, in  
3 connection with rulemaking concerning electronic registration of wildlife, to provide a  
4 procedure for persons who are not required to obtain licenses or permits to register wildlife  
5 using identification other than a social security number.

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

1 That §20-2-4 of the Code of West Virginia, 1931, as amended, be amended and reenacted  
2 to read as follows:

**ARTICLE 2. WILDLIFE RESOURCES.**

**§20-2-4. Possession of wildlife.**

1 (a) Except for wildlife lawfully taken, killed or obtained, no person may have in his or her  
2 possession any wildlife, or parts thereof, during closed seasons. It is unlawful to possess any  
3 wildlife, or parts thereof, which have been illegally taken, killed or obtained. Any wildlife illegally  
4 taken, killed or possessed shall be forfeited to the state and shall be counted toward the daily,  
5 seasonal, bag, creel and possession limit of the person in possession of, or responsible for, the  
6 illegal taking or killing of any wildlife.

7 (b) Wildlife lawfully taken outside of this state is subject to the same laws and rules as  
8 wildlife taken within this state.

9 (c) Migratory wild birds may be possessed only in accordance with the Migratory Bird  
10 Treaty Act, 16 U. S. C. §703, *et seq.*, and its regulations.

11 (d) The restrictions in this section do not apply to the director or duly authorized agents,  
12 who may take or maintain in captivity any wildlife for the purpose of carrying out the provisions of  
13 this chapter.

14 (e) Wildlife, except protected birds, elk, spotted fawn, and bear cubs, killed or mortally  
15 wounded as a result of being accidentally or inadvertently struck by a motor vehicle may be

16 lawfully possessed if the possessor of the wildlife provides notice of the claim within twelve hours  
17 to a relevant law-enforcement agency, and obtains a nonhunting game tag within twenty-four  
18 hours of possession. The director shall propose administrative policy which addresses the means,  
19 methods and administrative procedures for implementing the provisions of this section.

20 (f) Persons required to deliver wildlife to an official checking station shall, in accordance  
21 with rules promulgated by the director, electronically register the wildlife in lieu of the delivery to  
22 an official checking station. "Electronically register" means submission of all necessary and  
23 relevant information to the division, in the manner designated by rule, ~~in lieu of delivery of the~~  
24 ~~chapter twenty-nine-a of this code,~~ governing the electronic registration of wildlife: Provided, That  
25 the rules shall include a procedure for persons who are not required to obtain licenses or permits  
26 under section twenty-eight of this article to register wildlife using identification other than a social  
27 security number. The rules may use a system of a combination of the last four digits of the social  
28 security number, date of birth and last name of the person.