

# **WEST VIRGINIA LEGISLATURE**

**2017 REGULAR SESSION**

**Committee Substitute**

**for**

**Senate Bill 380**

BY SENATORS MAYNARD AND PLYMALE

[Originating in the Committee on Natural Resources;

reported on March 14, 2017]



1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,  
2 designated §20-3-3a, relating to Cabwaylingo State Forest; creating a pilot project  
3 permitting all-terrain or recreational vehicles on designated roads and trails in  
4 Cabwaylingo State Forest; permitting the director to designate roads, trails and  
5 campgrounds; permitting the director to establish special season and permit; applying the  
6 ATV, UTV and Motorcycle Responsibility Act to the project; and requiring Legislative  
7 Auditor to review project and file report.

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

1 That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new  
2 section, designated §20-3-3a, to read as follows:

**ARTICLE 3. FORESTS AND WILDLIFE AREAS.**

**§20-3-3a. Cabwaylingo Pilot Project.**

1 (a) The director shall establish a two-year pilot project permitting all-terrain vehicles  
2 (ATVs) and off-highway recreational vehicles (ORVs) to drive on roads and trails in Cabwaylingo  
3 State Forest, as designated and approved by the director. The director may establish special  
4 seasons and designate certain campgrounds and tent sites for ATV and ORV users in the forest.

5 (b) The director may establish a special permit for purchase by the ATV and ORV users  
6 for road and trail access, and may close any areas, or parts thereof, to public use. It is unlawful  
7 at any time to operate an ATV or ORV on any roads and trails in Cabwaylingo State Forest without  
8 the special permit.

9 (c) The provisions of article fifteen of this chapter shall apply to the division, participants,  
10 outfitters and licensees of the Cabwaylingo pilot project, though ORVs may be permitted.

11 (d) At the conclusion of the two-year pilot project, the Legislative Auditor shall review the  
12 pilot project and file a report with the Joint Committee on Government and Finance.

NOTE: The purpose of this bill is to create a two-year pilot program permitting recreational vehicles on designated roads and trails in Cabwaylingo State Forest after purchase of special permits. The bill also provides for designation of campgrounds and tent sites to be used by the ATV and ORV users.

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