

WEST VIRGINIA LEGISLATURE

2019 REGULAR SESSION

Introduced

House Bill 2597

FISCAL
NOTE

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COOPER, MALCOLM, CADLE, WILSON, HARSHBARGER,

FAST AND FOSTER

[Introduced January 22, 2019; Referred
to the Committee on Agriculture and Natural
Resources then the Judiciary.]

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 hunting permit to safely accommodate
3 visually impaired hunters; setting forth the permit's requirements; requiring that the
4 permittee and his or her assistant must also hold the underlying hunting licenses or
5 otherwise be exempt; and authorizes 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 resident or nonresident statewide hunting permit, including all
11 required stamps, or is otherwise exempt from the permit requirement.

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

16 (d) Notwithstanding any provision in this chapter to the contrary, an adult who does not
17 have a visual impairment and who accompanies a hunter who possesses a Class VI permit may:

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

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

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

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

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

27 (e) The person accompanying a Class VI permittee must hold a valid resident or
28 nonresident statewide hunting permit, or be otherwise exempt from the permit requirement.

29 (f) Notwithstanding any other provision of this code to the contrary, a Class VI permittee
30 must also hold a valid resident or nonresident statewide hunting permit and any required stamp
31 without first obtaining the certificate of training set forth in §20-2-3a of this code, however, the
32 person accompanying a Class VI permittee must possess a valid certificate of training regardless
33 of his or her date of birth.

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

40 (h) The Director of the Division of Natural Resources shall propose for legislative approval,
41 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.