

WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

Enrolled

Senate Bill 733

By Senators Woodrum, Barrett, Hamilton, Hunt,
Jeffries, Phillips, Queen, Smith, Stuart, Swope, and

Weld

[Passed March 11, 2023; in effect 90 days from
passage]

1 AN ACT to amend and reenact §20-2-42I of the Code of West Virginia, 1931, as amended; and to
2 amend and reenact §20-2B-7 and §20-2B-8 of said code, all relating to wildlife licenses
3 and stamps; clarifying right to carry firearm for self-defense without Class A-1 small arms
4 hunting stamp; creating nonresident lifetime hunting, fishing, and trapping licenses; and
5 establishing privileges of nonresident lifetime licenses.

Be it enacted by the Legislature of West Virginia:

ARTICLE 2. WILDLIFE RESOURCES.

§20-2-42I. Class A-1 small arms hunting stamp.

1 A Class A-1 stamp is a small arms hunting stamp. Except for any person prohibited from
2 possessing a firearm by state or federal law, a Class A-1 stamp may be issued to a person 18
3 years of age or older who is otherwise qualified and holds a valid resident or nonresident hunting
4 license, or to a person who is a resident 65 years of age or older. A Class A-1 stamp entitles the
5 licensee to hunt, as otherwise permitted by the provisions of this chapter, but only during small
6 game and big game seasons as established annually by the director, with either a revolver or pistol
7 which has a barrel at least four inches in length: *Provided*, That the Class A-1 stamp may not be
8 valid unless the licensee has in his or her possession a valid resident or nonresident hunting
9 license or is a resident 65 years of age or older: *Provided, however*, That while hunting, the
10 licensee shall carry the revolver or pistol in an unconcealed and easily visible place. Nothing in this
11 section shall be construed to prohibit a person from carrying a firearm for self-defense who is not
12 prohibited from possessing a firearm by state or federal law. The fee for the stamp is \$8. A lifetime
13 Class A-1 stamp may be issued to anyone otherwise qualified and holding a valid Class A-L or,
14 AB-L, E-L or EE-L license or to a resident 65 years of age or older. The lifetime Class A-1 stamp
15 will be issued in a form prescribed by the director. The fee for a lifetime Class A-1 stamp is \$75. All
16 fees collected for the issuance of the Class A-1 and lifetime Class A-1 stamps shall be deposited in
17 the State Treasury and credited to the law-enforcement section of the Division of Natural
18 Resources. The fees collected shall be paid out of the State Treasury on order of the director and

19 used solely for law-enforcement purposes. Any person who becomes legally unable to possess a
20 firearm shall immediately surrender the stamp to the Division of Natural Resources. A holder of a
21 Class A-1 or lifetime Class A-1 stamp is required to purchase the appropriate base license before
22 participating in the activities specified in this section, except as noted.

ARTICLE 2B. WILDLIFE ENDOWMENT FUND.

20-2B-7. Lifetime hunting, fishing, and trapping licenses created.

1 (a) Pursuant to §20-2B-3 of this code, the director may issue the following lifetime hunting,
2 fishing, and trapping licenses and for the lifetime of the licensee, the lifetime licenses serve in lieu
3 of the equivalent annual license: Lifetime resident statewide hunting and trapping license; lifetime
4 resident combination statewide hunting, fishing, and trapping license; lifetime resident statewide
5 fishing license; and lifetime resident trout fishing license.

6 (b) The director shall propose a rule for legislative approval in accordance with §29A-3-1 et
7 seq. of this code, setting fees for lifetime licenses. The fees for adult lifetime licenses shall be 23
8 times the fee for the equivalent annual licenses or stamps. The rule shall provide that the fee for
9 any resident who has not reached his or her 15th birthday shall be:

10 (1) Forty percent of the adult fee set under rule for any resident who has not reached his or
11 her first birthday;

12 (2) Fifty-five percent of the adult fee set under rule for any resident who is over one year old
13 but has not reached his or her fifth birthday;

14 (3) Seventy-five percent of the adult fee set under rule for any resident who is over five
15 years old but has not reached his or her 10th birthday; and

16 (4) Ninety percent of the adult fee set under rule for any resident who is over 10 years old
17 but has not reached his or her 15th birthday.

18 The rule shall also provide that any resident who has not reached his or her 15th birthday
19 and has been legally adopted shall be provided the same fee schedule, except the division shall
20 use the date of entry of the order or decree of adoption as the licensee's date of birth for purposes

21 of calculating the appropriate fee: *Provided*, That in addition to the provisions of this subsection for
22 adopted children, foster parents may also purchase a lifetime license for their respective foster
23 children under the same guidelines, except the division shall use the date of entry of the order
24 placing the child in foster care as the licensee's date of birth for purposes of calculating the
25 appropriate fee.

26 (c) Pursuant to §20-2B-3 of this code, the director may issue the following lifetime hunting,
27 fishing, and trapping licenses and for the lifetime of the licensee, the lifetime licenses serve in lieu
28 of the equivalent annual license: Lifetime nonresident statewide hunting and trapping license;
29 lifetime; lifetime nonresident statewide fishing license; and lifetime nonresident bear hunting
30 license.

31 (d) Pursuant to §20-2B-3 of this code, the director may issue the following lifetime hunting,
32 fishing, and trapping stamps and for the lifetime of the licensee, the lifetime stamps serve in lieu of
33 the equivalent annual stamp: Lifetime nonresident trout fishing stamp; lifetime nonresident archery
34 deer hunting stamp; lifetime nonresident muzzleloading deer hunting stamp; lifetime nonresident
35 turkey hunting stamp; and lifetime nonresident national forest hunting, fishing, and trapping stamp.

36 (e) The director shall propose a rule for legislative approval in accordance with §29A-3-1 *et*
37 *seq.* of this code, setting fees for nonresident lifetime licenses and stamps and shall have authority
38 to promulgate emergency legislative rules necessary to make effective the provisions of this
39 section by July 1, 2023. The fees for adult nonresident lifetime licenses and stamps shall be 23
40 times the fee for the equivalent annual licenses or stamps. The rule shall provide that the fee for
41 any nonresident who has not reached his or her 15th birthday shall be:

42 (1) Forty percent of the adult fee set under rule for any nonresident who has not reached
43 his or her first birthday;

44 (2) Fifty-five percent of the adult fee set under rule for any nonresident who is over one year
45 old but has not reached his or her fifth birthday;

46 (3) Seventy-five percent of the adult fee set under rule for any nonresident who is over five

47 years old but has not reached his or her 10th birthday; and

48 (4) Ninety percent of the adult fee set under rule for any nonresident who is over 10 years
49 old but has not reached his or her 15th birthday.

§20-2B-8. Privileges of lifetime licensees.

1 (a) Pursuant to §20-2B-7 of this code, resident lifetime licensees shall be entitled to the
2 same privileges and subject to the same restrictions as resident licensees possessing the
3 equivalent annual license with the following exceptions:

4 (1) Class A-L, AB-L, B-L and O-L licenses shall be valid for the lifetime of the licensee;

5 (2) A Class O-L lifetime resident trout fishing license shall be issued only to residents of the
6 state and shall be valid only when accompanied by a Class AB-L, B, B-L, X or XJ license; and

7 (3) No additional fee shall be required of Class A-L, AB-L or B-L licensees for the
8 conservation stamp required by §20-2B-9 of this code. No additional fee shall be required of Class
9 A-L or AB-L licensees for the Class BG stamp required by §20-2-42v of this code.

10 (b) Pursuant to §20-2B-7 of this code, nonresident lifetime licensees shall be entitled to the
11 same privileges and subject to the same restrictions as nonresident licensees possessing the
12 equivalent annual license with the following exceptions:

13 (1) Class E-L, EE-L, F-L and OO-L licenses shall be valid for the lifetime of the licensee;
14 and

15 (2) No additional fee shall be required of Class E-L, EE-L, or F-L licensees for the
16 nonresident conservation law-enforcement and sports education stamp required by §20-2B-10 of
17 this code.

18 (3) A Class OO-L lifetime nonresident trout fishing license shall be issued only to
19 nonresidents of the state and shall be valid only when accompanied by a Class F or F-L license;
20 and

21 (4) A Class UU-L lifetime resident archery deer hunting stamp shall be issued only to
22 nonresidents of the state and shall be valid only when accompanied by a Class E-L license; and

23 (5) A Class VV-L lifetime nonresident muzzleloading deer hunting stamp shall be issued
24 only to nonresidents of the state and shall be valid only when accompanied by a Class E-L license;
25 and

26 (6) A Class WW-L lifetime nonresident turkey hunting stamp shall be issued only to
27 nonresidents of the state and shall be valid only when accompanied by a Class E-L license; and

28 (7) A Class I-L lifetime nonresident national forest hunting, trapping, and fishing stamp
29 shall be issued only to nonresidents of the state and shall be valid only when accompanied by a
30 Class E-L, EE-L , or F-L license.