

WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION

Form #4

Do Not Mark In this Box

FILED

Oct 13 10 29 AM '94

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

NOTICE OF RULE MODIFICATION OF A PROPOSED RULE

AGENCY: Bureau of Commerce
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

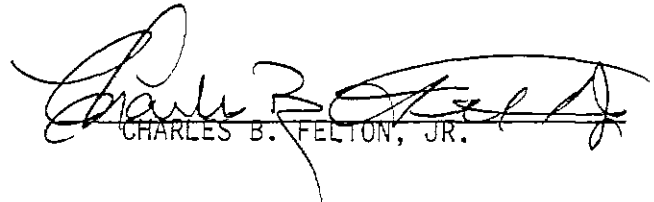
TITLE OF RULE BEING AMENDED: REGULATIONS FOR HANDLING AND FIRING OF FIREARMS

NEW TITLE: MINIMUM REQUIREMENTS FOR HANDLING AND FIRING HANDGUNS TO
OBTAIN A CONCEALED WEAPONS LICENSE

IF NO, SERIES NUMBER OF NEW RULE BEING PROPOSED: _____

TITLE OF RULE BEING PROPOSED: _____

THE ABOVE PROPOSED LEGISLATIVE RULE, FOLLOWING REVIEW BY THE LEGISLATIVE RULE
MAKING REVIEW COMMITTEE IS HEREBY MODIFIED AS A RESULT OF REVIEW AND COMMENT
BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE. THE ATTACHED MODIFICATIONS ARE
FILED WITH THE SECRETARY OF STATE.


CHARLES B. FELTON, JR.

FILED

TITLE 58
LEGISLATIVE RULES
BUREAU OF COMMERCE
DIVISION OF NATURAL RESOURCES

OCT 13 10 29 AM '84

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

SERIES 46
MINIMUM REQUIREMENTS FOR HANDLING AND FIRING HANDGUNS
TO OBTAIN A CONCEALED WEAPONS LICENSE

§58-46-1. General.

1.1. Scope. --This legislative rule establishes the minimum requirements for handling and firing in order to qualify for a state license to carry a concealed weapon.

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.

§58-46-2. Definitions.

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

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

§58-46-3. General Requirements.

3.1. Application. Any person desiring to attend the course on handgun instruction provided by the Division shall submit a written application for training on forms provided by the Director.

3.2. Fee. Applicants shall pay a \$100.00 fee at the time of application.

3.3. Handguns. Trainees are 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. The instructor will prohibit a trainee from using any handgun that is found to be in an unsafe condition in live firing exercises. The instructor shall permit the trainee 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 authorized to certify trainees as having met the minimum requirements established by this rule. The Director shall provide certificates of completion at the end of the course.

§58-46-4. Minimum Course Requirements.

4.1. Length of Course. The length of the handgun training course offered by the Division shall be a minimum of six (6) hours and shall 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 trainee shall 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 trainee shall provide their own eye and ear protection for use on the range.

3. Each trainee shall fire a minimum of 20 rounds at a stationary target.

4.3. Minimum Requirements For Completion. Upon completion of the classroom instruction, trainees shall take a written examination. Trainees with reading or learning disorders may be given an oral exam. Trainees 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.

§58-46-5. Retraining.

5.1. The Division will not certify any trainee who does not attend the entire course, including classroom instruction and range activities.

5.2. The Division will not certify any trainee who acts in an unsafe manner while handling, loading, unloading or firing the handgun.

5.3. The Division will not certify any applicant who fails the written (oral) examination.

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

§58-46-6. Evidence of Qualification.

6.1. The Division will issue a letter of certification to those persons successfully completing the course outlined by this rule listing their name, address, social security number and the make, model and serial number of the handgun used in the range demonstration.

SENATE BILL NO. 77

(By Senators Anderson, Boley, Grubb and Macnaughtan)

[Introduced January 20, 1995; referred to the Committee on Natural Resources; then to the Committee on Finance; and then to the Committee on the Judiciary]

58-46

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10 A BILL to amend chapter sixty-four of the code of West Virginia,
11 one thousand nine hundred thirty-one, as amended, by adding
12 thereto a new article, designated article three-a, relating
13 to authorizing the division of natural resources to
14 promulgate legislative rules relating to the minimum
15 requirements for the handling and firing of handguns to
16 obtain a concealed weapons license.

17 Be it enacted by the Legislature of West Virginia:

18 That chapter sixty-four of the code of West Virginia, one
19 thousand nine hundred thirty-one, as amended, be amended by
20 adding thereto a new article, designated article three-a, to read
21 as follows:

22 **ARTICLE 3A. AUTHORIZATION FOR BUREAU OF COMMERCE TO PROMULGATE**
23 **LEGISLATIVE RULES.**

24 **§64-3A-1. Division of natural resources.**

1 The legislative rules filed in the state register on the
2 twenty-third day of June, one thousand nine hundred ninety-four,
3 modified by the division of natural resources to meet the
4 objections of the legislative rule-making review committee and
5 refiled in the state register on the fourteenth day of October,
6 one thousand nine hundred ninety-four, relating to the division
7 of natural resources (minimum requirements for handling and
8 firing of handguns to obtain a concealed weapons license), are
9 authorized.

10

11 NOTE: The purpose of this bill is to authorize the Division
12 of Natural Resources to promulgate legislative rules relating to
13 the minimum requirements for the handling and firing of handguns
14 to obtain a concealed weapons license.

15

16 This section is new; therefore, strike-throughs and
17 underscoring have been omitted.

Bill-DNR, Handguns

58-46
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H. B. 2182

(By Delegates Gallagher, Douglas, Compton,
Linch, Faircloth and Riggs.)
(Introduced January 23, 1995; referred to the
Committee on the Judiciary.)

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