

WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

Introduced

House Bill 3438

By Delegates Horst, Chiarelli, Smith, Summers,
Thorne, DeVault, Jeffries, W. Hall, and Shamblin

[Introduced February 13, 2023; Referred to the
Committee on Government Organization then
Finance]

1 A BILL to amend and reenact §20-2-33 of the Code of West Virginia, 1931, as amended, relating to
2 establishing an auto-renewal program for wildlife licenses; and authorizing the director to
3 assess discounts to fees.

Be it enacted by the Legislature of West Virginia:

ARTICLE 2. WILDLIFE RESOURCES.

§20-2-33. Authority of Director to designate agents to issue licenses; bonds; fees.

1 (a) The director may appoint, in addition to the clerk of the county commission, agents to
2 issue licenses under the provisions of this article to serve the convenience of the public. Each
3 person appointed shall, before issuing any license, file with the director a bond payable to the
4 State of West Virginia, in the amount to be fixed by the director, conditioned upon the faithful
5 performance of his or her obligation to issue licenses only in conformity with the provisions of this
6 article and to account for all license fees received by him or her. The form of the bond shall be
7 prescribed by the Attorney General. No person, other than those designated as issuing agents by
8 the director, may sell licenses or buy licenses for the purpose of resale.

9 (b) Except when a license is purchased from a state official, every person making
10 application for a license shall pay, in addition to the license fee prescribed in this article, an
11 additional fee of \$3 to any county official issuing the license and all fees collected by county
12 officials must be paid by them into the General Fund of the county treasury or, in the case of an
13 agent issuing the license, an additional fee of \$3 as compensation: *Provided*, That only one
14 issuing fee of \$3 may be collected by county officials or authorized agents, respectively, for issuing
15 two or more licenses at the same time for use by the same person or for issuing combination
16 resident statewide hunting, trapping, and fishing licenses: *Provided, however*, That a person with a
17 lifetime license or a person who has paid the original additional fee of \$3 to a county official or
18 issuing agent for a license shall only be charged an additional fee of \$1 as additional
19 compensation when subsequently purchasing an additional license from a county official or
20 issuing agent: *Provided further*, That licenses may be issued electronically in a manner prescribed

21 by the director and persons purchasing electronically issued licenses may be assessed, in
22 addition to the license fee prescribed in this article, an electronic issuance fee to be prescribed by
23 the director: *And provided further*, That, notwithstanding any provision of this code to the contrary,
24 an electronic issuance fee of at least \$2 shall be assessed on each ~~Go-Wild~~ electronic licensing
25 system transaction. The electronic issuance fee shall be dedicated to the administration and
26 maintenance of ~~Go-Wild~~ electronic licensing system. The director may propose rules for legislative
27 approval in accordance with §29A-3-1 *et seq.* of this code increasing the license issuing fees
28 authorized by this section.

29 (c) In lieu of the license issuance fee prescribed in subsection (b) of this section, the
30 director shall propose rules for legislative approval in accordance with ~~the provisions of~~ §29A-3-1
31 *et seq.* of this code governing the application for and issuance of licenses by telephone and other
32 electronic methods.

33 (d) The director may propose rules for legislative approval in accordance with ~~the~~
34 ~~provisions~~ §29A-3-1 *et seq.* of this code governing the management of issuing agents.

35 (e) The director may establish an auto-renewal program through which purchasers of
36 eligible wildlife licenses, stamps, and permits under the jurisdiction of the division may select to
37 enroll in the automatic renewal of the same selection of licenses, stamps, and permits in
38 subsequent years. Eligible licenses, stamps, and permits renewed through this program will not
39 be assessed the electronic license fee referenced in subsection (b) of this section: *Provided*, That
40 the fee is paid when the original license, stamp, or permit was purchased in the electronic license
41 system and enrollment in the auto-renewal program accompanied the sale.

42 (1) Licenses, stamps, and permits purchased through this program may qualify for
43 discounts on fees established at the discretion of the director.

44 (2) The director may propose rules for legislative approval in accordance with §29A-3-1 *et*
45 *seq.* of this code.

NOTE: The purpose of this bill is to establish an auto-renewal licensing program that is eligible for discounts on licensing fees.

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