

NORTH CAROLINA GENERAL ASSEMBLY
1961 SESSION

CHAPTER 352
SENATE BILL 153

1 AN ACT TO REGULATE THE DISTRIBUTION AND SALE OF HUNTING AND FISHING
2 LICENSES.

3
4 The General Assembly of North Carolina do enact:

5
6 **Section 1.** Purpose of Act. The purpose of this Act is to relieve Wildlife Protectors
7 of responsibility for the distribution of hunting, fishing, and trapping licenses, to establish
8 procedures whereby such licenses shall be issued directly to hunting and fishing license agents,
9 and to provide for strict accountability for all licenses so issued and the proceeds from the sale
10 thereof.

11 **Sec. 2.** Definitions. When used in this Act:

12 "(a) The word "Commission" or the phrase "Wildlife Resources Commission"
13 means the North Carolina Wildlife Resources Commission.

14 (b) The words "Executive Director" mean the Executive Director of North
15 Carolina Wildlife Resources Commission.

16 (c) The words "license agent" or "hunting and fishing license agent", or "State
17 hunting and fishing license agent" mean any person, firm or corporation who or which is
18 authorized by the Wildlife Resources Commission to sell hunting and fishing licenses as herein
19 defined.

20 (d) The word "licenses" and the phrase "hunting and fishing licenses" shall be
21 construed to include:

- 22 (1) State resident hunting licenses;
- 23 (2) County resident hunting licenses;
- 24 (3) Non-resident hunting licenses;
- 25 (4) Combination hunting and fishing licenses;
- 26 (5) State resident fishing licenses ;
- 27 (6) County resident fishing licenses;
- 28 (7) Resident daily fishing permits ;
- 29 (8) Non-resident season fishing licenses;
- 30 (9) Non-resident five-day fishing licenses;
- 31 (10) Non-resident daily fishing licenses;
- 32 (11) Resident special trout fishing licenses;
- 33 (12) Non-resident special trout fishing licenses;
- 34 (13) State resident trapping licenses;
- 35 (14) County resident trapping licenses;
- 36 (15) Non-resident trapping licenses ; and
- 37 (16) Special device fishing licenses and special permits for hunting and fishing
38 on wildlife management areas where the same may, in the discretion of the
39 Executive Director, be consigned to State hunting and fishing license agents.

40 **Sec. 3.** Duty of the Commission. The Wildlife Resources Commission is hereby
41 authorized and directed to relieve all Wildlife Protectors of responsibility for the distribution of
42 licenses to license agents and of accountability for the proceeds of the sale thereof as soon as
43 may be practicable after the effective date of this Act; provided, however, the Commission may

1 require the services of any Wildlife Protector for the purpose of implementing the provisions of
2 this Act, for purposes of investigation and inspection of any hunting and fishing license agent
3 or any applicant for the position of hunting and fishing license agent, and for the purpose of
4 delivering licenses to any agent in any case of emergency.

5 **Sec. 4.** Authority of the Commission. The Wildlife Resources Commission is
6 hereby authorized and empowered:

7 (a) Appoint qualified persons, firms, or corporations to the position of State
8 hunting and fishing license agent.

9 (b) To promulgate, publish, disseminate, and enforce regulations, not
10 inconsistent with this Act, to govern the distribution and sale of hunting and fishing licenses
11 and to require strict accounting for unsold licenses and the proceeds of sold licenses.

12 (c) To fix minimum standards, in addition to the requirements of this Act,
13 regulating the qualifications of State hunting and fishing license agents, the location and type of
14 places of business at which licenses may be sold, and the facilities provided for the safe-
15 keeping of licenses and the proceeds thereof.

16 (d) To prescribe procedures whereby any hunting and fishing license agent may
17 be relieved of accountability for unsold licenses or the proceeds of sold licenses which may be
18 lost or destroyed due to causes beyond the control of such agent.

19 **Sec. 5.** Duties of Executive Director. The Executive Director of the Wildlife
20 Resources Commission shall:

21 (a) Assist the Commission with such investigation of applicants for the position
22 of hunting and fishing license agent as may be necessary to determine whether they meet the
23 requirements of this Act and such additional standards as may be fixed by the Commission.

24 (b) Require periodic inspections of the books and records of all State hunting
25 and fishing license agents for the purpose of ascertaining that the provisions of this Act and the
26 regulations promulgated hereunder are being complied with.

27 (c) Dismiss any hunting and fishing license agent who fails to comply with the
28 terms and spirit of this Act or the regulations promulgated hereunder.

29 (d) Prepare and distribute all forms of hunting and fishing licenses and all forms
30 necessary for accurate reporting of license sales and accounting for unsold licenses and the
31 proceeds of sold licenses.

32 (e) Relieve any hunting and fishing license agent, subject to the regulations of
33 the Commission, of accountability for unsold licenses or the proceeds of sold licenses when it
34 has been made to appear to his satisfaction that such licenses or the proceeds from the sale
35 thereof have become lost or destroyed by reason of a cause or causes beyond the control of
36 such agent.

37 **Sec. 6.** Qualifications of license agents. In addition to such minimum standards as
38 may be fixed by the Commission, applicants for appointment as State hunting and fishing
39 license agent shall be required to produce satisfactory evidence of their financial responsibility.
40 No person, firm or corporation shall be appointed as a hunting and fishing license agent unless
41 the character, reputation, and capabilities of the applicant, by whatever means ascertainable, are
42 such as to convince the Commission that such applicant may safely be permitted to handle
43 public funds.

44 **Sec. 7.** Bond required. Every State hunting and fishing license agent shall, before
45 receiving licenses, give a bond in the amount of two thousand dollars (\$2,000.00) payable to
46 the State of North Carolina and conditioned upon a true and prompt accounting for all public
47 monies received from the sale of hunting and fishing licenses, for all licenses received but
48 remaining unsold, and for the face value of all licenses received but remaining unaccounted for.
49 Such bond may be a blanket bond with corporate surety selected by the Executive Director.
50 Any public official who is required to post an official bond, which in the judgment of the
51 Executive Director is sufficient to protect the State against losses of licenses and license

1 proceeds, may be authorized to sell hunting and fishing licenses without giving the bond
2 required by this Section.

3 **Sec. 8.** Duties of License Agents. Each State hunting and fishing license agent
4 shall:

5 (a) Keep accurate records in such manner and form as may be prescribed by the
6 Commission of all licenses received, sold, and remaining unsold, and of all public monies
7 received from the sale of licenses.

8 (b) Keep all public funds received from the sale of licenses separate and apart
9 from personal or other business funds.

10 (c) Permit inspection and audit of all hunting and fishing license records by any
11 authorized officer or employee of the Commission at any time during business hours.

12 (d) Render a report to the Commission on or before the tenth day of each month
13 during the accounting periods for the types of licenses being sold to include all licenses sold
14 during the preceding calendar month, such report to be accompanied by the stubs and/or carbon
15 copies of all sold licenses and a check or money order for the public funds received from said
16 sales.

17 (e) Render a final report on or before the fifteenth day of January of each year
18 showing all fishing licenses sold but previously unreported, together with the stubs and/or
19 carbon copies of such licenses and a check or money order for the public funds received from
20 said sales, and, in addition, all fishing licenses received but then remaining unsold.

21 (f) Render a final report on or before the first day of March of each year
22 showing all hunting, trapping, and combination hunting and fishing licenses sold but previously
23 unreported, together with a check or money order for all public funds received from said sales
24 and the stubs and/or carbon copies of all sold licenses, and, in addition, all such licenses
25 received but then remaining unsold; provided, however, those hunting and fishing license
26 agents who are operators of licensed "controlled shooting preserves" shall have until not later
27 than the fifteenth day of April of each year to make the final report required by this subsection.

28 **Sec. 9.** Penalties.

29 (a) The failure of any State hunting and fishing license agent to perform any of
30 the duties set forth in the preceding Section, or failure to comply with any regulation adopted
31 pursuant to this Act, shall be cause for immediate dismissal of such agent.

32 (b) The willful violation of any provision of this Act, or of any regulation
33 promulgated pursuant thereto, shall constitute a misdemeanor.

34 (c) The willful failure or refusal of any hunting and fishing license agent to pay
35 over to the proper authority all public funds received by him from the sale of licenses within
36 the times fixed by this Act shall constitute a misdemeanor, and each day's continuance of such
37 willful failure or refusal shall constitute a separate offense.

38 (d) The dismissal of any hunting and fishing license agent, or the conviction or
39 acquittal of any license agent of a criminal offense under this Act shall not operate to
40 extinguish any liability under his bond for failure to account for public funds received from the
41 sale of licenses or for the face value of unsold licenses which remain unaccounted for.

42 (e) When a check or draft of any license agent remitting public funds for sold
43 licenses shall be returned by the banking facility upon which the same is drawn for lack of
44 funds, such license agent shall be liable for a penalty of five per cent (5%) of the amount of
45 such check or draft to the Wildlife Resources Commission, but in no event shall such penalty
46 be less than one dollar (\$1.00) or more than two hundred dollars (\$200.00).

47 **Sec. 10.** Severability of provisions. If any provision of this Act be held invalid,
48 such invalidity shall not affect other provisions of this Act which can be given effect without
49 the invalid provision, and to this end the provisions of this Act are declared to be severable.

50 **Sec. 11.** Repealer. This Act shall be construed as an amendment to the existing law
51 to the extent that it may conflict therewith, but this Act shall not be construed to modify any

1 existing statutory license requirement for engaging in hunting, fishing, trapping, or any other
2 activity for which a license or permit is now required; or to change any of the existing license
3 fees, or fees now allowed by Statute to the agents issuing licenses; nor shall it modify the
4 existing statutory requirements and restrictions as to the purposes for which the various license
5 fees may be expended.

6 **Sec. 12.** Effective date. This Act shall become effective on July 1, 1962.

7 In the General Assembly read three times and ratified, this the 4th day of May,
8 1961.