



WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

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Office of West Virginia
Secretary Of State

NOTICE OF PUBLIC COMMENT PERIOD

AGENCY: Natural Resources

TITLE-SERIES: 58-67

RULE TYPE: Legislative Amendment to Existing Rule: Yes Repeal of existing rule: No

RULE NAME: Lifetime Hunting, Trapping and Fishing Licenses

CITE STATUTORY AUTHORITY: §20-2B-7

COMMENTS LIMITED TO:

Written

DATE OF PUBLIC HEARING:

LOCATION OF PUBLIC HEARING:

DATE WRITTEN COMMENT PERIOD ENDS: 07/26/2023 5:00 PM

COMMENTS MAY BE MAILED OR EMAILED TO:

NAME: Wendy L. Greene

ADDRESS: 324 4th Avenue

Room 328

EMAIL: dnrcomments@wv.gov

PLEASE INDICATE IF THIS FILING INCLUDES:

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

(IF YES, PLEASE UPLOAD IN THE SUPPORTING DOCUMENTS FIELD)

INCORPORATED BY REFERENCE: No

(IF YES, PLEASE UPLOAD IN THE SUPPORTING DOCUMENTS FIELD)

PROVIDE A BRIEF SUMMARY OF THE CONTENT OF THE RULE:

This rule is being filed pursuant to a change to §20-2B-7 in SB 733 during the 2023 Legislative session. That bill created a non-resident lifetime license and requires changes to this rule to comply with the statutory changes.

SUMMARIZE IN A CLEAR AND CONCISE MANNER CONTENTS OF CHANGES IN THE RULE AND A STATEMENT OF CIRCUMSTANCES REQUIRING THE RULE:

The changes in this rule address application requirements and eligibility requirements for non-residents to obtain a non-resident lifetime hunting, trapping and fishing license. The rule also sets the fees in accordance with §20-2B-7 for adult and youth non-resident lifetime licenses.

SUMMARIZE IN A CLEAR AND CONCISE MANNER THE OVERALL ECONOMIC IMPACT OF THE PROPOSED RULE:

A. ECONOMIC IMPACT ON REVENUES OF STATE GOVERNMENT:

This rule addresses a new non-resident lifetime license product created in statute. Since this is a new product, the agency is unable to estimate an impact on revenues at this time. However, in our best professional judgement, we anticipate any change would be positive for the revenues of the state.

B. ECONOMIC IMPACT ON SPECIAL REVENUE ACCOUNTS:

This rule addresses a new non-resident lifetime license product created in statute. Since this is a new product, the agency is unable to estimate an impact on revenues at this time. However, in our best professional judgement, we anticipate any change would be positive for special revenue accounts.

C. ECONOMIC IMPACT OF THE RULE ON THE STATE OR ITS RESIDENTS:

This rule addresses a new non-resident lifetime license product created in statute. Since this is a new product, the agency is unable to estimate an impact on revenues at this time. However, in our best professional judgement, we anticipate any change would be positive for the state and its residents.

D. FISCAL NOTE DETAIL:

Effect of Proposal	Fiscal Year		
	2023 Increase/Decrease (use "-")	2024 Increase/Decrease (use "-")	Fiscal Year (Upon Full Implementation)
1. Estimated Total Cost	0	0	0
Personal Services	0	0	0
Current Expenses	0	0	0
Repairs and Alterations	0	0	0
Assets	0	0	0
Other	0	0	0
2. Estimated Total Revenues	0	0	0

E. EXPLANATION OF ABOVE ESTIMATES (INCLUDING LONG-RANGE EFFECT):

This rule addresses a new non-resident lifetime license product created in statute. Since this is a new product, the agency is unable to estimate an impact on revenues at this time.

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENT IS TRUE AND CORRECT.

Yes

Garner Marks -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.

TITLE 58
LEGISLATIVE RULE
DIVISION OF NATURAL RESOURCES

SERIES 67
LIFETIME HUNTING, TRAPPING AND FISHING LICENSES

§58-67-1. General.

1.1. Scope and Purpose. -- This legislative rule establishes fees and the method for determining fees of lifetime hunting and fishing licenses for West Virginia residents and non-residents.

1.2. Authority. -- W. Va. Code §20-2B-7.

1.3. Filing Date. -- ~~May 9, 2022~~.

1.4. Effective Date. -- ~~May 9, 2022~~.

1.5. Sunset Provision. -- This rule shall terminate and have no further force or effect on August 1, ~~2027~~2029.

§58-67-2. Definitions.

2.1. "Division" means the West Virginia Division of Natural Resources.

2.2. All other terms shall have the meaning prescribed in W. Va. Code §20-1-2.

§58-67-3. Resident Lifetime Hunting, Trapping and Fishing License Requirements.

3.1. Applicants must be residents of the state of West Virginia to be eligible for a resident lifetime license.

3.2. A parent or legal guardian submitting an application for a child who has not reached his or her 15th birthday shall attach to the application a certified birth certificate or other notarized record of birth. A parent or legal guardian submitting an application for an adopted child or foster child who has not reached his or her 15th birthday shall also attach to the application a certified copy of the order or decree of adoption or placement into foster care.

3.3. A child's parent or legal guardian shall sign an application for a child and provide his or her own West Virginia driver's license number or a West Virginia Division of Motor Vehicles nondriver identification card number.

3.3.1. Parents of foster children submitting an application for a child who has not reached his or her 15th birthday must have the application signed and notarized by the case worker and Multidisciplinary Team of the foster child.

3.3.2. A child's parent or legal guardian who is a member of the Armed Forces and meets the definition of resident pursuant to W. Va. Code §20-1-2 et seq., may make application for a resident lifetime license for their child who has not reached his or her 18th birthday.

3.4. Applications received by the Division or are postmarked on or after the child's 15th birthday will not be processed for a child's discounted lifetime license.

3.5. If applying for a lifetime license that includes hunting privileges, each license applicant born on or after January 1, 1975, must present proof of successful completion of an approved Hunter Education course at the time of application for the license if they have successfully completed the course at that time.

3.6. Any person holding a lifetime hunting license who does not hold proof of successful completion of an approved Hunter Education Course must obtain a certificate of training as provided for in W. Va. Code §20-2-30a before hunting or trapping unaccompanied by a licensed adult pursuant to W. Va. Code §20-2-27.

§58-67-4. Fees for Resident Lifetime Hunting, Trapping and Fishing Licenses.

4.1. In accordance with the provisions of W.Va. Code §20-2B-7, the fees for resident lifetime licenses are 23 times the fee for the equivalent resident annual licenses or stamps.

4.1.1. The fee for a Class A-L resident lifetime hunting and trapping licenses is \$782.

4.1.2. The fee for a Class AB-L resident lifetime hunting, trapping and fishing license is \$805.

4.1.3. The fee for a Class B-L resident lifetime fishing license is \$552.

4.1.4. The fee for a Class O-L resident lifetime trout license is \$230.

4.2. In accordance with the provisions of W. Va. Code §20-2B-7, the fees for lifetime licenses for residents who have not reached his or her 15th birthday are:

4.2.1. Forty percent of the adult fee for any resident who has not reached his or her first birthday.

4.2.2. Fifty-five percent of the adult fee for any resident who is over one year old but has not reached his or her fifth birthday.

4.2.3. Seventy-five percent of the adult fee for any resident who is over five years old but has not reached his or her 10th birthday.

4.2.4. Ninety percent of the adult fee for any resident who is over 10 years old but has not reached his or her 15th birthday.

§58-67-5. Non-Resident Lifetime Hunting, Trapping and Fishing License Requirements.

5.1. Applicants must be non-residents of the state of West Virginia to be eligible for a non-resident lifetime license.

5.2. A parent or legal guardian submitting an application for a child who has not reached his or her 15th birthday shall attach to the application a certified birth certificate or other notarized record of birth.

5.3. Applications received by the Division or are postmarked on or after the child's 15th birthday will not be processed for a child's discounted lifetime license.

5.4. If applying for a lifetime license that includes hunting privileges, each license applicant born on or after January 1, 1975, must present proof of successful completion of an approved Hunter Education course at the time of application for the license if they have successfully completed the course at that time.

5.5. Any person holding a lifetime hunting license who does not hold proof of successful completion of an approved Hunter Education Course must obtain a certificate of training as provided for in W. Va. Code §20-2-30a before hunting or trapping unaccompanied by a licensed adult pursuant to W. Va. Code §20-2-27.

§58-67-6. Fees for Non-Resident Lifetime Hunting, Trapping and Fishing Licenses.

6.1. In accordance with the provisions of W.Va. Code §20-2B-7, the fees for non-resident lifetime licenses are 23 times the fee for the equivalent non-resident annual licenses or stamps.

6.1.1. The fee for a Class E-L non-resident lifetime hunting and trapping licenses is \$3,036.

6.1.2. The fee for a Class EE-L non-resident lifetime bear hunting license and bear damage stamp is \$4,255.

6.1.3. The fee for a Class F-L non-resident lifetime fishing license is \$1,150.

6.1.4. The fee for a Class OO-L non-resident lifetime trout license is \$368.

6.1.5. The fee for a Class UU-L non-resident lifetime archery hunting license is \$736.

6.1.6. The fee for a Class VV-L non-resident lifetime muzzleloader license is \$736.

6.1.7. The fee for a Class WW-L non-resident lifetime turkey hunting license is \$736.

6.1.8. The fee for a Class I-L non-resident National Forest Stamp is \$46.

6.2. In accordance with the provisions of W. Va. Code §20-2B-7, the fees for lifetime licenses for non-residents who have not reached his or her 15th birthday are:

6.2.1. Forty percent of the adult fee for any non-resident who has not reached his or her first birthday.

6.2.2. Fifty-five percent of the adult fee for any non-resident who is over one year old but has not reached his or her fifth birthday.

6.2.3. Seventy-five percent of the adult fee for any non-resident who is over five years old but has not reached his or her 10th birthday.

6.2.4. Ninety percent of the adult fee for any non-resident who is over 10 years old but has not reached his or her 15th birthday.

~~§58-67-5~~ **§58-67-7. Fees for Issuing Duplicate Lifetime Hunting, Trapping and Fishing Licenses.**

~~5.1.~~ 7.1. Upon verification that an individual is a valid lifetime licensee, the Division shall issue a duplicate lifetime hunting, trapping, and fishing license to replace any lost, destroyed, or damaged lifetime hunting, fishing or trapping license.

~~5.2.~~ 7.2. The fee for issuing a duplicate lifetime hunting, trapping, or fishing license card is six dollars.