

WEST VIRGINIA LEGISLATURE

2016 REGULAR SESSION

Introduced

House Bill 4339

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

[Introduced February 1, 2016; Referred
to the Committee on Agriculture and Natural
Resources then the Judiciary.]

1 A BILL to amend and reenact §20-2-4 of the Code of West Virginia, 1931, as amended, relating
2 to wildlife resources; the information required when electronically registering wildlife by
3 persons who are not required to obtain license or permits; and requiring the Director of the
4 Division of Natural Resources to propose rules that provide a means of identifying these
5 persons other than by the use of 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.

NOTE: The purpose of this bill is to require the Director of the Division of Natural Resources to propose rules that provide a means of identifying persons who are not required to obtain license or permits when electronically registering wildlife other than the use of a social security number. And, that the rules shall provide a means of identifying these persons other than by the use of a social security number.

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