

WEST VIRGINIA LEGISLATURE

2019 REGULAR SESSION

Committee Substitute

for

House Bill 2521

BY DELEGATE HARSHBARGER, PAYNTER, COOPER, BIBBY,

KELLY, D., ATKINSON, SYPOLT, HANNA AND MANDT

[Originating in the Committee on the Judiciary,

January 25, 2019.]

1 A BILL to amend and reenact §20-2-11 of the Code of West Virginia, 1931, as amended; to amend
2 and reenact §20-2-12 of said code; and to amend and reenact §20-2-49 of said code, all
3 relating to permitting the selling, trading, and bartering of fur-bearer parts, including
4 carcasses for the making of lures and baits, carcass parts, including glands, skulls, claws,
5 and bones, and fur-bearer urine; and providing that the hide and tails of legally killed
6 squirrels may be sold, traded or bartered.

Be it enacted by the Legislature of West Virginia:

ARTICLE 2. WILDLIFE RESOURCES.

§20-2-11. Sale of wildlife; transportation of same.

1 (a) A person, except those legally licensed to operate private game preserves for the
2 purpose of propagating game for commercial purposes and those legally licensed to propagate
3 or sell fish, amphibians and other forms of aquatic life, may not purchase or offer to purchase, sell
4 or offer to sell, trade or offer to trade, barter or offer to barter, expose for sale, trade or barter or
5 have in his or her possession for the purpose of sale, trade or barter any wildlife, or part thereof,
6 which has been designated as game animals, fur-bearing animals, game birds, game fish or
7 amphibians, or any of the song or insectivorous birds of the state, or any other species of wildlife
8 which the director may designate, except for captive cervids regulated pursuant to the provisions
9 of §19-2H-1 *et seq.* of this code. However, pelts of game or fur-bearing animals, fur-bearer parts,
10 including carcasses for the making of lures and baits, carcass parts, including glands, skulls,
11 claws, and bones, and fur-bearer urine taken during the legal season may be sold, traded or
12 bartered and live red and gray foxes and raccoon taken by legal methods during legal and
13 established trapping seasons may be sold, traded or bartered within the state. In addition, the
14 hide, head, antlers and feet of a legally killed deer, lawfully collected and possessed naturally
15 shed deer antlers, ~~and~~ the hide, head and skull of a legally killed black bear, and the hide and
16 tails of legally killed squirrels may be sold, traded or bartered.

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17 (b) A person, including a common carrier, may not transport, carry or convey, or receive
18 for such purposes, any wildlife, the sale, trade or bartering of which is prohibited, if such person
19 knows or has reason to believe that such wildlife has been or is to be sold, traded or bartered in
20 violation of this section.

21 (c) Each separate act of selling or exposing for sale, trading or exposing for trade or
22 bartering or exposing for barter or having in possession for sale, trade, barter, transporting or
23 carrying in violation of this section constitutes a separate misdemeanor offense. Notwithstanding
24 this or any other section of this chapter, any game birds or game bird meats sold by licensed
25 retailers may be served at any hotel, restaurant or other licensed eating place in this state.

26 (d) The director may propose rules for promulgation in accordance with §29A-3-1 *et seq.*
27 of this code dealing with the sale of wildlife and the skins thereof.

§20-2-12. Transportation of wildlife out of state; penalties.

28 (a) A person may not transport or have in his or her possession with the intention of
29 transporting beyond the limits of the state any species of wildlife or any part thereof killed, taken,
30 captured or caught within this state, except as provided in this section.

31 (1) A person legally entitled to hunt and fish in this state may take with him or her
32 personally, when leaving the state, any wildlife that he or she has lawfully taken or killed, not
33 exceeding, during the open season, the number that any person may lawfully possess.

34 (2) Licensed resident hunters and trappers and resident and nonresident fur dealers may
35 transport beyond the limits of the state pelts of game and fur-bearing animals, fur-bearer parts,
36 including carcasses for the making of lures and baits, carcass parts, including glands, skulls,
37 claws, and bones, and fur-bearer urine taken during the legal season.

38 (3) A person may transport the hide, head, antlers and feet of a legally killed deer and the
39 hide, head, skull, organs and feet of a legally killed black bear beyond the limits of the state.

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40 (4) A person legally entitled to possess an animal according to §20-2-4 of this code may
41 transport that animal, including the parts or urine of that animal, beyond the limits of the state.

42 (b) The director may promulgate rules in accordance with ~~chapter twenty-nine-a~~ §29A-3-1
43 et seq. of this code dealing with the transportation and tagging of wildlife, parts, urine and the
44 skins.

45 (c) A person who violates this section by transporting or possessing with the intention of
46 transporting beyond the limits of this state deer or wild boar shall be considered to have committed
47 a separate offense for each animal so transported or possessed. This section does not apply to
48 captive cervids regulated pursuant to §19-2H-1 *et seq.* of this code.

49 (d) A person violating this section shall be guilty of a misdemeanor and, upon conviction
50 thereof, shall be fined not less than \$20 nor more than \$300 ~~and~~ or be confined in jail not less than
51 ~~ten~~ 10 nor more than ~~sixty~~ 60 days, or both.

52 (e) This section does not apply to persons legally entitled to propagate and sell wild
53 animals, wild birds, fish, amphibians and other forms of aquatic life beyond the limits of the state.

§20-2-49. Licenses for dealers in furs, pelts, etc.

54 The director may issue licenses for buying or dealing in raw furs, pelts or skins, and
55 carcasses for the making of lures and baits, carcass parts, including glands, skulls, claws, and
56 bones, and fur-bearer urine of fur-bearing animals as follows:

57 (1) A resident county license, which shall apply only to the county or counties designated
58 on the license and shall be issued only to persons who have been bona fide residents of this state
59 for a period of at least six months prior to the date of application, and of a county in which the
60 privilege is to be exercised. A license shall apply to the county for which issued and to such
61 adjacent counties as are designated in the license. A fee of \$1 for each county shall accompany
62 the application;

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63 (2) A resident statewide license, which shall apply to all counties in the state and shall be
64 issued only to persons who have been bona fide residents of this state for a period of at least six
65 months prior to the date of application. A fee of \$10 shall accompany the application;

66 (3) A nonresident statewide license, which shall apply to all counties in the state and shall
67 be issued only to nonresidents. A fee of \$50 shall accompany the application; and

68 (4) An agent's permit which shall apply to a person employed by a licensee under
69 subsections (1), (2) or (3) above, to buy or deal as an agent of the licensee other than at the place
70 of business of the licensee. A fee of \$2.50 for each such agent shall accompany the application.

NOTE: The purpose of this bill is to permit the selling, trading and bartering of fur-bearer parts, including carcasses for the making of lures and baits, carcass parts, including glands, skulls, claws, and bones, and fur-bearer urine, and to permit the hides and tails of squirrels to be sold, traded or bartered.

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