

# **WEST VIRGINIA LEGISLATURE**

**2020 REGULAR SESSION**

**ENROLLED**

**House Bill 4499**

BY DELEGATES HANSEN, HOWELL, C. MARTIN AND PYLES

[Passed March 7, 2020; in effect ninety days from passage.]



1 AN ACT 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 trail network authorities; eliminating the permit  
3 requirement for multicounty trail networks; continuing the Mountaineer Trail Network  
4 Recreation Authority; expanding counties in the Mountaineer Trail Network Recreation  
5 Authority; and expanding permitted recreational activities in the Mountaineer Trail Network  
6 Recreation Area.

*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) An authority may require recreational users to wear protective helmets or use safety  
2 equipment that the authority determines to be appropriate for the recreational activity in which the  
3 user is engaged.

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

7 (c) Each trail user shall at all times remain within and on a designated and marked trail  
8 while within the recreational area.

9 (d) A person may not ignite or maintain any fire within the recreational area except in a  
10 designated camp site.

11 (e) A person may not operate a motor vehicle within the recreational area unless the  
12 person is authorized to operate a motor vehicle in the area to perform maintenance services or  
13 emergency response.

14 (f) A person who violates any provision of this section is guilty of a misdemeanor and,  
15 upon conviction, shall be fined not more than \$100. Prosecution or conviction for the  
16 misdemeanor described in this subsection shall not prevent or disqualify any other civil or criminal  
17 remedies for the conduct prohibited by this section.

**ARTICLE 17A. MOUNTAINEER TRAIL NETWORK RECREATION AUTHORITY.**

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

1 (a) There is hereby 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, 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 recreational activities:  
3 Hunting, fishing, swimming, boating, camping, picnicking, hiking, bicycling, mountain bicycling,  
4 running, cross-country running, nature study, winter sports and visiting, viewing or enjoying  
5 historical, archaeological, scenic, or scientific sites.

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

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*Chairman, House Committee*

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*Chairman, Senate Committee*

Originating in the House.

In effect ninety days from passage.

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*Clerk of the House of Delegates*

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*Clerk of the Senate*

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*Speaker of the House of Delegates*

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*President of the Senate*

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The within ..... this the.....  
day of ....., 2020.

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*Governor*