

COMMITTEE SUBSTITUTE

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## **Senate Bill No. 478**

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

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[Originating in the Committee on Finance;  
reported February 17, 2012.]

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A BILL to amend and reenact §20-2-30a of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §20-2-42y, all relating to creating apprentice hunting and trapping licenses; exempting hunter training requirements for apprentice hunting and trapping licenses; and establishing penalties.

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

That §20-2-30a of the Code of West Virginia, 1931, as amended, be amended and reenacted; and that said code be amended by

adding thereto a new section, designated §20-2-42y, all to read as follows:

**ARTICLE 2. WILDLIFE RESOURCES.**

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

1 (a) Notwithstanding any other provisions of this article,  
2 no base hunting license ~~or stamp~~ may be issued to any person  
3 who was born on or after January 1, 1975, unless the person  
4 submits to the person authorized to issue hunting licenses a  
5 certificate of training as provided in this section or proof of  
6 completion of any course which promotes as a major objec-  
7 tive safety in the handling of firearms and of bow and arrows  
8 and which course is approved by the hunter education  
9 association or the director, or provides a State of West  
10 Virginia resident or nonresident hunting license from the  
11 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:  
14 Provided, That after January 1, 2013, a person may be issued  
15 a Class AH, Class AHJ, Class AAH and Class AAHJ appren-  
16 tice hunting and trapping license pursuant to the provisions

17 of section forty-two-y of this article and is exempt from the  
18 hunter training requirements set forth herein.

19 (b) The director shall establish a course in the safe  
20 handling of firearms and of bows and arrows, such as the  
21 course approved by the Hunter Education Association. This  
22 course shall be given at least once per year in each county in  
23 this state and shall be taught by instructors certified by the  
24 director. In establishing and conducting this course, the  
25 director may cooperate with any reputable association or  
26 organization which promotes as a major objective safety in  
27 the handling of firearms and of bows and arrows: *Provided,*  
28 That any person holding a Class A-L or AB-L lifetime  
29 resident license obtained prior to his or her fifteenth birth-  
30 day shall be required to obtain a certificate of training as  
31 provided in this section before hunting or trapping pursuant  
32 to said license. This course of instruction shall be offered  
33 without charge, except for materials or ammunition con-  
34 sumed. Upon satisfactory completion of the course, each  
35 person instructed in the course shall be issued a certificate  
36 of training for the purposes of complying with the require-  
37 ments of subsection (a) of this section. The certificate shall

38 be in the form prescribed by the director and shall be valid  
39 for hunting license application purposes.

40 (c) (1) Upon satisfactory completion of this course, any  
41 person whose hunting license has been revoked for a viola-  
42 tion of the provisions of this chapter may petition the  
43 director for a reduction of his or her revocation time.  
44 However, under no circumstances may the time be reduced  
45 to less than one year.

46 (2) Successful completion of this course shall be required  
47 to consider the reinstatement of a hunting license of any  
48 person whose license has been revoked due to a conviction  
49 for negligent shooting of a human being or of livestock under  
50 the provisions of section fifty-seven of this article, and who  
51 petitions the director for an early reinstatement of his or her  
52 hunting privileges. Such a petitioner shall also comply with  
53 the other requirements for consideration of reinstatement  
54 contained in section thirty-eight of this article.

55 (d) It is unlawful for any person to falsify, alter, forge,  
56 counterfeit or utter a certificate of training. Any person who  
57 violates the provisions of this subsection is guilty of a  
58 misdemeanor and, upon conviction thereof, shall be fined not

59 less than \$500 nor more than \$1,000, or confined in jail for a  
60 period not to exceed one year, or both fined and imprisoned.

61 (e) Nothing herein contained shall mandate that any  
62 county school district in the state be responsible for imple-  
63 menting hunter safety education programs.

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

1 (a) Except for persons otherwise exempted, Class AH,  
2 AHJ, AAH, and AAHJ licenses are apprentice hunting and  
3 trapping licenses and entitle the licensee to hunt and trap for  
4 all legal species of wild animals and wild birds. The licenses  
5 shall be base licenses and entitle the licensee to a deferral of  
6 the proof of a certificate of training required under the  
7 provisions of section thirty-a of this article.

8 (b) The apprentice hunting and trapping licensee shall  
9 not hunt or trap unless he or she is in possession of all other  
10 required documentation and stamps and is accompanied and  
11 directly supervised by an adult eighteen years of age or older  
12 who either possesses a valid West Virginia hunting license or  
13 has the lawful privilege to hunt pursuant to the provisions of  
14 this chapter. For purposes of this section, “accompanied and  
15 directly supervised” means that a person maintains a close

16 visual and verbal contact with, provides adequate direction  
17 to and can assume control of the firearm from the apprentice  
18 hunter.

19 (c) The cost of the Class AH license for residents who  
20 have reached their eighteenth birthday shall be \$19 and shall  
21 have the same privileges associated with Class A base  
22 license. The cost of the Class AAH license for nonresidents  
23 who have reached their eighteenth birthday shall be \$119  
24 and shall have the same privileges associated with a Class E  
25 base license. The cost of the Class AHJ license shall be \$16  
26 for residents who have reached their fifteenth birthday and  
27 who have not reached their eighteenth birthday, and shall  
28 have the same privileges associated with Class XJ base  
29 license. The cost of the Class AAHJ license shall be \$16 for  
30 nonresidents who have not reached their eighteenth birthday  
31 and shall have the same privileges associated with a Class  
32 XXJ base license.

33 (d) An apprentice hunting and trapping license is a  
34 yearly license and may only be purchased electronically in a  
35 manner designated by the director. No person who has ever  
36 had a valid base hunting license, other than a Class AH,  
37 Class AHJ, Class AAH, or Class AAHJ license, may be issued

38 one of the apprentice hunting and trapping licenses. Further,  
39 no person may purchase more than three apprentice hunting  
40 and trapping licenses, and the purchases must occur within  
41 a period of five consecutive years.

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

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