

WEST VIRGINIA LEGISLATURE

2019 REGULAR SESSION

ENROLLED

Committee Substitute

for

House Bill 2715

By Delegates Harshbarger, Worrell, McGeehan,
Westfall, Miller, Swartzmiller, Kessinger, Cadle,
Cooper and N. Brown

BY REQUEST OF THE DIVISION OF NATURAL RESOURCES

[Passed March 8, 2019; in effect ninety days from
passage.]

1 AN ACT to amend and reenact §20-2-46e of the Code of West Virginia, 1931, as amended,
2 relating to Class Q special hunting permit for disabled persons; expanding the conditions
3 of permanent disability for which an individual can obtain a Class Q permit; and providing
4 that physician assistants, advanced practice registered nurses, and chiropractic
5 physicians may certify Class Q permit applications.

Be it enacted by the Legislature of West Virginia:

ARTICLE 2. WILDLIFE RESOURCES.

§20-2-46e. Class Q special hunting permit for disabled persons.

1 (a) A Class Q permit is a special statewide hunting permit entitling the permittee to hunt
2 all legal species of game during the designated hunting seasons from a motor vehicle in
3 accordance with the provisions of this section.

4 (b) The director shall furnish an application and a Class Q permit will be issued to
5 applicants who meet one of the following conditions of permanent disability:

6 (1) Permanent or irreversible physical disability that prevents ability to ambulate without
7 use of a wheelchair, walker, crutches, one leg brace or external prosthesis above the knee, or
8 two leg braces or external prostheses below the knees for mobility.

9 (2) Multiple conditions that result in a minimum of 90 percent loss of use of a lower
10 extremity.

11 (3) Lung disease to the extent that forced expiratory volume for one second when
12 measured by spirometry is less than one liter or the arterial oxygen tension less than 60
13 millimeters of mercury on room air at rest.

14 (4) Cardiovascular disease to the extent that functional limitations are classified in severity
15 as class 3 or 4, according to standards set by the American Heart Association and where ordinary
16 physical activity causes palpitation, dyspnea or anginal pain.

17 (c) A licensed physician, physician assistant, advanced practice registered nurse or
18 chiropractic physician must certify the applicant's permanent disability by completing the permit

19 application. The Class Q permit application shall be submitted to the division, which will issue a
20 wallet sized card to the permittee.

21 (d) A person with a Class Q permit may not hunt or trap under the provisions of this section
22 unless he or she is in possession of the Class Q permit card, a valid hunting license issued
23 pursuant to §20-2-1 *et seq.* of this code or is a person excepted from licensing requirements
24 pursuant to §20-2-27 and §20-2-28 of this code, and all documents or other lawful authorizations
25 as prescribed in §20-2-37 of this code.

26 (e) A Class Q permit entitles the holder to hunt from a motor vehicle and, notwithstanding
27 the provisions of §20-2-5 of this code, to possess a loaded firearm in a motor vehicle, but only
28 under the following circumstances:

29 (1) The motor vehicle is stationary;

30 (2) The engine of the motor vehicle is not operating;

31 (3) The permittee and one individual, who is at least 16 years of age, to assist the permittee
32 are the only occupants of the vehicle;

33 (4) The individual assisting the permittee may not hunt with a firearm, bow, or cross-bow
34 while assisting the permittee;

35 (5) The vehicle is not parked on the right-of-way of any public road or highway; and

36 (6) The permittee observes all other pertinent laws and regulations.

37 (f) The director may propose rules for legislative approval in accordance with the
38 provisions of §29A-3-1 *et seq.* of this code setting forth the qualifications of applicants and the
39 permitting process.

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

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Chairman, House Committee

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Chairman, Senate Committee

Originating in the House.

In effect ninety days from passage.

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Clerk of the House of Delegates

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Clerk of the Senate

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Speaker of the House of Delegates

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President of the Senate

The within this the.....
day of, 2019.

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Governor