



STATE OF WEST VIRGINIA  
DEPARTMENT OF NATURAL RESOURCES  
CHARLESTON 25305

ARCH A. MOORE, JR.  
Governor

November 21, 1986

RONALD R. POTESTA  
Director

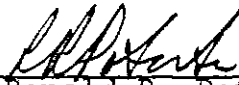
MICHAEL A. FOTOS  
Deputy Director

NOTICE OF AGENCY ADOPTION

RULE TITLE: Gun Repair Shop Exemptions

RULE TYPE: Procedural

The attached rule constitutes the official rule adopted by the West Virginia Department of Natural Resources on the 21st day of November 1986 and filed with the West Virginia Secretary of State.

  
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Ronald R. Potesta  
Director

FILED  
1986 NOV 21 PM 2:16  
SECRETARY OF STATE



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The Honorable Ken Hechler  
Secretary of State  
Capitol Complex, Suite 157-K  
Charleston, West Virginia 25305

Re: Filing of Adopted Rules  
(Gun Repair Shop Exemptions,  
Series 47A) by the Department  
of Natural Resources

Dear Mr. Hechler:

Enclosed please find for your filing a copy of adopted procedural rules of the Department of Natural Resources. Please note that these rules were originally proposed as Series IV-G. Title 47, the compilation of Department regulations, has since been renumbered; Series IV-G became 47A and has been so renumbered in this filing.

If you have any questions, please contact Mr. Jeffrey E. Herrold, Director's Office of Regulatory Affairs, at 348-2761.

Sincerely,

*Ron Potesta*  
Ronald R. Potesta  
Director

RRP/jhb

Enclosures

RECEIVED  
SECRETARY OF STATE

1986 NOV 21 PM 2:16

FILED

FISCAL NOTE FOR PROPOSED RULES

FILED

Rule Title: Procedures for Granting Gun Repair Shop Exemptions

Type of Rule: Legislative X Interpretive

NOV OCT 16 PM 2:17  
X Procedural  
OFFICE OF THE  
SECRETARY OF STATE

Agency: Department of Natural Resources

Address: 1800 Washington Street East, Charleston, West Virginia 25305

1. Effect of Proposed Rule (Estimated Total Cost)	ANNUAL			FISCAL YEAR	
	Increase \$	Decrease \$	Current \$	Next \$	Thereafter \$
Personal Services					
Current Expense					
Repairs and Alterations					NO CHANGE
Equipment					
Other					

2. Explanation of Above Estimates:

Work will be accomplished by conservation officers as part of their regular duties; costs would be negligible and within normal budgets.

3. Objectives of These Rules:

The proposed rules provide for the granting of exemptions to exempt gun shop operators from the law prohibiting the discharging of a firearm within 500 feet of a residence and 400 feet of a school or church.

4. Explanation of Overall Economic Impact of Proposed Rule.

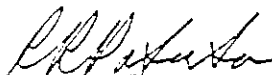
A. Economic Impact on State Government: No impact

B. Economic Impact on Political Subdivisions; Specific Industries; Specific Groups of Citizens: No impact

C. Economic Impact on Citizens/Public at Large:

Gun shop operators will pay a minimal cost to notify people living within the 500 feet and churches and schools within 400 feet of the test firing site.

Date: October 16, 1986



Ronald R. Potesta  
Director

PREAMBLE FOR PROCEDURAL AND INTERPRETIVE RULES  
RELATING TO GUN REPAIR SHOP EXEMPTIONS

PROGRAM: Law Enforcement

REGULATIONS: Gun Repair Shop Exemptions, Series 47A (Procedural)  
and Series 47B (Interpretive).

AUTHORITY: West Virginia Code, Chapter 20, Article 2, Section 58;  
Chapter 61, Article 7, Section 12; and Chapter 29A, Article 3.

ACTION: Adopted Rules

TOPIC: Series 47A establishes procedures for granting gun repair shop operators exemptions from the law prohibiting the discharge of a firearm within five hundred feet of any dwelling house or within four hundred feet of any schoolhouse or church. Series 47B provides guidance to gun repair shop operators concerning safe test firing sites.

SUMMARY: Under Sections 20-2-58 and 61-7-12 of the West Virginia Code, the Director is authorized to grant exemptions to the operators of gun repair shops which allows the test firing of a firearm under certain circumstances. The Director may grant such exemptions provided that he "shall ensure that any person residing in any dwelling home within five hundred feet of such gun repair shop be given an opportunity to protest the granting of such exemption."

Under the procedural rules (Series 47A), the operator of a gun repair shop may be granted an exemption to allow the test firing of firearms (1) within five hundred feet of any dwelling house and (2) within four hundred feet of any school or church. Series 47A establishes the procedures to be followed and the form to be used in applying for this exemption and also sets forth the manner in which objections to a grant of exemption will be addressed. The interpretive rules (Series 47B) provide guidance concerning safety requirements to be followed by gun repair shops under a grant of exemption.

A public hearing was held on Monday, November 17, 1986 in Charleston. Comments were received until the close of business on Wednesday, November 19, 1986. No one except Department staff attended the public hearing and no substantive or other comment on the proposed rules was received during the comment period. Therefore, the Department is today adopting these rules as they

were proposed on October 17, 1986 with one change. Since the time of proposal, the compilation of Department regulations (Title 47) has been renumbered. Under the new numbering format, proposed Series IV-G and IV-H became Series 47A and 47B and have been so renumbered in this rule adoption.