

1 COMMITTEE SUBSTITUTE

2 FOR

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4 FOR

5 **Senate Bill No. 478**

6 (By Senators Unger, Klempa and Kessler (Mr. President))

7 \_\_\_\_\_  
8 [Originating in the Committee on Finance;  
9 reported February 17, 2012.]  
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11  
12 A BILL to amend and reenact §20-2-30a of the Code of West Virginia,  
13 1931, as amended; and to amend said code by adding thereto a  
14 new section, designated §20-2-42y, all relating to creating  
15 apprentice hunting and trapping licenses; exempting hunter  
16 training requirements for apprentice hunting and trapping  
17 licenses; and establishing penalties.

18 *Be it enacted by the Legislature of West Virginia:*

19 That §20-2-30a of the Code of West Virginia, 1931, as amended,  
20 be amended and reenacted; and that said code be amended by adding  
21 thereto a new section, designated §20-2-42y, all to read as  
22 follows:

23 **ARTICLE 2. WILDLIFE RESOURCES.**

24 **§20-2-30a. Certificate of training; falsifying, altering, forging,**  
25 **counterfeiting or uttering training certificate;**

1                   **penalties.**

2           (a) Notwithstanding any other provisions of this article, no  
3 base hunting license ~~or stamp~~ may be issued to any person who was  
4 born on or after January 1, 1975, unless the person submits to the  
5 person authorized to issue hunting licenses a certificate of  
6 training as provided in this section or proof of completion of any  
7 course which promotes as a major objective safety in the handling  
8 of firearms and of bow and arrows and which course is approved by  
9 the hunter education association or the director, or provides a  
10 State of West Virginia resident or nonresident hunting license from  
11 the previous hunting season that displays a certification of  
12 training, or attests that a hunter training course has been  
13 completed when purchasing a license or stamp online: Provided,  
14 That after January 1, 2013, a person may be issued a Class AH,  
15 Class AHJ, Class AAH and Class AAHJ apprentice hunting and trapping  
16 license pursuant to the provisions of section forty-two-y of this  
17 article and is exempt from the hunter training requirements set  
18 forth herein.

19           (b) The director shall establish a course in the safe handling  
20 of firearms and of bows and arrows, such as the course approved by  
21 the Hunter Education Association. This course shall be given at  
22 least once per year in each county in this state and shall be  
23 taught by instructors certified by the director. In establishing  
24 and conducting this course, the director may cooperate with any  
25 reputable association or organization which promotes as a major  
26 objective safety in the handling of firearms and of bows and

1 arrows: *Provided*, That any person holding a Class A-L or AB-L  
2 lifetime resident license obtained prior to his or her fifteenth  
3 birthday shall be required to obtain a certificate of training as  
4 provided in this section before hunting or trapping pursuant to  
5 said license. This course of instruction shall be offered without  
6 charge, except for materials or ammunition consumed. Upon  
7 satisfactory completion of the course, each person instructed in  
8 the course shall be issued a certificate of training for the  
9 purposes of complying with the requirements of subsection (a) of  
10 this section. The certificate shall be in the form prescribed by  
11 the director and shall be valid for hunting license application  
12 purposes.

13 (c) (1) Upon satisfactory completion of this course, any  
14 person whose hunting license has been revoked for a violation of  
15 the provisions of this chapter may petition the director for a  
16 reduction of his or her revocation time. However, under no  
17 circumstances may the time be reduced to less than one year.

18 (2) Successful completion of this course shall be required to  
19 consider the reinstatement of a hunting license of any person whose  
20 license has been revoked due to a conviction for negligent shooting  
21 of a human being or of livestock under the provisions of section  
22 fifty-seven of this article, and who petitions the director for an  
23 early reinstatement of his or her hunting privileges. Such a  
24 petitioner shall also comply with the other requirements for  
25 consideration of reinstatement contained in section thirty-eight of  
26 this article.

1 (d) It is unlawful for any person to falsify, alter, forge,  
2 counterfeit or utter a certificate of training. Any person who  
3 violates the provisions of this subsection is guilty of a  
4 misdemeanor and, upon conviction thereof, shall be fined not less  
5 than \$500 nor more than \$1,000, or confined in jail for a period  
6 not to exceed one year, or both fined and imprisoned.

7 (e) Nothing herein contained shall mandate that any county  
8 school district in the state be responsible for implementing hunter  
9 safety education programs.

10 **§20-2-42y. Class AH, AHJ, AAH, AAHJ apprentice hunting and**  
11 **trapping licenses; penalties.**

12 (a) Except for persons otherwise exempted, Class AH, AHJ, AAH,  
13 and AAHJ licenses are apprentice hunting and trapping licenses and  
14 entitle the licensee to hunt and trap for all legal species of wild  
15 animals and wild birds. The licenses shall be base licenses and  
16 entitle the licensee to a deferral of the proof of a certificate of  
17 training required under the provisions of section thirty-a of this  
18 article.

19 (b) The apprentice hunting and trapping licensee shall not  
20 hunt or trap unless he or she is in possession of all other  
21 required documentation and stamps and is accompanied and directly  
22 supervised by an adult eighteen years of age or older who either  
23 possesses a valid West Virginia hunting license or has the lawful  
24 privilege to hunt pursuant to the provisions of this chapter. For  
25 purposes of this section, "accompanied and directly supervised"  
26 means that a person maintains a close visual and verbal contact

1 with, provides adequate direction to and can assume control of the  
2 firearm from the apprentice hunter.

3       (c) The cost of the Class AH license for residents who have  
4 reached their eighteenth birthday shall be \$19 and shall have the  
5 same privileges associated with Class A base license. The cost of  
6 the Class AAH license for nonresidents who have reached their  
7 eighteenth birthday shall be \$119 and shall have the same  
8 privileges associated with a Class E base license. The cost of the  
9 Class AHJ license shall be \$16 for residents who have reached their  
10 fifteenth birthday and who have not reached their eighteenth  
11 birthday, and shall have the same privileges associated with Class  
12 XJ base license. The cost of the Class AAHJ license shall be \$16  
13 for nonresidents who have not reached their eighteenth birthday and  
14 shall have the same privileges associated with a Class XXJ base  
15 license.

16       (d) An apprentice hunting and trapping license is a yearly  
17 license and may only be purchased electronically in a manner  
18 designated by the director. No person who has ever had a valid base  
19 hunting license, other than a Class AH, Class AHJ, Class AAH, or  
20 Class AAHJ license, may be issued one of the apprentice hunting and  
21 trapping licenses. Further, no person may purchase more than three  
22 apprentice hunting and trapping licenses, and the purchases must  
23 occur within a period of five consecutive years.

24       (e) The director may promulgate rules in accordance with  
25 chapter twenty-nine-a of this code regulating the issuance of  
26 apprentice hunting and trapping licenses.

1           (f) Any person violating the provisions of this section is  
2 guilty of a misdemeanor and, upon conviction thereof, shall be  
3 subject to the punishment and penalties prescribed in section nine,  
4 article seven of this chapter.