

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

Form #3

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**FILED**

JUN 23 12 08 PM '94

OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

**NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE  
AND  
FILING WITH THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE**

DEPARTMENT OF COMMERCE, LABOR AND ENVIRONMENTAL RESOURCES  
AGENCY: DIVISION OF NATURAL RESOURCES TITLE NUMBER: 58

CITE AUTHORITY 61-7-4 (a)(8)

AMENDMENT TO AN EXISTING RULE: YES  NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 46

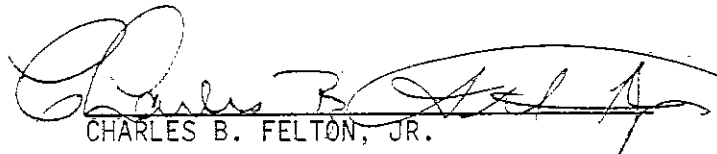
TITLE OF RULE BEING AMENDED: REGULATIONS FOR HANDLING AND FIRING OF FIREARMS

NEW TITLE: MINIMUM REQUIREMENTS FOR HANDLING AND FIRING OF HANDGUNS

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

TITLE OF RULE BEING PROPOSED: \_\_\_\_\_

THE ABOVE PROPOSED LEGISLATIVE RULE HAVING GONE TO A PUBLIC HEARING OR A PUBLIC COMMENT PERIOD IS HEREBY APPROVED BY THE PROMULGATING AGENCY FOR FILING WITH THE SECRETARY OF STATE AND THE LEGISLATIVE RULE MAKING REVIEW COMMITTEE FOR THEIR REVIEW.

  
CHARLES B. FELTON, JR.

4.00

**STATEMENT OF CIRCUMSTANCES  
CONCERNING  
MINIMUM REQUIREMENTS FOR HANDLING AND FIRING OF HANDGUNS**

**AGENCY:** Department of Commerce, Labor, and Environmental Resources; Division of Natural Resources

**REGULATION:** Title 58, Series 46, "Minimum Requirements For Handling and Firing of Handguns".

**ACTION:** Filing of a proposed rule.

**CIRCUMSTANCES:** The previous rule was filed on December 30, 1982, and became effective on January 1, 1983. Because a Constitutional Amendment and the West Virginia Supreme Court rendered the old laws on dangerous and deadly weapons invalid, the legislature rewrote and passed legislation on possession and carrying a dangerous and deadly weapon.

Several Circuit Court judges, including Judge Donald Cookman of Romney and Judge Dave Sanders of Martinsburg, have ruled the old DNR requirements inadequate.

As a result of those rulings, we have rewritten our requirements and submitted them for consideration.

**APPENDIX B**

**FISCAL NOTE FOR PROPOSED RULES**

Rule Title: MINIMUM REQUIREMENTS FOR HANDLING AND FIRING OF HANDGUNS

Type of Rule:  Legislative  Interpretive  Procedural

Agency: DEPARTMENT OF COMMERCE, LABOR AND ENVIRONMENTAL RESOURCES  
DIVISION OF NATURAL RESOURCES

Address: CAPITOL COMPLEX, BUILDING 3  
1900 KANAWHA BOULEVARD, EAST  
CHARLESTON, WEST VIRGINIA 25305-0668

**1. Effect of Proposed Rule**

	ANNUAL FISCAL YEAR				
	INCREASE	DECREASE	CURRENT	NEXT	HEREAFTER
<u>ESTIMATED TOTAL COST</u>	\$	\$	\$ 0	\$	\$
PERSONAL SERVICES					
CURRENT EXPENSE					
REPAIRS & ALTERNATIONS					
EQUIPMENT					
OTHER					

**2. Explanation of above estimates:**

It is estimated that fees established by these rules will produce \$63,000 in income each fiscal year based on an average of 630 permits issued each year.

$$(630 \text{ permits} \times \$100.00 \text{ fee} = \$63,000.00)$$

**3. Objectives of these rules:**

These rules will set forth the minimum requirements to obtain a certificate of compliance in accordance with 61-7-4(a)(8).

Rule Title: MINIMUM REQUIREMENTS FOR HANDLING AND FIRING OF HANDGUNS

4. Explanation of Overall Economic Impact of Proposed Rule.

A. Economic Impact on State Government.

The income produced by the fees on this rule will help to offset money spent out of dedicated funds under 20-2-34.

B. Economic Impact on Political Subdivisions; Specific Industries; Specific groups of Citizens.

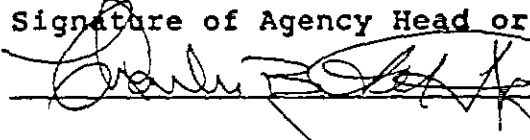
None.

C. Economic Impact on Citizens/Public at Large.

None.

Date: December 14, 1993

Signature of Agency Head or Authorized Representative

 CHARLES B. FELTON, JR.

DATE: JUNE 23, 1994

TO: LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

DEPARTMENT OF COMMERCE, LABOR AND ENVIRONMENTAL RESOURCES  
FROM: DIVISION OF NATURAL RESOURCES

LEGISLATIVE RULE TITLE: MINIMUM REQUIREMENTS FOR HANDLING AND FIRING OF HANDGUNS

1. Authorizing statute(s) citation 61-7-4(a)(8)

2. a. Date filed in State Register with Notice of Hearing  
DECEMBER 30, 1993 - COMMENT PERIOD

b. What other notice, including advertising, did you give  
of the hearing?

NONE

c. Date of Hearing(s) COMMENT PERIOD ENDING FEBRUARY 4, 1994

d. Attach list of persons who appeared at hearing,  
comments received, amendments, reasons for amendments.

Attached NONE No comments received 0

e. Date you filed in State Register the agency approved  
proposed Legislative Rule following public hearing:  
(be exact)

JUNE 23, 1994

f. Name and phone number(s) of agency person(s) to  
contact for additional information:

MAJOR W. B. DANIEL

DIVISION OF NATURAL RESOURCES

CAPITOL COMPLEX, BUILDING 3, ROOM 839

1900 KANAWHA BOULEVARD, EAST

CHARLESTON, WEST VIRGINIA 25305-0668

3. If the statute under which you promulgated the submitted rules requires certain findings and determinations to be made as a condition precedent to their promulgation:

a. Give the date upon which you filed in the State Register a notice of the time and place of a hearing for the taking of evidence and a general description of the issues to be decided.

NA

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b. Date of hearing: NA

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c. On what date did you file in the State Register the findings and determinations required together with the reasons therefor?

NA

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d. Attach findings and determinations and reasons:

Attached NA

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PREAMBLE TO A LEGISLATIVE RULE  
CONCERNING  
MINIMUM REQUIREMENTS FOR HANDLING AND FIRING OF HANDGUNS

**AGENCY:** Department of Commerce, Labor, and Environmental Resources; Division of Natural Resources

**REGULATION:** Title 58, Series 46, "Minimum Requirements For Handling and Firing of Handguns".

**ACTION:** Filing of a proposed rule.

**SUMMARY:** This rule repeals and replaces the current Regulations for Handling and Firing of Firearms. This rule establishes the procedures to be followed to obtain a certificate of compliance required by 61-7-4(a)(8).

TITLE 58  
LEGISLATIVE RULES  
DEPARTMENT OF COMMERCE, LABOR, AND ENVIRONMENTAL RESOURCES  
DIVISION OF NATURAL RESOURCES

SERIES 46  
MINIMUM REQUIREMENTS FOR HANDLING AND FIRING OF HANDGUNS

**§47-46-1. General.**

1.1. Scope. --This legislative rule establishes the regulations that govern the minimum requirements for handling and firing of handguns in order to secure a license to carry a concealed weapon from the circuit court.

1.2. Authority. --West Virginia Code §61-7-4(a)(8).

1.3. Filing Date. --

1.4. Effective Date. ---

1.5. Repeal of Former Rules. --This rule repeals and replaces 47 C.S.R. 46 "Regulations for Handling and Firing of Firearms" which was filed on December 30, 1982 and became effective on January 1, 1983.

**§47-46-2. Definitions.**

2.1. "Director" means the Director of the Division of Natural Resources.

2.2. "Division" means the Division of Natural Resources.

**§47-46-3. General Regulations.**

3.1. Application. Any person desiring to complete the course on handgun instruction provided by the Division will submit an application for training in writing on forms provided by the Director. -----

3.2. Fee. Applicants will be required to pay a \$100.00 fee at the time of application.

3.3. Handguns. Applicants will be required to bring the handgun they intend to carry with them to the classroom. The instructor will inspect each handgun that is to be used in the training. Any handgun that is found to be in an unsafe condition will be prohibited from use in live firing exercises. However, the applicant will be given an opportunity to procure another handgun to use in the live firing exercises.

3.4. Course Availability. At least one (1) handgun course will be offered each month in each of the Division's five (5) districts. Other classes will be offered on an as needed basis.

3.5. Certification. Conservation officers who are certified as handgun instructors by the Division are hereby vested with the authority to certify applicants as having met the minimum requirements established by these rules. Certification of completion will be on forms prescribed by the Director.

#### **§47-46-4. Minimum Course Requirements.**

4.1. Length of Course. The length of the handgun training course offered by the Division will be a minimum of six (6) hours and will include, but not be limited to, the following:

1. Classroom
  - a. Type of handgun actions
  - b. Nomenclature of parts
  - c. Ammunition types and sizes
  - d. Basic handgun safety rules
  - e. Basics of handgun marksmanship
2. Range
  - a. Dry firing exercises
  - b. Practice loading
  - c. Live firing skills
  - d. Unloading and servicing the firearm

#### 4.2. Range Demonstration.

1. Each applicant will be required to demonstrate that he or she is capable of handling, loading, unloading and firing their handgun safely.

2. No person will be authorized on the range without eye and ear protection. Each applicant will be required to provide their own eye and ear protection for use on the range.

3. Each applicant will be required to fire a minimum of 20 rounds at a stationary target.

4.3. Minimum Requirements For Completion. Upon completion of the classroom instruction, applicants will be administered a written examination. Applicants with reading or learning disorders may be given an oral exam. Applicants must also satisfactorily demonstrate to the instructor that they are proficient in the safe handling, loading, unloading and firing of the handgun that will be carried.

**§47-46-5. Disqualification and Retraining.**

5.1. Any applicant who does not attend the entire course, including classroom instruction and range activities, will be disqualified.

5.2. Any applicant who acts in an unsafe manner while handling, loading, unloading or firing the handgun will be disqualified.

5.3. Any applicant who fails the written (oral) examination will not be certified.

5.4. Any applicant who is disqualified or is not certified, may not reapply for certification for a period of 90 days from the date of disqualification.

**§ 47-46-6. Evidence of Qualification.**

6.1. Those persons successfully completing the course outlined by these regulations will be issued a letter of certification listing their name, address, social security number and the make, model and serial number of the handgun used in the range demonstration.