

WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

Introduced

House Bill 2575

By Delegates Nestor, Horst, hanna, Longanacre,
Martin, Hott, Barnhart, Kump, Phillips, Gearheart, and
Honaker

[Introduced January 16, 2023; Referred to the
Committee on Agriculture and Natural Resources
then Government Organization]

1 A BILL to amend and reenact §20-2-28 of the Code of West Virginia, 1931, as amended, relating to
2 expanding recreational benefits to West Virginia landowners.

Be it enacted by the Legislature of West Virginia:

ARTICLE 2. WILDLIFE RESOURCES.

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

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

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

7 (b) Any bona fide resident of this state who is totally blind may fish in this state without
8 obtaining a fishing license. A written statement or certificate from a duly licensed physician of this
9 state showing the resident to be totally blind shall serve in lieu of a fishing license and shall be
10 carried on the person of the 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 forces of the United States of
12 America, while on leave or furlough, may hunt, trap or fish in season in West Virginia without
13 obtaining a license. Leave or furlough papers shall serve in lieu of any license and shall be carried
14 on the person at all times while trapping, hunting or fishing.

15 (d) In accordance with the provisions of section twenty seven of this article, any resident 65
16 years of age or older before January 1, 2012, is not required to have a license to hunt, trap or fish
17 during the legal seasons in West Virginia, but in lieu of the license the person shall at all times
18 while hunting, trapping or fishing carry on his or her person a valid West Virginia driver's license or
19 nondriver identification card issued by the Division of Motor Vehicles.

20 (e) Except as otherwise provided for in this section, residents of states that share river
21 borders with the State of West Virginia who carry hunting or fishing licenses valid in that state may

22 hunt or fish without obtaining licenses, but the hunting or fishing shall be confined to the fish and
23 waterfowl of the river proper and not on its tributaries: *Provided*, That the state shall first enter into
24 a reciprocal agreement with the director extending a like privilege of hunting and fishing to licensed
25 residents of West Virginia without requiring the residents to obtain that state's hunting and fishing
26 licenses.

27 (f) Residents of the State of Ohio who carry hunting or fishing licenses valid in that state
28 may hunt or fish on the Ohio River or from the West Virginia banks of the river without obtaining
29 licenses, but the hunting or fishing shall be confined to fish and waterfowl of the river proper and to
30 points on West Virginia tributaries and embayments identified by the director: *Provided*, That the
31 State of Ohio shall first enter into a reciprocal agreement with the director extending a like privilege
32 of hunting and fishing from the Ohio banks of the river to licensed residents of West Virginia
33 without requiring the residents to obtain Ohio hunting and fishing licenses.

34 (g) Any resident of West Virginia who was honorably discharged from the Armed Forces of
35 the United States of America and who receives a veteran's pension based on total permanent
36 service-connected disability as certified to by the Veterans Administration may hunt, trap or fish in
37 this state without obtaining a license. The director shall propose rules for legislative approval in
38 accordance with ~~the provisions of article three, chapter twenty-nine-a §29A-3-1 et seq.~~ of this code
39 setting forth the procedure for the certification of the veteran, manner of applying for and receiving
40 the certification and requirements as to identification while the veteran is hunting, trapping or
41 fishing.

42 (h) Any disabled veteran who is a resident of West Virginia and who, as certified to by the
43 Commissioner of Motor Vehicles, is eligible to be exempt from the payment of any fee on account
44 of registration of any motor vehicle owned by the disabled veteran as provided in ~~section eight,~~
45 ~~article ten, chapter seventeen-a §17A-10-8~~ of this code shall be permitted to hunt, trap or fish in
46 this state without obtaining a license. The director shall propose rules for legislative approval in
47 accordance with ~~the provisions of article three, chapter twenty-nine-a §29A-3-1 et seq.~~ of this code

48 setting forth the procedure for the certification of the disabled veteran, manner of applying for and
49 receiving the certification and requirements as to identification while the disabled veteran is
50 hunting, trapping or fishing.

51 (i) Any resident or inpatient in any state mental health, health or benevolent institution or
52 facility may fish in this state, under proper supervision of the institution involved, without obtaining
53 a fishing license. A written statement or certificate signed by the superintendent of the mental
54 health, health or benevolent institution or facility in which the resident or inpatient, as the case may
55 be, is institutionalized shall serve in lieu of a fishing license and shall be carried on the person of
56 the resident or inpatient at all times while he or she is fishing in this state.

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

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

62 (2) Is manifested before the person attains age twenty-two;(3) Results in substantial
63 functional limitations in three or more of the following areas of major life activity:

64 (A) Self-care;

65 (B) Receptive and expressive language;

66 (C) Learning;

67 (D) Mobility;

68 (E) Self-direction;

69 (F) Capacity for independent living; and

70 (G) Economic self-sufficiency; and

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

74 (k) A student 18 years of age or younger receiving instruction in fly fishing in a public,
75 private, parochial or Christian school in this state may fly fish in the state for catch and release only
76 without obtaining a fishing license while under the supervision of an instructor authorized by the
77 school.

NOTE: The purpose of this bill is to expand recreational benefits to West Virginia landowners.

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