

WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

Enrolled

Committee Substitute

for

Senate Bill 468

By Senators Hamilton, Maynard, Plymale, Taylor,
Stuart, and Karnes

[Passed March 11, 2023; in effect 90 days from
passage]

1 AN ACT to amend and reenact §20-3-3a of the Code of West Virginia, 1931, as amended, relating
2 to continuing the Cabwaylingo State Forest Trail System and developing the existing
3 Hatfield-McCoy trail system solely for the purpose of providing access to state park and
4 state forest recreational facilities.

Be it enacted by the Legislature of West Virginia:

ARTICLE 3. FORESTS AND WILDLIFE AREAS.

§20-3-3a. Cabwaylingo State Forest Trail System.

1 (a) The director, in consultation with the forestry director, may permit all-terrain vehicles
2 (ATVs), off-highway recreational vehicles (ORVs), and utility-terrain vehicles (UTVs) to drive on
3 roads and trails in Cabwaylingo State Forest, as designated and approved by the director. The
4 director may establish special seasons and designate certain campgrounds and tent sites in the
5 forest.

6 (b) The director, in consultation with the forestry director, may establish a special permit for
7 purchase by the ATV and ORV users for road and trail access, and may close any areas, or parts
8 thereof, to public use. Should the director establish such a special permit, it shall be unlawful, at
9 any time, to operate an ATV or ORV on any roads and trails in Cabwaylingo State Forest without
10 the special permit.

11 (c) The provisions of §20-15-1 *et seq.* of this code apply to the division, participants,
12 outfitters, and licensees of the Cabwaylingo State Forest Trail System, though ORVs may be
13 permitted.

14 (d) The Parks and Recreation Section of the Division of Natural Resources is prohibited
15 from establishing any additional ATV, ORV, or UTV trail systems within state parks and state
16 forests: *Provided*, That the Director of the Division of Natural Resources shall have the authority to
17 authorize the development and use of certain connector trails, roads, and parking areas from
18 private systems, including, without limitation, the Hatfield-McCoy systems, solely for the purpose
19 of providing access to state park and state forest recreational facilities and lodging by ATV, ORV,

20 and UTV trail system users.

21 (e) The Director of the Division of Natural Resources shall have authority to promulgate
22 emergency legislative rules and legislative rules necessary to effectuate the provisions of this
23 section.