

# **WEST VIRGINIA LEGISLATURE**

**2019 REGULAR SESSION**

**Committee Substitute**

**for**

**House Bill 2597**

BY DELEGATES PORTERFIELD, J. JEFFRIES, MAYNARD,  
COOPER, MALCOLM, CADLE, WILSON, HARSHBARGER,  
FAST AND FOSTER

[Originating in the Committee on the Judiciary,

February 22, 2019.]



1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,  
2 designated §20-2-46g, relating to creating a Class VI hunting permit to safely  
3 accommodate visually impaired hunters; setting forth Class VI permit requirements;  
4 requiring that a Class VI permittee and his or her assistant must also hold the underlying  
5 hunting licenses or otherwise be exempt; and authorizing rulemaking.

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

## **ARTICLE 2. WILDLIFE RESOURCES.**

### **§20-2-46g. Class VI special hunting permit for the visually impaired.**

1 (a) A Class VI permit is a special statewide hunting permit entitling the permittee to hunt  
2 all legal species of game during the designated hunting seasons with assistance from a person  
3 who does not have a visual impairment in accordance with this section.

4 (b) A permit form shall be furnished by the director to an applicant who meets the following  
5 requirements:

6 (1) His or her central visual acuity does not exceed 20/200 in the better eye with best  
7 correction or his or her visual acuity, if better than 20/200, is accompanied by a limit to the field of  
8 vision to such a degree that its widest diameter subtends an angle of no greater than 20 degrees;  
9 and

10 (2) He or she holds a valid hunting license issued pursuant to §20-2-1 et seq. of this code  
11 or is a person excepted from licensing requirements pursuant to §20-2-27 and §20-2-28 of this  
12 code, and all documents or other lawful authorizations as prescribed in §20-2-37 of this code.

13 (c) A licensed optometrist or ophthalmologist must certify the applicant's visual impairment  
14 by completing the permit form. The completed permit form shall be submitted to the director,  
15 which will issue a wallet sized card to the permittee. The permit and all other documents and  
16 identification required by this article must be in the permittee's possession when hunting.

17 (d) Notwithstanding any provision in this chapter to the contrary, an adult 18 years of age  
18 or older who does not have a visual impairment shall accompany a hunter who possesses a Class  
19 VI permit, and shall:

20 (1) Assist the Class VI permittee in selecting a game animal or bird;

21 (2) Assist the Class VI permittee in the aiming or sighting of a firearm or bow with the use  
22 of a laser sight or other means by which the selected game animal becomes plainly visible to the  
23 assistant;

24 (3) Advise the Class VI permittee when to fire a firearm or bow, provided that the game  
25 animal is plainly visible to the assistant as set forth in subdivision (2) of this subsection;

26 (4) Dispatch a wounded or injured game animal on behalf of the Class VI permittee while  
27 in his or her immediate presence; and

28 (5) Tag and retrieve game animal on behalf of the Class VI permittee.

29 (e) The person accompanying a Class VI permittee must be 18 years of age or older and  
30 hold a valid hunting license issued pursuant to §20-2-1 et seq. of this code or is a person excepted  
31 from licensing requirements pursuant to §20-2-27 and §20-2-28 of this code, and all documents  
32 or other lawful authorizations as prescribed in §20-2-37 of this code.

33 (f) The person accompanying a Class VI permittee must possess a valid certificate of  
34 training regardless of his or her date of birth.

35 (g) Both the Class VI permittee and the person accompanying him or her shall, except as  
36 specifically set forth in this section, comply with all other relevant provisions of this code and any  
37 rules promulgated thereunder. The Class VI permittee and the person accompanying him or her  
38 are subject to the same criminal and civil penalties and liabilities set forth in this code and any  
39 rules promulgated thereunder for any negligent or unlawful acts while hunting pursuant to this  
40 section.

41 (h) The Director of the Division of Natural Resources shall propose for legislative approval,  
42 pursuant to the provisions of §29A-3-1 et seq. of this code.

NOTE: The purpose of this bill is to create a hunting permit to safely accommodate visually impaired hunters. The bill sets forth the permit's requirements and requires that the permittee and his or her assistant must also hold the underlying hunting licenses or otherwise be exempt. The bill also authorizes rulemaking.

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