

WEST VIRGINIA LEGISLATURE

2019 REGULAR SESSION

Committee Substitute

for

House Bill 2715

BY DELEGATES HARSHBARGER, WORRELL, MCGEEHAN,
WESTFALL, MILLER, SWARTZMILLER, KESSINGER, CADLE,
COOPER AND BROWN, N.

(BY REQUEST OF THE DIVISION OF NATURAL RESOURCES)

[Originating in the Committee on the Judiciary,

February 7, 2019.]

1 A BILL to amend and reenact §20-2-46e of the Code of West Virginia, 1931, as amended, relating
2 to Class Q special hunting permit for disabled persons; expanding the conditions of
3 permanent disability for which an individual can obtain a Class Q permit; and providing
4 that physician assistants and advanced practice registered nurses may certify Class Q
5 permit applications.

Be it enacted by the Legislature of West Virginia:

ARTICLE 2. WILDLIFE RESOURCES.

§20-2-46e. Class Q special hunting permit for disabled persons.

1 (a) A Class Q permit is a special statewide hunting permit entitling the permittee to hunt
2 all legal species of game during the designated hunting seasons from a motor vehicle in
3 accordance with the provisions of this section.

4 (b) ~~A permit form shall be furnished by the director to an applicant who meets the following~~
5 ~~requirements~~ The director shall furnish an application and a Class Q permit will be issued to
6 applicants who meet one of the following conditions of permanent disability:

7 (1) ~~He or she or she is permanently disabled in the lower extremities; and~~ Permanent or
8 irreversible physical disability that prevents ability to ambulate without use of a wheelchair, walker,
9 crutches, one leg brace or external prosthesis above the knee, or two leg braces or external
10 prostheses below the knees for mobility.

11 (2) ~~He holds a valid resident or nonresident statewide hunting license, a senior citizens~~
12 ~~license or is otherwise exempt from the license requirement~~ Multiple conditions that result in a
13 minimum of 90% loss of use of a lower extremity.

14 (3) Lung disease to the extent that forced expiratory volume for one second when
15 measured by spirometry is less than one liter or the arterial oxygen tension less than 60
16 millimeters of mercury on room air at rest.

17 (4) Cardiovascular disease to the extent that functional limitations are classified in severity
18 as class 3 or 4, according to standards set by the American Heart Association and where ordinary
19 physical activity causes palpitation, dyspnea or anginal pain.

20 (c) A licensed physician, physician assistant, or advanced practice registered nurse must
21 certify the applicant's permanent disability by completing the permit ~~form~~ application. ~~When~~
22 ~~completed, the permit form constitutes a Class Q permit~~ The Class Q permit and a completed
23 license application shall be submitted to the division, which will issue a wallet sized card to the
24 permittee. ~~The card and all other documents and identification required to be carried by this article~~
25 ~~shall be in the permittee's possession when hunting~~

26 (d) A person with a Class Q permit may not hunt or trap under the provisions of this section
27 unless he or she is in possession of the Class Q permit card, a valid hunting license issued
28 pursuant to §20-2-1 et seq. of this code or is a person excepted from licensing requirements
29 pursuant to §20-2-27 and §20-2-28 of this code, and all documents or other lawful authorizations
30 as prescribed in §20-2-37 of this code.

31 ~~(d)~~ (e) A Class Q permit entitles the holder to hunt from a motor vehicle and,
32 notwithstanding the provisions of ~~subdivision (9), section five of this article~~ §20-2-5 of this code,
33 to possess a loaded firearm in a motor vehicle, but only under the following circumstances:

- 34 (1) The motor vehicle is stationary;
- 35 (2) The engine of the motor vehicle is not operating;
- 36 (3) The permittee and one individual, who is at least 16 years of age, to assist the permittee
37 are the only occupants of the vehicle;
- 38 (4) The individual assisting the permittee may not hunt with a firearm, bow, or cross-bow
39 while assisting the permittee;
- 40 (5) The vehicle is not parked on the right-of-way of any public road or highway; and
- 41 (6) The permittee observes all other pertinent laws and regulations.

42 ~~(e)~~ (f) The director may propose rules for legislative approval in accordance with the
43 provisions of §29A-3-1 *et seq.* of this code setting forth the qualifications of applicants and the
44 permitting process.

NOTE: The purpose of this bill is to expand the conditions of permanent disability required for issuance of a Class Q permit.

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