

58 CSR 16

This legislative rule is filed for technical purposes

by the

Division of Natural Resources Law Enforcement Section

All changes are shown by strike-throughs for deleted
language and underlined for new language

August 1, 1995

TECHNICAL CHANGES TO

TITLE 58

DIVISION OF NATURAL RESOURCES
LEGISLATIVE RULES

"BUREAU OF COMMERCE" was added to the title of this rule. In addition, the following technical changes were made:

58 CSR 16 - Transporting and Selling Wildlife Pelts

1. Changed the word "Department" to read "Division" throughout the rule.
2. After the word "his" added "/her" throughout the rule.
3. On page 1 and 2, subsection 2.8 changed the reference to 47 CSR 16A to read 58 CSR 17.
4. On page 3, subsection 4.3 changed the reference to "16A" to read "17".
5. On page 3, subsection 6.1 changed the reference to "16A" to read "17".

FILED

TITLE 58
LEGISLATIVE RULES
BUREAU OF COMMERCE
~~DEPARTMENT~~ DIVISION OF NATURAL RESOURCES

AUG 1 4 13 PM '95

SERIES 16
TRANSPORTING AND SELLING WILDLIFE ~~PELTS~~
OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

§58-16-1. General.

1.1. Scope and Purpose. -- The purpose of this rule is to regulate the shipment and sale of the raw furs, pelts, and skins of wildlife.

1.2. Authority. -- W. Va. Code §§20-2-11 and 20-2-12.

1.3. Filing Date. -- March 29, 1990

1.4. Effective Date. -- May 1, 1990

1.5. Repeal of Former Rule. -- This legislative rule repeals and replaces 47 CSR 16 "Procedures for Transporting and Dealing in Fur-Bearing Animals" that was filed on June 12, 1987 and became effective on July 1, 1987.

§58-16-2. Definitions.

2.1. ~~"Department"~~ "Division" means the West Virginia ~~Department~~ Division of Natural Resources.

2.2. ~~"Director"~~ means the director of the West Virginia ~~Department~~ Division of Natural Resources.

2.3. "Fur-Bearing Animal" means an animal of one of the following species: beaver; bobcat; fisher; gray fox; mink; muskrat; opossum; otter; raccoon; red fox; spotted skunk; striped skunk; or weasel.

2.4. "Hide" means a fresh or dressed skin that has been stripped from an animal.

2.5. "Licensed Trapper" means a person who takes furbearing animals in this State under a valid Class A, A-L, AB, AB-L, or S license or who is by statute exempt from such licensing.

2.6. "Licensee" means a person who has been issued a fur dealer's license or an agent's permit by the ~~Department~~ Division.

2.7. "Raw Fur, Pelt, or Skin" means a fresh or dressed skin, with its hair either removed or remaining, that has been either stripped from an animal or left attached to its carcass.

2.8. "Series ~~16A~~ 17" means Title 47 58, Department Division of

Natural Resources, "Series ~~16A~~ 17, "Fur Dealer Transactions" (~~47~~ 58 CSR ~~16A~~ 17).

§58-16-3. Shipping Tags.

3.1. No person may ship, transport, or carry by any means the raw fur, pelt, or skin of a fur-bearing animal taken within this State to a point outside of the State unless such shipment has a Department Division shipping tag visibly attached.

3.1.1. Shipping tags for commercial fur dealers may be obtained free of charge from any Department Division of Natural Resources office statewide. Shipping tags for individual hunters and trappers may be obtained free of charge from any Department Division of Natural Resources office or licensing agent statewide.

3.1.2. One part of the shipping tag must be attached to the outside of the package or container that will be shipped, transported, or otherwise carried. The other part of the tag must be completed and returned to the Department Division within twenty-four (24) hours of shipment.

§58-16-4. Fur Dealer Licensing.

4.1. Except as provided in Section 4.1.1 of these regulations, no person may buy or sell in this State the raw fur, pelt, or skin of any fur-bearing animal unless he has a valid fur dealer's license or agent's permit issued by the Department Division.

4.1.1. A licensed trapper need not obtain a fur dealer's license or agent's permit from the Department Division in order to sell the raw fur, pelt, or skin of a fur-bearing animal which he legally trapped in this State.

4.2. Except as provided in Sections 4.2.1 and 4.2.2 of these regulations, no person may have in his/her possession the raw fur, pelt, or skin of any fur-bearing animal within the period beginning ten (10) days after the end of the open season on such fur-bearing animal and ending with the first day of the next succeeding open season unless he has a valid fur dealer's license or agent's permit issued by the Department Division.

4.2.1. No person may have in his/her possession the untagged raw fur, pelt, or skin of a beaver within the period beginning thirty (30) days after the end of the open season on beaver and ending with the first day of the next succeeding open season unless he has a valid fur dealer's license or agent's permit issued by the Department Division.

4.2.2. A licensed trapper need not obtain a fur dealer's license or agent's permit from the Department Division, but instead must obtain written permission from the director, in order to

retain in his/her possession the raw fur, pelt, or skin of a fur-bearing animal which he legally trapped in this State.

4.3. All fur dealer's licenses and agent's permits will be issued by Department Division in accordance with the procedures found in Series ~~16A~~ 17.

§58-16-5. Fur Dealer Record Keeping.

5.1. A person who has been issued a fur dealer's license by the Department Division must maintain records of all purchases and sales of the raw furs, pelts, or skins of furbearing animals and the hides of black bears.

5.2. The records of any person who has been issued a fur dealer's license by the Department Division may be inspected during normal business hours by a Department Division conservation officer to assure compliance with all requirements mandated by statute or regulation or by the terms and conditions of the fur dealer's license.

§58-16-6. Fur Dealer Reporting.

6.1. A person who has been issued a fur dealer's license by the Department Division must file transaction reports detailing all purchases and sales of the raw furs, pelts, or skins of fur-bearing animals and the hides of black bears in accordance with the procedures found in Series ~~16A~~ 17.

6.2. Failure by a licensed fur dealer to file transaction reports on time, or refusal to file such reports, constitutes cause for license revocation under Section 7 of these regulations.

6.3. Failure by a licensed fur dealer to file transaction reports which are accurate, legible, and complete constitutes cause for license revocation under Section 7 of these regulations.

§58-16-7. License and Permit Revocations.

7.1. If the director determines that a violation of any requirement of these regulations or any term or condition of a fur dealer's license or an agent's permit exists or has existed, the director may issue an order directing the licensee to show cause why his/her license or permit should not be revoked.

7.2. The show-cause order will provide the licensee with thirty

(30) days in which to respond.

7.3. The licensee must respond to the show-cause order either by submitting a written explanation to the director or by requesting an informal hearing before the director.

7.4. Upon a licensee's failure to show cause why his/her license or permit should not be revoked, the director may revoke the license or permit upon the issuance of a written decision, and the reasons therefor, concerning the action taken.

§58-16-8. Penalties.

8.1. Penalty for Failure to Attach or Submit Shipping Tag. A person who ships, transports, or carries by any means the raw fur, pelt, or skin of a fur-bearing animal taken within this State to a point outside of the State, but fails to follow the provisions of these regulations related to shipping tags, is subject to the penalties prescribed in W.Va. Code §20-2-12.

8.2. Penalty for Failure to Obtain a License or Permit. A person who engages in the purchase or sale in this State of the raw furs, pelts, or skins of fur-bearing animals, but fails to obtain the necessary license or permit from the Department Division, is subject under W.Va. Code §20-2-2 to the penalties prescribed in W.Va. Code §20-7-9.

8.3. Penalty for License or Permit Violation. A person who violates the terms and conditions of his/her license or permit is subject to the penalties prescribed in W.Va. Code §20-7-9.