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FOR

Senate Bill No. 478

(SENATORS UNGER, KLEMPA AND KESSLER (MR. PRESIDENT), *original sponsors*)

[Passed March 10, 2012; in effect ninety days from passage.]

AN ACT 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 may be issued to any person who was
3 born on or after January 1, 1975, unless the person submits
4 to the person authorized to issue hunting licenses a certifi-
5 cate 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.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

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Chairman Senate Committee

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Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

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Clerk of the Senate

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Clerk of the House of Delegates

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President of the Senate

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Speaker of the House of Delegates

The within this the
Day of, 2012.

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Governor