

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

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SENATE BILL 374
PROPOSED COMMITTEE SUBSTITUTE S374-PCS35244-SB-28

Short Title: Landowner Protection Act.

(Public)

Sponsors:

Referred to:

March 21, 2011

A BILL TO BE ENTITLED

AN ACT TO PROTECT LANDOWNER RIGHTS AND INCREASE PUBLIC SAFETY BY
(1) PROHIBITING HUNTING FROM THE RIGHT-OF-WAY STATEWIDE, (2)
REQUIRING WRITTEN PERMISSION TO HUNT ON THE LAND OF ANOTHER
STATEWIDE, AND (3) PROVIDING AN ADDITIONAL METHOD TO POST LAND
TO PROHIBIT HUNTING.

The General Assembly of North Carolina enacts:

SECTION 1.(a) Article 22 of Chapter 113 of the General Statutes is amended by
adding a new section to read:

§ 113-291.12. Hunting from rights-of-way; hunting on the land of another.

(a) It is unlawful to hunt or attempt to hunt by discharging a firearm, bow and arrow, or crossbow from, on, across, or over the right-of-way of any State-maintained public road or highway, except as allowed on State game lands as prescribed by rules established by the Wildlife Resources Commission. For purposes of this section, the term "to hunt" has the same meaning as in G.S. 113-130.

(b) It is unlawful to possess a loaded firearm outside the passenger compartment of a vehicle while on the roadway or highway right-of-way while in the act of hunting or attempting to hunt, unless the person is the owner or lessee of the land abutting the right-of-way or has on his or her person the written permission of the owner or lessee of the land abutting the right-of-way to hunt on the land, dated within the last 12 months. Nothing in this section prohibits a person from carrying a concealed weapon authorized by a concealed handgun permit issued in accordance with Article 54B of Chapter 14 of the General Statutes or considered valid under G.S. 14-415.24.

(c) It is unlawful to hunt or attempt to hunt on the land of another, or to take fish from private ponds, as defined in G.S. 113-129(13), on the land of another, without having on one's person the written permission, dated within the last 12 months, of the landowner or lessee or the landowner's or lessee's designee. The written permission shall be displayed upon request of any law enforcement officer of the Wildlife Resources Commission, sheriff or deputy sheriff, or other law enforcement officer with general subject matter jurisdiction. A person shall have written permission to hunt for purposes of this section if a landowner or lessee has granted permission to a hunting club to hunt on the person's land and the person is carrying both a current membership card demonstrating the person's membership in the hunting club and a copy of valid written permission granted to the hunting club that complies with the requirements of this section. It is not a violation of this subsection to enter upon the land of



1 another without having written permission to hunt as required by this subsection for the sole
2 purpose of retrieving hunting dogs that have strayed onto that land, provided that the land is
3 neither posted in accordance with the provisions of G.S. 14-159.7 or enclosed by a fence and
4 provided that the hunter does not carry a firearm, bow and arrow, or crossbow onto the land or
5 operate a motor vehicle on the land.

6 (d) Violation of this section is a Class 3 misdemeanor. Notwithstanding the provisions
7 of G.S. 15A-1340.23, a second or subsequent violation of this section within three years is a
8 Class 2 misdemeanor punishable by a fine of at least two hundred fifty dollars (\$250.00) and
9 the loss of hunting privileges for a period of 12 months from the date of the conviction.

10 (e) This section is enforceable by law enforcement officers of the Wildlife Resources
11 Commission, by sheriffs and deputy sheriffs, and by law enforcement officers with general
12 subject matter jurisdiction.

13 (f) To the extent that this section conflicts with any provision of any local act, this
14 section prevails. The fact that a local act in conflict with this section has not been specifically
15 repealed does not indicate an intent for the local act to prevail."

16 **SECTION 1.(b)** The following local acts or portions of local acts are repealed as
17 applicable to the following counties:

18 Alamance:	Session Laws 1971, Chapter 206;
19	Session Laws 1989, Chapter 651, as amended by
20	Session Laws 1991, Chapter 92.
21 Alexander:	Session Laws 1987, Chapter 298.
22 Alleghany:	Session Laws 1967, Chapter 477.
23 Anson:	Session Laws 1973, Chapter 1319, as amended by
24	Session Laws 1975, Chapter 597;
25	Session Laws 1987, Chapter 231, Sections 1 and 2.
26 Ashe:	Session Laws 1977, Chapter 13.
27 Bertie:	Session Laws 1963, Chapter 252;
28	Session Laws 1973, Chapter 1333;
29	S.L. 2001-367, Sections 1 and 4, as amended by
30	S.L. 2007-313.
31 Bladen:	Session Laws 1975, Chapter 525.
32 Brunswick:	Session Laws 1985, Chapter 840.
33 Buncombe:	Session Laws 1967, Chapter 595.
34 Burke:	Session Laws 1987, Chapter 39.
35 Cabarrus:	Session Laws 1993, Chapter 100;
36	Session Laws 1993, Chapter 632.
37 Caldwell:	Session Laws 1973, Chapter 150, as amended by
38	Session Laws 1979, Chapter 220;
39	Session Laws 1987, Chapter 39.
40 Camden:	Session Laws 1983, Chapter 274;
41	Session Laws 1991, Chapter 796.
42 Carteret:	Session Laws 1953, Chapter 776.
43 Caswell:	Session Laws 1975, Chapter 215;
44	Session Laws 1989, Chapter 651, as amended by
45	Session Laws 1991, Chapter 92;
46	S.L. 2007-264, Section 1;
47	S.L. 2008-96.
48 Catawba:	Session Laws 1967, Chapter 350;
49	Session Laws 1987, Chapter 298.
50 Chatham:	Session Laws 1975, Chapter 540, Section 1.
51 Chowan:	Session Laws 1975, Chapter 524;

1		Session Laws 1985, Chapter 868.
2	Cleveland:	Session Laws 1979, Chapter 587;
3		Session Laws 1989, Chapter 193;
4		Session Laws 1985, Chapter 204, as amended by
5		Session Laws 1991, Chapter 483.
6	Columbus:	S.L. 1997-61.
7	Craven:	Session Laws 1957, Chapter 603, as amended by
8		Session Laws 1963, Chapters 268 and 1163;
9		Session Laws 1981, Chapter 709;
10		Session Laws 1983, Chapter 305;
11		Session Laws 1985, Chapter 882;
12		Session Laws 1987, Chapter 248;
13		Session Laws 1989, Chapter 463;
14		Session Laws 1991, Chapter 145;
15		Session Laws 1991, Chapter 850;
16		Session Laws 1993, Chapter 115;
17		Session Laws 1995, Chapter 628, Section 1;
18		S.L. 2003-164;
19		S.L. 2009-116.
20	Cumberland:	Session Laws 1977, Chapter 241.
21	Currituck:	Session Laws 1985, Chapter 27.
22	Davidson:	Session Laws 1991, Chapter 795.
23	Davie:	Session Laws 1989, Chapter 929.
24	Duplin:	Session Laws 1953, Chapter 776;
25		Session Laws 1969, Chapter 195.
26	Durham:	Session Laws 1969, Chapter 195;
27		Session Laws 1973, Chapter 1319, as amended by
28		Session Laws 1975, Chapter 597;
29		Session Laws 1973, Chapter 1333;
30		Session Laws 1975, Chapter 539.
31	Edgecombe:	Session Laws 1961, Chapter 863;
32		S.L. 2009-22.
33	Franklin:	Session Laws 1965, Chapter 928, Section 2;
34		Session Laws 1991, Chapter 108.
35	Gaston:	S.L. 1997-66.
36	Gates:	Session Laws 1971, Chapter 389;
37		Session Laws 1973, Chapter 1333;
38		Session Laws 1975, Chapter 214, Section 3;
39		Session Laws 1981, Chapter 863.
40	Granville:	Session Laws 1959, Chapter 459.
41	Greene:	Session Laws 1985, Chapter 471, as amended by
42		Session Laws 1987, Chapter 132;
43		S.L. 2006-12.
44	Guilford:	Session Laws 1967, Chapter 573;
45		Session Laws 1977, Chapter 181.
46	Halifax:	Session Laws 1971, Chapter 404.
47	Harnett:	Session Laws 1983, Chapter 791;
48		S.L. 1997-103.
49	Haywood:	Session Laws 1969, Chapter 259.
50	Henderson:	Session Laws 1983, Chapter 946.
51	Hertford:	Session Laws 1963, Chapter 252;

1		Session Laws 1973, Chapter 1333;
2		Session Laws 1975, Chapter 214, Section 3.
3	Hoke:	Session Laws 1983, Chapter 385;
4		Session Laws 1985, Chapter 204, as amended by
5		Session Laws 1991, Chapter 483, Section 1.
6	Hyde:	Session Laws 1957, Chapter 205;
7		Session Laws 1971, Chapter 520;
8		Session Laws 1985, Chapter 420, as amended by
9		S.L. 2009-77.
10	Iredell:	Session Laws 1987, Chapter 298.
11	Johnston:	Session Laws 1975, Chapter 341;
12		Session Laws 1965, Chapter 928, as amended by
13		Session Laws 1975, Chapter 343;
14		S.L. 2007-264, Section 1.
15	Jones:	Session Laws 1991, Chapter 146.
16	Lee:	S.L. 1999-301, Sections 1 through 3.
17	Lenoir:	Session Laws 1975, Chapter 73;
18		Session Laws 1983, Chapter 41.
19	Macon:	Session Laws 1993, Chapter 104;
20		Session Laws 1995, Chapter 754, Sections 2 and 3.
21	Madison:	Session Laws 1993, Chapter 70.
22	Martin:	S.L. 2008-50.
23	McDowell:	S.L. 1997-453.
24	Mecklenburg:	Session Laws 1981, Chapter 524, Section 2.
25	Mitchell:	Session Laws 1991, Chapter 855.
26	Moore:	Session Laws 1971, Chapter 621;
27		Session Laws 1977, Chapter 447, as amended by
28		Session Laws 1979, Chapter 369;
29		S.L. 1999-301, Sections 6.1(a) and (b).
30	Nash:	Session Laws 1985, Chapter 891, Section 2.
31	Northampton:	Session Laws 1965, Chapter 509, as amended by
32		Session Laws 1967, Chapter 585;
33		Session Laws 1973, Chapter 78, Section 2;
34		Session Laws 1995, Chapter 628, Section 2;
35		Session Laws 1995, Chapter 704;
36		Session Laws 1995, Chapter 754, Section 1.
37	Onslow:	Session Laws 1991, Chapter 435, Sections 1 through 3.
38	Orange:	Session Laws 1973, Chapter 1319, as amended by
39		Session Laws 1975, Chapter 597;
40		Session Laws 1975, Chapter 539;
41		S.L. 2005-264;
42		S.L. 2007-264, as amended by
43		S.L. 2008-205.
44	Pamlico:	Session Laws 1991, Chapter 138.
45	Pasquotank:	Session Laws 1973, Chapter 1333;
46		Session Laws 1993, Chapter 632.
47	Pender:	Session Laws 1969, Chapter 129, Sections 2 and 3.
48	Perquimans:	Session Laws 1983, Chapter 213;
49		Session Laws 1985, Chapter 867, Section 1.
50	Person:	Session Laws 1973, Chapter 1319, as amended by
51		Session Laws 1975, Chapter 597.

1	Pitt:	Session Laws 1977, Chapter 241;
2		S.L. 2002-142, Section 1.
3	Polk:	Session Laws 1977, Chapter 241.
4	Randolph:	Session Laws 1985, Chapter 303.
5	Richmond:	Session Laws 1973, Chapter 1319;
6		Session Laws 1975, Chapter 539.
7	Robeson:	Session Laws 1983, Chapter 385;
8		S.L. 2004-52.
9	Rockingham:	Session Laws 1985, Chapter 25;
10		Session Laws 1989, Chapter 651, as amended by
11		Session Laws 1991, Chapter 92.
12	Rowan:	Session Laws 1975, Chapter 341, as amended by
13		Session Laws 1977, Chapter 108.
14	Rutherford:	Session Laws 1987, Chapter 405;
15		S.L. 1999-301, Sections 1 through 3.
16	Sampson:	Session Laws 1991, Chapter 141.
17	Scotland:	Session Laws 1977, Chapter 447;
18		Session Laws 1985, Chapter 204, as amended by
19		Session Laws 1991, Chapter 483.
20	Stanly:	Session Laws 1969, Chapter 858.
21	Stokes:	Session Laws 1969, Chapter 195;
22		Session Laws 1975, Chapter 542.
23	Surry:	Session Laws 1977, Chapter 181.
24	Transylvania:	S.L. 2003-119.
25	Tyrrell:	Session Laws 1985, Chapter 28;
26		S.L. 2007-273, Sections 2 through 6.
27	Vance:	S.L. 2005-31, Sections 1 and 2.
28	Wake:	Session Laws 1973, Chapter 1382;
29		Session Laws 1987, Chapter 811.
30	Warren:	Session Laws 1965, Chapter 928, Section 2.
31	Washington:	S.L. 1997-95, Sections 2 through 4.
32	Watauga:	Session Laws 1989, Chapter 812.
33	Wayne:	Session Laws 1975, Chapter 341, as amended by
34		Session Laws 1977, Chapter 46;
35		Session Laws 1975, Chapter 343, as amended by
36		Session Laws 1977, Chapter 45;
37		Session Laws 1985, Chapter 420, as amended by
38		S.L. 2009-77.
39	Wilkes:	Session Laws 1973, Chapter 150, as amended by
40		Session Laws 1979, Chapter 220, and by
41		Session Laws 1991, Chapter 295.
42	Wilson:	Session Laws 1939, Chapter 271;
43		Session Laws 1983, Chapter 423;
44		S.L. 2005-264;
45		S.L. 2007-264, as amended by
46		S.L. 2008-205.
47	Yadkin:	Session Laws 1973, Chapter 150, as amended by
48		Session Laws 1979, Chapter 220.

SECTION 2. G.S. 14-159.6 reads as rewritten:

"§ 14-159.6. Trespass for purposes of hunting, etc., without written consent a misdemeanor.

1 (a) Any person who willfully goes on the land, waters, ponds, or a legally established
2 waterfowl blind of another ~~upon which notices, signs or posters prohibiting hunting, fishing or~~
3 ~~trapping have been placed in accordance with the provisions of G.S. 14-159.7, or upon which~~
4 ~~"posted" notices have been placed~~ that has been posted in accordance with the provisions of
5 G.S. 14-159.7, to hunt, fish or trap without the written consent of the owner or his agent shall
6 be guilty of a Class 2 misdemeanor. Provided, further, that no arrests under authority of this
7 subsection shall be made without the consent of the owner or owners of said land, or their duly
8 authorized agents in the following counties: Halifax and Warren.

9 (b) Any person who willfully goes on the land of another ~~upon which notices, signs, or~~
10 ~~posters prohibiting raking or removing pine needles or pine straw have been placed in~~
11 ~~accordance with the provisions of G.S. 14-159.7, or upon which "posted" notices have been~~
12 ~~placed~~ that has been posted in accordance with the provisions of ~~G.S. 14-159.7,~~
13 G.S. 14-159.7(1) to rake or remove pine needles or pine straw without the written consent of
14 the owner or his agent shall be guilty of a Class 1 misdemeanor."

15 **SECTION 3.** G.S. 14-159.7 reads as rewritten:

16 **§ 14-159.7. Regulations as to posting of property.**

17 For purposes of posting property under G.S. 14-159.7, the owner or lessee of the property
18 may use either of the following methods:

19 (1) The owner or lessee of the property may place notices, signs, or posters on
20 the property. The notices, signs or posters ~~described in G.S. 14-159.6~~ shall
21 measure not less than 120 square inches and shall be conspicuously posted
22 on private lands not more than 200 yards apart close to and along the
23 boundaries. At least one such notice, sign, or poster shall be posted on each
24 side of such land, and one at each corner thereof, provided that said corner
25 can be reasonably ascertained. For the purpose of prohibiting fishing, or the
26 taking of fish by any means, in any stream, lake, or pond, it shall only be
27 necessary that the signs, notices, or posters be posted along the stream or
28 shoreline of a pond or lake at intervals of not more than 200 yards apart.

29 (2) The owner or lessee of the property may place identifying purple paint
30 marks on trees or posts around the area to be posted. Each paint mark shall
31 be a vertical line of at least eight inches in length and the bottom of the mark
32 shall be no less than three feet nor more than five feet from the base of the
33 tree or post. The paint marks shall be placed no more than 200 yards apart
34 and shall be readily visible to any person approaching the property. For the
35 purpose of prohibiting fishing, or the taking of fish by any means, in any
36 stream, lake, or pond, it shall only be necessary that the paint marks be
37 placed along the stream or shoreline of a pond or lake at intervals of not
38 more than 200 yards apart."

39 **SECTION 4.** G.S. 14-159.10 reads as rewritten:

40 **"§ 14-159.10. Enforcement of Article by peace officers; wildlife protectors authorized to**
41 **execute process.**Article.

42 This Article may be enforced by ~~deputy sheriffs~~ sheriffs or deputy sheriffs, law
43 enforcement officers of the Wildlife Resources Commission, and other peace officers with
44 general subject matter jurisdiction. ~~Law enforcement officers of the North Carolina Wildlife~~
45 ~~Resources Commission may execute process issued by the court for violations of this Article."~~

46 **SECTION 5.** This act becomes effective October 1, 2011, and applies to offenses
47 committed on or after that date.