

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2011

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HOUSE BILL 762\*  
Committee Substitute Favorable 5/18/11  
Third Edition Engrossed 5/24/11  
PROPOSED SENATE COMMITTEE SUBSTITUTE H762-PCS30382-RW-53

Short Title: Landowner Protection Act.

(Public)

Sponsors:

Referred to:

April 7, 2011

1 A BILL TO BE ENTITLED

2 AN ACT TO PROTECT LANDOWNER RIGHTS.

3 The General Assembly of North Carolina enacts:

4 SECTION 1. G.S. 14-159.6 reads as rewritten:

5 "§ 14-159.6. Trespass for purposes of hunting, etc., without written consent a  
6 misdemeanor.

7 (a) Any person who willfully goes on the land, waters, ponds, or a legally established  
8 waterfowl blind of another ~~upon which notices, signs or posters prohibiting hunting, fishing or~~  
9 ~~trapping have been placed in accordance with the provisions of G.S. 14-159.7, or upon which~~  
10 ~~"posted" notices have been placed that has been posted~~ in accordance with the provisions of  
11 G.S. 14-159.7, to hunt, fish or trap without ~~the written consent~~ permission of the owner  
12 landowner, lessee, or his agent shall be guilty of a Class 2 misdemeanor. Provided, further, that  
13 ~~no arrests under authority of this subsection shall be made without the consent of the owner or~~  
14 ~~owners of said land, or their duly authorized agents in the following counties: Halifax and~~  
15 ~~Warren.~~ Written permission shall be carried on one's person, signed by the landowner, lessee,  
16 or agent, and dated within the last 12 months. The written permission shall be displayed upon  
17 request of any law enforcement officer of the Wildlife Resources Commission, sheriff or  
18 deputy sheriff, or other law enforcement officer with general subject matter jurisdiction. A  
19 person shall have written permission for purposes of this section if a landowner, lessee, or  
20 agent has granted permission to a club to hunt, fish, or trap on the land and the person is  
21 carrying both a current membership card demonstrating the person's membership in the club  
22 and a copy of written permission granted to the club that complies with the requirements of this  
23 section.

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

30 (c) It is an affirmative defense to a prosecution under subsection (a) or (b) of this  
31 section that the person had in fact obtained prior permission of the owner, lessee, or agent as



1 required by those subsections but did not have on his or her person valid written permission at  
2 the time of citation or arrest."

3 **SECTION 2.** G.S. 14-159.7 reads as rewritten:

4 "**§ 14-159.7. Regulations as to posting of property.**

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

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

17 (2) The owner or lessee of the property may place identifying purple paint  
18 marks on trees or posts around the area to be posted. Each paint mark shall  
19 be a vertical line of at least eight inches in length, and the bottom of the  
20 mark shall be no less than three feet nor more than five feet from the base of  
21 the tree or post. The paint marks shall be placed no more than 100 yards  
22 apart and shall be readily visible to any person approaching the property. For  
23 the purpose of prohibiting fishing, or the taking of fish by any means, in any  
24 stream, lake, or pond, it shall only be necessary that the paint marks be  
25 placed along the stream or shoreline of a pond or lake at intervals of not  
26 more than 100 yards apart."

27 **SECTION 3.** G.S. 14-159.10 reads as rewritten:

28 "**§ 14-159.10. Enforcement of Article by peace officers; wildlife protectors authorized to**  
29 **execute process.**~~Article.~~

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

34 **SECTION 4.** This act becomes effective October 1, 2011, and applies to offenses  
35 committed on or after that date.