

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2005

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HOUSE BILL 1430  
Committee Substitute Favorable 5/9/05  
Senate Judiciary II Committee Substitute Adopted 6/21/05

Short Title: Obstructing Use of Boat Ramp.

(Public)

Sponsors:

Referred to:

April 21, 2005

A BILL TO BE ENTITLED

AN ACT TO LIMIT THE PENALTY FOR OBSTRUCTING A BOAT LAUNCHING  
AREA.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 113-135.1 reads as rewritten:

"§ 113-135.1. **Limitation upon penalty for offense created by rules of Wildlife  
Resources Commission in certain instances.**

(a) To prevent unsuspecting members of the public from being subject to harsh  
criminal penalties for offenses created by rules of the Wildlife Resources Commission,  
the penalty for an offense ~~which~~that is solely a violation of rules of the Wildlife  
Resources Commission is limited to a fine of ten dollars (\$10.00) except ~~that offenses as~~  
follows:

(1) Offenses set out in Section subsection (b) of this section are punished  
punishable as set forth in G.S. 113-135 or other sections.~~sections of the  
General Statutes.~~

(2) A person who parks a vehicle in violation of a rule regulating the  
parking of vehicles at boating access or boating launch areas is  
responsible for an infraction and shall pay a fine of fifty dollars  
(\$50.00).

(b) The limitation upon penalty does not apply to any rule violation:

(1) Punishable under G.S. 113-294 or otherwise involving aggravating  
elements ~~which~~that result in a greater punishment than provided by  
G.S. 113-135;

(2) ~~Which~~That involves a defendant subject to the collection-license  
provisions of G.S. 113-272.4 or who is a dealer as defined in  
G.S. 113-273; or

(3) Relating to seasons, bag limits, creel limits, taking fish other than with  
hook and line, buying or selling wildlife, possessing or transporting

1                   live wildlife, taking wildlife at night or with the aid of a conveyance,  
2                   or falconry."

3                   **SECTION 2.** G.S. 113-264, as amended by S.L. 2005-82, is amended by  
4 adding a new subsection to read:

5                   "(e) A wildlife protector or law enforcement officer of this State or its  
6 subdivisions may have a vehicle towed at a Commission-owned or operated public  
7 boating access area if the vehicle:

8                   (1) Is parked in an area other than one designated for parking; or

9                   (2) Is left by an individual for a purpose other than launching, operating,  
10 or retrieving a vessel."

11                   **SECTION 3.** This act becomes effective December 1, 2005, and applies to  
12 offenses committed on or after that date.