

WEST VIRGINIA LEGISLATURE

2020 REGULAR SESSION

Introduced

House Bill 4499

BY DELEGATES HANSEN, HOWELL, C. MARTIN AND PYLES

[Introduced January 23, 2020; Referred to the Committee

on Technology and Infrastructure then Government

Organization.]

1 A BILL to amend and reenact §20-17-7, §20-17A-2 and §20-17A-3 of the Code of West Virginia,
2 1931, as amended, all relating to multicounty trail network authorities and the Mountaineer
3 Trail Network Recreation Authority.

Be it enacted by the Legislature of West Virginia:

ARTICLE 17. MULTICOUNTY TRAIL NETWORK AUTHORITIES.

§20-17-7. Requirements for trail users and prohibited acts; criminal penalties.

1 ~~(a) A person may not enter or remain upon a recreational area without a valid,~~
2 ~~nontransferable user permit issued by the appropriate authority and properly displayed, except~~
3 ~~properly identified landowners or leaseholders or their officers, employees, or agents while on the~~
4 ~~land that the person owns or leases for purposes related to the ownership or lease of the land~~

5 ~~(b)~~ (a) An authority may require recreational users to wear protective helmets or use safety
6 equipment that the authority determines to be appropriate for the recreational activity in which the
7 user is engaged.

8 ~~(c)~~ (b) Each trail user operating a bicycle or mountain bicycle shall obey all traffic laws,
9 traffic-control devices, and signs within the recreational area, including those which restrict trails
10 to certain types of bicycles or mountain bicycles.

11 ~~(d)~~ (c) Each trail user shall at all times remain within and on a designated and marked trail
12 while within the recreational area.

13 ~~(e)~~ (d) A person may not ignite or maintain any fire within the recreational area except in
14 a designated camp site.

15 ~~(f)~~ (e) A person may not operate a motor vehicle within the recreational area unless the
16 person is authorized to operate a motor vehicle in the area to perform maintenance services or
17 emergency response.

18 ~~(g)~~ (f) A person who violates any provision of this section is guilty of a misdemeanor and,
19 upon conviction, shall be fined not more than \$100. Prosecution or conviction for the

20 misdemeanor described in this subsection shall not prevent or disqualify any other civil or criminal
21 remedies for the conduct prohibited by this section.

ARTICLE 17A. MOUNTAINEER TRAIL NETWORK RECREATION AUTHORITY.

§20-17A-2. ~~Creation~~ Continuation of Mountaineer Trail Network Recreation Authority and establishment of recreation area.

1 (a) There is hereby ~~created~~ continued the Mountaineer Trail Network Recreation Authority
2 consisting of representatives from the counties of Barbour, Doddridge, Grant, Harrison, Lewis,
3 Marion, Mineral, Monongalia, Preston, Randolph, Ritchie, Taylor, ~~and~~ Tucker, Upshur, and Wood
4 organized pursuant to the provisions of §20-17-1 *et seq.* of this code. This authority is authorized
5 to establish a Mountaineer Trail Network Recreation Area within the jurisdictions of those counties
6 and the authority shall be subject to the powers, duties, immunities, and restrictions provided in
7 §20-17-1 *et seq.* of this code. Visitors and participants in recreational activities within the trail
8 network shall, in similar respects, be subject to the user requirements and prohibitions of §20-17-
9 7 of this code.

10 (b) Notwithstanding subsection (a) of this section, an adjacent county may join the
11 Mountaineer Trail Network Recreation Authority pursuant to the procedures set forth in §20-17-
12 3(b) of this code.

13 (c) Notwithstanding subsection (a) of this section, the Mountaineer Trail Network
14 Recreation Authority may merge with another multicounty trail network authority, pursuant to the
15 procedures set forth in §20-17-3(c) of this code.

§20-17A-3. Recreational purposes.

1 The permitted recreational purposes for the Mountaineer Trail Network Recreation Area
2 include, but are not limited to, any one or any combination of the following ~~noncommercial~~
3 recreational activities: Hunting, fishing, swimming, boating, camping, picnicking, hiking, bicycling,
4 mountain bicycling, running, cross-country running, nature study, winter sports and visiting,
5 viewing or enjoying historical, archaeological, scenic, or scientific sites.

NOTE: The purpose of this bill is to remove the user permit requirement for recreational trail users, to expand the counties within the Mountaineer Trail Network Recreation Authority to include Doddridge, Lewis, Ritchie, Upshur and Wood Counties, and to remove the term "noncommercial" from the description of permitted recreational activities for the Mountaineer Trail Network Recreation Area.

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