

58 CSR 24

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 24 - Point System for the revocation of Hunting and Fishing Licenses

1. Changed the word "Department" to read "Division" throughout the rule.
2. After the word "his" added "/her" throughout the rule.

FILED

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

AUG 1 4 14 PM '95

SERIES 24
POINT SYSTEM FOR THE REVOCATION OF HUNTING
AND FISHING LICENSES

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

§58-24-1. General.

1.1. Scope. -- These are legislative rules and regulations establishing a point system for the revocation of hunting and fishing licenses.

1.2. Authority. -- W. Va. Code §20-1-7 and §20-2-38

1.3. Filing Date. -- December 30, 1982

1.4. Effective Date. -- January 1, 1983

§58-24-2. General Purpose.

2.1. Purpose. -- To assure uniform, impartial application of hunting and fishing license revocation, from four (4) to ten (10) points will be assigned for each hunting and fishing violation, and a record system will be utilized to assured accuracy and expediency in the operation of revocation procedures.

§58-24-3. Revocation Of License; Duration.

3.1. Negligent Shooting. -- Licenses of persons convicted of negligent shooting of a human being or livestock will be revoked for a period of five (5) years.

3.2. Points. -- Licenses of those amassing ten (10) or more points in any two (2) years period will be revoked for a period of two (2) years from the date the ten (10) points total was reached. Should any person be convicted of a violation during the revocation period, the revocation period shall be extended for two (2) years.

§58-24-4. Assignment Of Points.

4.1. Points -- Offense.

Spotlighting with firearm or implement

Taking fish with explosive or poison materials

All other hunting and fishing violations

§58-24-5. Removal Of Points.

5.1. Points will be removed on their second anniversary or upon restoration of the license(s).

§58-24-6. Hearing.

6.1. Notification. -- Upon revoking the license(s) of any person, the the ~~Department~~ Division of Natural Resources shall immediately notify the licensee in writing, sent by registered mail to the address given by the licensee in applying for license, and upon his/her request, shall afford an opportunity for a hearing within thirty (30) days after receipt of the request.

6.2. Hearing. -- The hearing may be conducted in the county in which the licensee resides or any other county designated by the director.

6.3. Hearing Officer. -- The director or his/her duly authorized agent shall act as hearing officer.

6.4. Action. -- After such hearing, the director may uphold or rescind the revocation.

Title 47
Legislative Rule

~~WEST VIRGINIA ADMINISTRATIVE REGULATIONS~~
Department of Natural Resources
Chapter ~~20-1C~~
Series ~~IV-A-4~~ 24
1981

Subject: Point System for the Revocation of Hunting and Fishing Licenses.

Section 1. General

1.01. Scope - These are legislative rules and regulations establishing a point system for the revocation of hunting and fishing licenses.

1.02. Authority - These regulations are issued under authority of the West Virginia Code, §20-1-7 and §20-2-38.

1.03. Filing Date - ~~These regulations were filed in the state register October 5, 1981, and refiled December 30, 1982, to become effective January 1, 1983, and shall remain in effect unless otherwise amended or new regulations are issued by the Director.~~ ^{1.4} Effective Date - January 1, 1983

Section 2. General Purpose

2.01. Purpose - To assure uniform, impartial application of hunting and fishing license revocation, from four to ten points will be assigned for each hunting and fishing violation, and a record system will be utilized to assure accuracy and expediency in the operation of revocation procedures.

Section 3. Revocation of License, Duration

3.01. Negligent Shooting - Licenses of persons convicted of negligent shooting of a human being or livestock will be revoked for a period of five years.

3.02. Points - Licenses of those amassing ten or more points in any two-year period will be revoked for a period of two years from the date the ten point total was reached. Should any person be convicted of a violation during the revocation period, the revocation period shall be extended for two years

from the date of the last offense.

Section 4. Assignment of Points

4.01. Points Offense

- | | |
|----|--|
| 10 | Spotlighting with firearm or implement |
| 10 | Taking fish with explosive or poison materials |
| 4 | All other hunting and fishing violations |

Section 5. Removal of Points

5.01. Points will be removed on their second anniversary or upon restoration of the license(s).

Section 6. Hearing

6.01 Notification - Upon revoking the license(s) of any person, the Department of Natural Resources shall immediately notify the licensee in writing, sent by registered mail to the address given by the licensee in applying for license, and upon his/her request, shall afford an opportunity for a hearing within 30 days after receipt of the request.

6.02. Hearing - The hearing may be conducted in the county in which the licensee resides or any other county designated by the director.

6.03. Hearing Officer - The director or his duly authorized agent shall act as hearing officer.

6.04. Action - After such hearing, the director may uphold or rescind the revocation.