

GENERAL ASSEMBLY OF NORTH CAROLINA
1987 SESSION

CHAPTER 449
HOUSE BILL 1061

AN ACT TO PROTECT CAVES.

The General Assembly of North Carolina enacts:

Section 1. Chapter 14 of the General Statutes of North Carolina is amended by adding a new Article to read:

"Article 22B.

"Cave Protection Act.

"§ 14-159.20. **Definitions.**—The terms listed below have the following definitions as used in this Article, unless the context clearly requires a different meaning:

(1) 'Cave' means any naturally occurring subterranean cavity. The word 'cave' includes or is synonymous with cavern, pit, well, sinkhole, and grotto;

(2) 'Commercial cave' means any cave with improved trails and lighting utilized by the owner for the purpose of exhibition to the general public as a profit or nonprofit enterprise, wherein a fee is collected for entry;

(3) 'Gate' means any structure or device located to limit or prohibit access or entry to any cave;

(4) 'Person' means any individual, partnership, firm, association, trust or corporation;

(5) 'Speleothem' means a natural mineral formation or deposit occurring in a cave. This includes or is synonymous with stalagmites, stalactites, helectites, anthodites, gypsum flowers, needles, angel's hair, soda straws, draperies, bacon, cave pearls, popcorn (coral), rimstone dams, columns, palettes, and flowstone. Speleothems are commonly composed of calcite, epsomite, gypsum, aragonite, celestite and other similar minerals; and

(6) 'Owner' means a person who has title to land where a cave is located, including a person who owns title to a leasehold estate in such land.

"§ 14-159.21. **Vandalism; penalties.**—It is unlawful for any person, without express, prior, written permission of the owner, to willfully or knowingly:

(1) Break, break off, crack, carve upon, write, burn or otherwise mark upon, remove, or in any manner destroy, disturb, deface, mar or harm the surfaces of any cave or any natural material therein, including speleothems;

(2) Disturb or alter in any manner the natural condition of any cave;

(3) Break, force, tamper with or otherwise disturb a lock, gate, door or other obstruction designed to control or prevent access to any cave, even though entrance thereto may not be gained.

Any person violating a provision of this section shall be guilty of a misdemeanor, punishable by a fine of not less than one hundred fifty dollars (\$150.00) or more than five hundred dollars (\$500.00), imprisonment for not less than 10 days or more than six months, or both.

"§ 14-159.22. Sale of speleothems unlawful; penalties.—It is unlawful to sell or offer for sale any speleothems in this State, or to export them for sale outside the State. A person who violates any of the provisions of this section shall be guilty of a misdemeanor, punishable by a fine of not less than one hundred fifty dollars (\$150.00) or more than five hundred dollars (\$500.00), imprisonment for not less than 10 days or more than six months, or both.

"§ 14-159.23. Limitation of liability of owners and agents.—The owner of a cave, and his agents and employees, shall not be liable for any injury to, or for the death of any person, or for any loss or damage to property, by reason of any act or omission unless it is established that the injury, death, loss, or damage occurred as a result of gross negligence, wanton conduct, or intentional wrongdoing. The limitation of liability provided by this section applies only with respect to injury, death, loss, or damage occurring within a cave, or in connection with entry into or exit from a cave, and applies only with respect to persons to whom no charge has been made for admission to the cave."

Sec. 2. This act shall become effective October 1, 1987, and shall apply to offenses occurring on and after that date.

In the General Assembly read three times and ratified this the 23rd day of June, 1987.