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2014 MAR 20 P 5:07

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

**WEST VIRGINIA LEGISLATURE**  
SECOND REGULAR SESSION, 2014



**ENROLLED**

**House Bill No. 4301**

(By Delegates Eldridge, Wells, Craig, Evans, A.,  
Hamilton, Paxton, White, Marcum, Phillips, R.,  
Perry and Young)



Passed March 4, 2014

In effect ninety days from passage.

HB4301

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## **H. B. 4301**

(BY DELEGATES ELDRIDGE, WELLS, CRAIG,  
EVANS, A., HAMILTON, PAXTON, WHITE, MARCUM,  
PHILLIPS, R., PERRY AND YOUNG)

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[Passed March 4, 2014; in effect ninety days from passage.]

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**AN ACT to amend and reenact §20-2-28 of the Code of West Virginia, 1931, as amended, relating to hunting, trapping and fishing licenses; and permitting limited reciprocal use of hunting and fishing licenses with states which share river borders with this state.**

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

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

**ARTICLE 2. WILDLIFE RESOURCES.**

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

- 1** Persons in the following categories are not required to obtain
- 2** licenses or permits as indicated:

3 (a) Bona fide resident landowners or their resident children,  
4 or resident parents, or bona fide resident tenants of the land may  
5 hunt, trap or fish on their own land during open season in  
6 accordance with the laws and rules applying to the hunting,  
7 trapping and fishing without obtaining a license, unless the lands  
8 have been designated as a wildlife refuge or preserve.

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

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

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

29 (e) Except as otherwise provided for in this section, residents  
30 of states that share river borders with the State of West Virginia  
31 who carry hunting or fishing licenses valid in that state may hunt  
32 or fish without obtaining licenses, but the hunting or fishing shall  
33 be confined to the fish and waterfowl of the river proper and not  
34 on its tributaries: *Provided*, That the state shall first enter into a  
35 reciprocal agreement with the director extending a like privilege

36 of hunting and fishing to licensed residents of West Virginia  
37 without requiring the residents to obtain that state's hunting and  
38 fishing licenses.

39 (f) Residents of the State of Ohio who carry hunting or  
40 fishing licenses valid in that state may hunt or fish on the Ohio  
41 River or from the West Virginia banks of the river without  
42 obtaining licenses, but the hunting or fishing shall be confined  
43 to fish and waterfowl of the river proper and to points on West  
44 Virginia tributaries and embayments identified by the director:  
45 *Provided*, That the State of Ohio shall first enter into a reciprocal  
46 agreement with the director extending a like privilege of hunting  
47 and fishing from the Ohio banks of the river to licensed residents  
48 of West Virginia without requiring the residents to obtain Ohio  
49 hunting and fishing licenses.

50 (g) Any resident of West Virginia who was honorably  
51 discharged from the Armed Forces of the United States of  
52 America and who receives a veteran's pension based on total  
53 permanent service-connected disability as certified to by the  
54 Veterans Administration may hunt, trap or fish in this state  
55 without obtaining a license. The director shall propose rules for  
56 legislative approval in accordance with the provisions of article  
57 three, chapter twenty-nine-a of this code setting forth the  
58 procedure for the certification of the veteran, manner of applying  
59 for and receiving the certification and requirements as to  
60 identification while the veteran is hunting, trapping or fishing.

61 (h) Any disabled veteran who is a resident of West Virginia  
62 and who, as certified to by the Commissioner of Motor Vehicles,  
63 is eligible to be exempt from the payment of any fee on account  
64 of registration of any motor vehicle owned by the disabled  
65 veteran as provided in section eight, article ten, chapter  
66 seventeen-a of this code shall be permitted to hunt, trap or fish  
67 in this state without obtaining a license. The director shall  
68 propose rules for legislative approval in accordance with the  
69 provisions of article three, chapter twenty-nine-a of this code

70 setting forth the procedure for the certification of the disabled  
71 veteran, manner of applying for and receiving the certification  
72 and requirements as to identification while the disabled veteran  
73 is hunting, trapping or fishing.

74 (i) Any resident or inpatient in any state mental health,  
75 health or benevolent institution or facility may fish in this state,  
76 under proper supervision of the institution involved, without  
77 obtaining a fishing license. A written statement or certificate  
78 signed by the superintendent of the mental health, health or  
79 benevolent institution or facility in which the resident or  
80 inpatient, as the case may be, is institutionalized shall serve in  
81 lieu of a fishing license and shall be carried on the person of the  
82 resident or inpatient at all times while he or she is fishing in this  
83 state.

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

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

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

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

94 (A) Self-care;

95 (B) Receptive and expressive language;

96 (C) Learning;

97 (D) Mobility;

98       **(E) Self-direction;**

99       **(F) Capacity for independent living; and**

100       **(G) Economic self-sufficiency; and**

101       **(4) Reflects the person's need for a combination and**  
102 **sequence of care, treatment or supportive services which are of**  
103 **lifelong or extended duration and are individually planned and**  
104 **coordinated.**

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

That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

*Danny Welle*

Chairman, House Committee

*[Signature]*

Chairman, Senate Committee

Originating in the House.

In effect ninety days from passage.

*[Signature]*  
Clerk of the House of Delegates

*[Signature]*  
Clerk of the Senate

*[Signature]*  
Speaker of the House of Delegates

*[Signature]*  
President of the Senate

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SECRETARY OF STATE

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FILED

The within is approved this the 20<sup>th</sup>  
day of March, 2014.

*[Signature]*  
Governor

**PRESENTED TO THE GOVERNOR**

**MAR 17 2014**

**Time** 3:25 pm