

# **WEST VIRGINIA LEGISLATURE**

**2018 REGULAR SESSION**

**Enrolled**

## **Senate Bill 498**

BY SENATORS MAYNARD, STOLLINGS, AND PLYMALE

[Passed March 10, 2018; in effect 90 days from passage]



1 AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,  
2 designated §20-3-3a, relating to Cabwaylingo State Forest; creating a pilot project  
3 permitting all-terrain or off-highway recreational vehicles on designated roads and trails in  
4 Cabwaylingo State Forest; permitting the Director of the Division of Natural Resources to  
5 designate roads, trails, and campgrounds and to close certain areas, or parts thereof, to  
6 public use in consultation with the Director of the Division of Forestry; permitting the  
7 Director of the Division of Natural Resources to establish special season and permit in  
8 consultation with the Director of the Division of Forestry; making it unlawful to operate an  
9 all-terrain or off-highway vehicle on any road or trail in Cabwaylingo State Forest without  
10 such special permit, should one be created; applying the ATV, UTV, and Motorcycle  
11 Responsibility Act to the project; providing the Director of the Division of Natural  
12 Resources emergency and regular legislative rule-making authority; and requiring  
13 Legislative Auditor to review project and file report.

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

**ARTICLE 3. FORESTS AND WILDLIFE AREAS.**

**§20-3-3a. Cabwaylingo Pilot Project.**

1 (a) The director in consultation with the forestry director shall establish a two-year pilot  
2 project permitting all-terrain vehicles (ATVs) and off-highway recreational vehicles (ORVs) to drive  
3 on 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 for ATV  
5 and ORV users in the 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 Pilot Project, though ORVs may be permitted.

13           (d) At the conclusion of the two-year pilot project, the Legislative Auditor shall review the  
14 pilot project and file a report with the Joint Committee on Government and Finance.

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

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

.....  
*Chairman, Senate Committee*

.....  
*Chairman, House Committee*

Originated in the Senate.

In effect 90 days from passage.

.....  
*Clerk of the Senate*

.....  
*Clerk of the House of Delegates*

.....  
*President of the Senate*

.....  
*Speaker of the House of Delegates*

\_\_\_\_\_

The within ..... this the.....  
Day of ....., 2018.

.....  
*Governor*