

# **WEST VIRGINIA LEGISLATURE**

## **2025 REGULAR SESSION**

### **Introduced**

## **House Bill 2470**

By Delegates Anders, White, Ridenour, Dillon, Kump,

Kimble, T. Howell, Dean, and Bridges

[Introduced February 17, 2025; referred to the

Committee on Government Organization]

1 A BILL to amend and reenact §20-2-28 of the Code of West Virginia, 1931, as amended, relating to  
2 providing that a hunting license is only required for public land.

*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~~ §20-2-27 any  
16 resident sixty-five years of age or older before January 1, 2012, is not required to have a license to  
17 hunt, trap or fish during the legal seasons in West Virginia, but in lieu of the license the person shall  
18 at all times while hunting, trapping or fishing carry on his or her person a valid West Virginia driver's  
19 license or 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 eighteen 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.

78 (l) Any person may hunt on private property during open season in accordance with the  
79 laws and rules applying to hunting: *Provided*, That any person who hunts on private property shall  
80 have permission from the landowner.

NOTE: The purpose of this bill is to provide that a hunting license is only required for public land.

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