

1 **ENROLLED**

2 **H. B. 4301**

3
4 (By Delegates Eldridge, Wells, Craig, A. Evans,
5 Hamilton, Paxton and White)

6 [Passed March 4, 2014; in effect ninety days from passage.]
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10 AN ACT to amend and reenact §20-2-28 of the Code of West Virginia,
11 1931, as amended, relating to hunting, trapping and fishing
12 licenses; and permitting limited reciprocal use of hunting and
13 fishing licenses with states which share river borders with
14 this state.

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

16 That §20-2-28 of the Code of West Virginia, 1931, as amended,
17 be amended and reenacted to read as follows:

18 **ARTICLE 2. WILDLIFE RESOURCES.**

19 **§20-2-28. When licenses or permits not required.**

20 Persons in the following categories are not required to obtain
21 licenses or permits as indicated:

22 (a) Bona fide resident landowners or their resident children,
23 or resident parents, or bona fide resident tenants of the land may

1 hunt, trap or fish on their own land during open season in
2 accordance with the laws and rules applying to the hunting,
3 trapping and fishing without obtaining a license, unless the lands
4 have been designated as a wildlife refuge or preserve.

5 (b) Any bona fide resident of this state who is totally blind
6 may fish in this state without obtaining a fishing license. A
7 written statement or certificate from a duly licensed physician of
8 this state showing the resident to be totally blind shall serve in
9 lieu of a fishing license and shall be carried on the person of the
10 resident at all times while he or she is fishing in this state.

11 (c) All residents of West Virginia on active duty in the armed
12 forces of the United States of America, while on leave or furlough,
13 may hunt, trap or fish in season in West Virginia without obtaining
14 a license. Leave or furlough papers shall serve in lieu of any
15 license and shall be carried on the person at all times while
16 trapping, hunting or fishing.

17 (d) In accordance with the provisions of section twenty-seven
18 of this article, any resident sixty-five years of age or older
19 before January 1, 2012, is not required to have a license to hunt,
20 trap or fish during the legal seasons in West Virginia, but in lieu
21 of the license the person shall at all times while hunting,
22 trapping or fishing carry on his or her person a valid West
23 Virginia driver's license or nondriver identification card issued

1 by the Division of Motor Vehicles.

2 (e) Except as otherwise provided for in this section,
3 residents of states that share river borders with the State of West
4 Virginia who carry hunting or fishing licenses valid in that state
5 may hunt or fish without obtaining licenses, but the hunting or
6 fishing shall be confined to the fish and waterfowl of the river
7 proper and not on its tributaries: *Provided*, That the state shall
8 first enter into a reciprocal agreement with the director extending
9 a like privilege of hunting and fishing to licensed residents of
10 West Virginia without requiring the residents to obtain that
11 state's hunting and fishing licenses.

12 (f) Residents of the State of Ohio who carry hunting or
13 fishing licenses valid in that state may hunt or fish on the Ohio
14 River or from the West Virginia banks of the river without
15 obtaining licenses, but the hunting or fishing shall be confined to
16 fish and waterfowl of the river proper and to points on West
17 Virginia tributaries and embayments identified by the director:
18 *Provided*, That the State of Ohio shall first enter into a
19 reciprocal agreement with the director extending a like privilege
20 of hunting and fishing from the Ohio banks of the river to licensed
21 residents of West Virginia without requiring the residents to
22 obtain Ohio hunting and fishing licenses.

23 (g) Any resident of West Virginia who was honorably discharged

1 from the Armed Forces of the United States of America and who
2 receives a veteran's pension based on total permanent
3 service-connected disability as certified to by the Veterans
4 Administration may hunt, trap or fish in this state without
5 obtaining a license. The director shall propose rules for
6 legislative approval in accordance with the provisions of article
7 three, chapter twenty-nine-a of this code setting forth the
8 procedure for the certification of the veteran, manner of applying
9 for and receiving the certification and requirements as to
10 identification while the veteran is hunting, trapping or fishing.

11 (h) Any disabled veteran who is a resident of West Virginia
12 and who, as certified to by the Commissioner of Motor Vehicles, is
13 eligible to be exempt from the payment of any fee on account of
14 registration of any motor vehicle owned by the disabled veteran as
15 provided in section eight, article ten, chapter seventeen-a of this
16 code shall be permitted to hunt, trap or fish in this state without
17 obtaining a license. The director shall propose rules for
18 legislative approval in accordance with the provisions of article
19 three, chapter twenty-nine-a of this code setting forth the
20 procedure for the certification of the disabled veteran, manner of
21 applying for and receiving the certification and requirements as to
22 identification while the disabled veteran is hunting, trapping or
23 fishing.

1 (i) Any resident or inpatient in any state mental health,
2 health or benevolent institution or facility may fish in this
3 state, under proper supervision of the institution involved,
4 without obtaining a fishing license. A written statement or
5 certificate signed by the superintendent of the mental health,
6 health or benevolent institution or facility in which the resident
7 or inpatient, as the case may be, is institutionalized shall serve
8 in lieu of a fishing license and shall be carried on the person of
9 the resident or inpatient at all times while he or she is fishing
10 in this state.

11 (j) Any resident who is developmentally disabled, as certified
12 by a physician and the Director of the Division of Health, may fish
13 in this state without obtaining a fishing license. As used in this
14 section, "developmentally disabled" means a person with a severe,
15 chronic disability which:

16 (1) Is attributable to a mental or physical impairment or a
17 combination of mental and physical impairments;

18 (2) Is manifested before the person attains age twenty-two;

19 (3) Results in substantial functional limitations in three or
20 more of the following areas of major life activity:

21 (A) Self-care;

22 (B) Receptive and expressive language;

23 (C) Learning;

1 (D) Mobility;

2 (E) Self-direction;

3 (F) Capacity for independent living; and

4 (G) Economic self-sufficiency; and

5 (4) Reflects the person's need for a combination and sequence
6 of care, treatment or supportive services which are of lifelong or
7 extended duration and are individually planned and coordinated.

8 (k) A student eighteen years of age or younger receiving
9 instruction in fly fishing in a public, private, parochial or
10 Christian school in this state may fly fish in the state for catch
11 and release only without obtaining a fishing license while under
the supervision of an instructor authorized by the school.