

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

H

4

HOUSE BILL 762*
Committee Substitute Favorable 5/18/11
Third Edition Engrossed 5/24/11
Senate Rules and Operations of the Senate Committee Substitute Adopted 6/8/11

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

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



1 **"§ 14-159.7. Regulations as to posting of property.**

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

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

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

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

25 **"§ 14-159.10. Enforcement of Article by peace officers; wildlife protectors authorized to**
26 **execute process. Article.**

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

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