

**WEST VIRGINIA  
SECRETARY OF STATE  
KEN HECHLER  
ADMINISTRATIVE LAW DIVISION**

Form #5

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OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

**NOTICE OF AGENCY ADOPTION OF A PROCEDURAL OR INTERPRETIVE RULE  
OR A LEGISLATIVE RULE EXEMPT FROM LEGISLATIVE REVIEW**

AGENCY: BUREAU OF COMMERCE, DIVISION OF NATURAL RESOURCES TITLE NUMBER: 58

CITE AUTHORITY: §§20-2-58, 61-7-12 AND 29A-3

RULE TYPE: PROCEDURAL \_\_\_\_\_ INTERPRETIVE X

EXEMPT LEGISLATIVE RULE \_\_\_\_\_

CITE STATUTE(S) GRANTING EXEMPTION FROM LEGISLATIVE REVIEW

§29A-3-8

AMENDMENT TO AN EXISTING RULE: YES X, NO \_\_\_\_\_

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 47B (NEW 20)


TITLE OF RULE BEING AMENDED: GUN REPAIR SHOP EXEMPTIONS

IF NO, SERIES NUMBER OF NEW RULE BEING ADOPTED: \_\_\_\_\_

TITLE OF RULE BEING ADOPTED: \_\_\_\_\_

**THE ABOVE RULE IS HEREBY ADOPTED AND FILED WITH THE SECRETARY OF STATE. THE**

**EFFECTIVE DATE OF THIS RULE IS** September 16, 1996

  
\_\_\_\_\_  
CHARLES B. FELTON, JR., DIRECTOR

2-60

TITLE 58  
INTERPRETIVE RULE  
BUREAU OF COMMERCE  
DIVISION OF NATURAL RESOURCES

SERIES 20  
GUN REPAIR SHOP EXEMPTIONS

**§58-20-1. General.**

1.1. Scope and Purpose. -- The purpose of this rule is to provide guidance concerning safety requirements to be followed by gun repair shops under a grant of exemption.

1.2. Authority. -- W. Va. Code §20-2-58, §61-7-12 and §29A-3.

1.3. Filing Date. -- July 12, 1996

1.4. Effective Date. -- September 10, 1996

**§58-20-2. Definitions.**

2.1. "Applicant" means the operator of a gun repair shop duly licensed under applicable federal and state laws.

2.2. "Exemption" means an exemption from the law prohibiting the discharge of a firearm within five hundred (500) feet of a dwelling house or within four hundred feet (400) of a schoolhouse or church.

2.3. "Person" means also the plural "persons" and includes individuals, partnerships, corporations, or other legal entities.

**§58-20-3. Nontransferability.**

3.1. A grant of exemption may not be transferred to another person.

3.2. A grant of exemption is void upon the bankruptcy, sale, or cessation of the applicant's gun repair business.

**§58-20-4. Safety Requirements.**

4.1. All test firing done under a grant of exemption will be by the gun repair shop

operator, his/her paid employee, or the owner of the firearm being repaired.

4.2. All test firing will be done into a safe backstop or bullet trap.

**§58-20-5. Revocation Of Exemption.**

5.1. Failure to maintain a safe test firing area may result in the revocation of the grant of exemption.

5.2. Revocation of a grant of exemption may result in the imposition of criminal penalties as prescribed in West Virginia Code section nine, article seven, chapter twenty (§20-7-9).

KEN HECHLER  
Secretary of State

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SECRETARY OF STATE  
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(Plus all the volunteer  
help we can get)

TO: BILL DANIEL

AGENCY: NATURAL RESOURCES

FROM: JUDY COOPER, DIRECTOR, ADMINISTRATIVE LAW DIVISION

DATE: October 3, 1996

THE ATTACHED RULE FILED BY YOUR AGENCY HAS BEEN ENTERED INTO OUR COMPUTER SYSTEM. PLEASE REVIEW, PROOF AND RETURN IT WITH ANY CORRECTIONS. IF THERE ARE NO CORRECTIONS, PLEASE SIGN THIS MEMO AND RETURN IT TO THIS OFFICE. YOU WILL BE SENT A FINAL VERSION OF THE RULE FOR YOUR RECORDS.

PLEASE RETURN EITHER THE CORRECTED RULE OR THIS FORM WITHIN TEN (10) WORKING DAYS OF THE DATE YOU RECEIVED THIS REQUEST. CALL IF YOU HAVE ANY QUESTIONS.

SERIES: 20 TITLE: 58 NATURAL RESOURCES

\* THE ATTACHED RULE HAS BEEN REVIEWED AND IS CORRECT.

SIGNED: WB Daniel  
TITLE OF PERSON SIGNING: Deputy Chief, Law Enforcement  
DATE: 10/15/96

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\* THE ATTACHED RULE HAS BEEN REVIEWED AND NEEDS CORRECTING. THE CORRECTIONS HAVE BEEN MARKED.

SIGNED: \_\_\_\_\_  
TITLE OF PERSON SIGNING: \_\_\_\_\_  
DATE: \_\_\_\_\_

NOTE: IF YOU ARE NOT THE PERSON WHO HANDLES THIS RULE, PLEASE FORWARD TO THE CORRECT PERSON.