

GENERAL ASSEMBLY OF NORTH CAROLINA  
1993 SESSION

CHAPTER 539  
HOUSE BILL 278

AN ACT TO CLASSIFY MISDEMEANORS AND TO RECLASSIFY SOME FELONIES AS RECOMMENDED BY THE NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION.

The General Assembly of North Carolina enacts:

**PART 1. – MISDEMEANORS**

**—FAILURE TO GIVE INFORMATION ABOUT CORPORATION**

Section 1. G.S. 1-324.5 reads as rewritten:

**"§ 1-324.5. Violations of three preceding sections misdemeanor.**

If any agent or person having charge or control of any property of a corporation, or any clerk, cashier, or other officer of a corporation, who has at the time the custody of the books of the company, or if any agent or person having custody of any evidence of debt due to a corporation, shall, on request of a public officer having in his hands for service an execution against the said corporation, willfully refuse to give to such officer the names of the directors and officers thereof, and a schedule of all its property, including debts due or to become due, or shall willfully refuse to give to such officer a certificate of the number of shares, or amount of interest held by such corporation in any other corporation, or shall willfully refuse to deliver to such officer any evidence of indebtedness due or to become due to such corporation, he shall be guilty of a Class 1 misdemeanor."

**—REFUSAL TO SURRENDER OFFICIAL PAPERS**

Sec. 2. G.S. 1-531 reads as rewritten:

**"§ 1-531. Refusal to surrender official papers misdemeanor.**

If a person against whom a judgment has been rendered in an action brought to recover a public office shall fail or refuse to turn over, on demand, to the person adjudged to be entitled to such office, all papers, documents and books belonging to such office, he shall be guilty of a Class 1 misdemeanor."

**—CHARGES FOR LEGAL ADVERTISING**

Sec. 3. G.S. 1-596 reads as rewritten:

**"§ 1-596. Charges for legal advertising.**

The publication of all advertising required by law to be made in newspapers in this State shall be paid for at not to exceed the local commercial rate of the newspapers selected. Any public or municipal officer or board created by or existing under the laws of this State that is now or may hereafter be authorized by law to enter into contracts for

the publication of legal advertisements is hereby authorized to pay therefor prices not exceeding said rates.

No newspaper in this State shall accept or print any legal advertising until said newspaper shall have first filed with the clerk of the superior court of the county in which it is published a sworn statement of its current commercial rate for the several classes of advertising regularly carried by said publication, and any owner or manager of a newspaper violating the provisions of this section shall be guilty of a Class 1 misdemeanor."

#### **—INVESTMENT OF FUNDS HELD BY CLERK**

Sec. 4. G.S. 7A-112(d) reads as rewritten:

"(d) It shall be unlawful for the clerk of the superior court of any county receiving any money by virtue or color of his office to apply or invest any of it except as authorized under this section. Any clerk violating the provisions of this section shall be guilty of a Class 1 misdemeanor."

#### **—NONTESTIMONIAL IDENTIFICATION PROCEDURES**

Sec. 5. G.S. 7A-602 reads as rewritten:

#### **"§ 7A-602. Penalty for willful violation.**

Any person who willfully violates provisions of this Article which prohibit conducting nontestimonial identification procedures without an order issued by a judge shall be guilty of a Class 1 misdemeanor."

#### **—NOTARIAL ACTS**

Sec. 6. G.S. 10A-12(a) reads as rewritten:

"(a) Any person who holds himself or herself out to the public as a notary or who performs notarial acts and is not commissioned is guilty of a ~~misdemeanor and is punishable by a fine, imprisonment, or both, in the discretion of the court.~~ Class 1 misdemeanor."

Sec. 7. G.S. 10A-12(b) reads as rewritten:

"(b) Any notary who takes an acknowledgment or performs a verification or proof without personal knowledge of the signer's identity or without satisfactory evidence of the signer's identity is guilty of a ~~misdemeanor and is punishable by a fine not to exceed five hundred dollars (\$500.00), imprisonment not to exceed 60 days, or both.~~ Sec. 8. G.S. 10A-12(d) reads as rewritten:

"(d) Any person who knowingly solicits or coerces a notary to commit official misconduct is guilty of a ~~misdemeanor and is punishable by a fine, imprisonment, or both, in the discretion of the court.~~ Class 1 misdemeanor."

#### **—GENERAL**

Sec. 9. G.S. 14-4(a) reads as rewritten:

"(a) Except as provided in subsection (b), if any person shall violate an ordinance of a county, city, town, or metropolitan sewerage district created under Article 5 of Chapter 162A, he shall be guilty of a Class 3 misdemeanor and shall be fined not more than five hundred dollars (\$500.00), ~~or imprisoned for not more than 30 days. (\$500.00).~~ No fine shall exceed fifty dollars (\$50.00) unless the ordinance expressly states that the maximum fine is greater than fifty dollars (\$50.00)."

#### **—SECRET POLITICAL AND MILITARY ORGANIZATIONS FORBIDDEN**

Sec. 10. G.S. 14-10 reads as rewritten:

**"§ 14-10. Secret political and military organizations forbidden.**

If any person, for the purpose of compassing or furthering any political object, or aiding the success of any political party or organization, or resisting the laws, shall join or in any way connect or unite himself with any oath-bound secret political or military organization, society or association of whatsoever name or character; or shall form or organize or combine and agree with any other person or persons to form or organize any such organization; or as a member of any secret political or military party or organization shall use, or agree to use, any certain signs or grips or passwords, or any disguise of the person or voice, or any disguise whatsoever for the advancement of its object, and shall take or administer any extrajudicial oath or other secret, solemn pledge, or any like secret means; or if any two or more persons, for the purpose of compassing or furthering any political object, or aiding the success of any political party or organization, or circumventing the laws, shall secretly assemble, combine or agree together, and the more effectually to accomplish such purposes, or any of them, shall use any certain signs, or grips, or passwords, or any disguise of the person or voice, or other disguise whatsoever, or shall take or administer any extrajudicial oath or other secret, solemn pledge; or if any persons shall band together and assemble to muster, drill or practice any military evolutions except by virtue of the authority of an officer recognized by law, or of an instructor in institutions or schools in which such evolutions form a part of the course of instruction; or if any person shall knowingly permit any of the acts and things herein forbidden to be had, done or performed on his premises, or on any premises under his control; or if any person being a member of any such secret political or military organization shall not at once abandon the same and separate himself entirely therefrom, every person so offending shall be guilty of a Class 1 misdemeanor, ~~misdemeanor, and shall be fined not less than ten (\$10.00) nor more than two hundred dollars (\$200.00), or be imprisoned, or both, at the discretion of the court.~~"

**—SUBVERSIVE ACTIVITY**

Sec. 11. G.S. 14-12 reads as rewritten:

**"§ 14-12. Punishment for violations.**

Any person or persons violating any of the provisions of this Article shall, for the first offense, be guilty of a Class 1 misdemeanor and be punished accordingly, and for the second offense shall be punished as a Class H felon."

**—PROHIBITED SECRET SOCIETIES AND ACTIVITIES**

Sec. 12. G.S. 14-12.15 reads as rewritten:

**"§ 14-12.15. Punishment for violation of Article.**

All persons violating any of the provisions of this Article, except for G.S. 14-12.12(b), 14-12.13, and 14-12.14, shall be guilty of a Class 1 misdemeanor, ~~misdemeanor, and upon conviction shall be fined or imprisoned in the discretion of the court.~~—All persons violating the provisions of G.S. 14-12.12(b), 14-12.13, and 14-12.14 shall be punished as a Class I felon."

**—ISSUING SUBSTITUTES FOR MONEY WITHOUT AUTHORITY**

Sec. 13. G.S. 14-15 reads as rewritten:

**"§ 14-15. Issuing substitutes for money without authority.**

If any person or corporation, unless the same be expressly allowed by law, shall issue any bill, due bill, order, ticket, certificate of deposit, promissory note or obligation, or any other kind of security, whatever may be its form or name, with the intent that the same shall circulate or pass as the representative of, or as a substitute for, money, he shall ~~forfeit and pay for each offense~~ be guilty of a Class 3 misdemeanor and only punishable by a fine not to exceed the sum of fifty dollars (\$50.00); and if the offender be a corporation, it shall in addition forfeit its charter. Every person or corporation offending against this section, or aiding or assisting therein, shall be guilty of a Class 3 misdemeanor and only punishable by a fine not to exceed fifty dollars (\$50.00)."

#### **—RECEIVING OR PASSING UNAUTHORIZED SUBSTITUTES FOR MONEY**

Sec. 14. G.S. 14-16 reads as rewritten:

##### **"§ 14-16. Receiving or passing unauthorized substitutes for money.**

If any person or corporation shall pass or receive, as the representative of, or as the substitute for, money, any bill, check, certificate, promissory note, or other security of the kind mentioned in G.S. 14-15, whether the same be issued within or without the State, such person or corporation, and the officers and agents of such corporation aiding therein, who shall offend against this section ~~shall for every such offense forfeit and pay five dollars (\$5.00), and~~ shall be guilty of a Class 3 misdemeanor and only punishable by a fine not to exceed five dollars (\$5.00)."

#### **—ASSAULTS ON HANDICAPPED PERSONS**

Sec. 15. G.S. 14-32.1(f) reads as rewritten:

"(f) Any person who commits a simple assault or battery upon a handicapped person is guilty of a Class 1 misdemeanor ~~misdemeanor punishable by a fine, imprisonment for not more than one year, or both.~~"

#### **—MISDEMEANOR ASSAULTS, BATTERIES, AND AFFRAYS**

Sec. 16. G.S. 14-33 reads as rewritten:

##### **"§ 14-33. Misdemeanor assaults, batteries, and affrays, simple and aggravated; punishments.**

(a) Any person who commits a simple assault or a simple assault and battery or participates in a simple affray is guilty of a Class 1 misdemeanor ~~misdemeanor punishable by a fine not to exceed fifty dollars (\$50.00) or imprisonment for not more than 30 days.~~

(b) Unless his conduct is covered under some other provision of law providing greater punishment, any person who commits any assault, assault and battery, or affray is guilty of a Class 1 misdemeanor ~~punishable by a fine, imprisonment for not more than two years, or both such fine and imprisonment~~ if, in the course of the assault, assault and battery, or affray, he:

- (1) Inflicts, or attempts to inflict, serious injury upon another person or uses a deadly weapon; or
- (2) Assaults a female, he being a male person at least 18 years of age; or
- (3) Assaults a child under the age of 12 years; or
- (4) to (7). Repealed by Session Laws 1991, c. 525, s. 1.

- (8) Assails an officer or employee of the State or of any political subdivision of the State, when the officer or employee is discharging or attempting to discharge his official duties.
- (9) Commits an assault and battery against a sports official when the sports official is discharging or attempting to discharge official duties at a sports event, or immediately after the sports event at which the sports official discharged official duties. A 'sports official' is a person at a sports event who enforces the rules of the event, such as an umpire or referee, or a person who supervises the participants, such as a coach. A 'sports event' includes any interscholastic or intramural athletic activity in a primary, middle, junior high, or high school, college, or university, any organized athletic activity sponsored by a community, business, or nonprofit organization, any athletic activity that is a professional or semiprofessional event, and any other organized athletic activity in the State."

#### **—ASSAULTING BY POINTING GUN**

Sec. 17. G.S. 14-34 reads as rewritten:

#### **"§ 14-34. Assaulting by pointing gun.**

If any person shall point any gun or pistol at any person, either in fun or otherwise, whether such gun or pistol be loaded or not loaded, he shall be guilty of ~~an assault, and upon conviction of the same shall be punishable by a fine not to exceed five hundred dollars (\$500.00), imprisonment not to exceed six months, or both such fine and imprisonment.~~ a Class 1 misdemeanor."

#### **—TEFLON-COATED TYPES OF BULLETS PROHIBITED**

Sec. 18. G.S. 14-34.3(c) reads as rewritten:

"(c) Any person who violates any provision of this section is guilty of a Class 1 misdemeanor. ~~misdemeanor punishable as provided in G.S. 14-3(a).~~"

#### **—HAZING**

Sec. 19. G.S. 14-35 reads as rewritten:

#### **"§ 14-35. Hazing; definition and punishment.**

It shall be unlawful for any student in any college or school in this State to engage in what is known as hazing, or to aid or abet any other student in the commission of this offense. For the purposes of this section hazing is defined as follows: 'to annoy any student by playing abusive or ridiculous tricks upon him, to frighten, scold, beat or harass him, or to subject him to personal indignity.' Any violation of this section shall constitute a Class 2 misdemeanor. ~~misdemeanor punishable by a fine not to exceed five hundred dollars (\$500.00), imprisonment for not more than six months, or both.~~"

#### **—EXPULSION FROM SCHOOL; DUTY OF FACULTY TO EXPEL**

Sec. 20. G.S. 14-36 reads as rewritten:

#### **"§ 14-36. Expulsion from school; duty of faculty to expel.**

Upon conviction of any student of the offense of hazing, or of aiding or abetting in the commission of this offense, he shall, in addition to any punishment imposed by the court, be expelled from the college or school he is attending. The faculty or governing board of any college or school charged with the duty of expulsion of students for proper

cause shall, upon such conviction at once expel the offender, and a failure to do so shall be a Class 1 misdemeanor."

#### **—ENTICING MINORS OUT OF THE STATE FOR EMPLOYMENT**

Sec. 21. G.S. 14-40 reads as rewritten:

##### **"§ 14-40. Enticing minors out of the State for the purpose of employment.**

If any person shall employ and carry beyond the limits of this State any minor, or shall induce any minor to go beyond the limits of this State, for the purpose of employment without the consent in writing, duly authenticated, of the parent, guardian or other person having authority over such minor, he shall be guilty of a Class 2 misdemeanor ~~misdemeanor punishable by a fine not to exceed five hundred dollars (\$500.00), imprisonment for not more than six months, or both.~~ The fact of the employment and going out of the State of the minor, or of the going out of the State by the minor, at the solicitation of the person for the purpose of employment, shall be **prima facie** evidence of knowledge that the person employed or solicited to go beyond the limits of the State is a minor."

#### **—UNLAWFUL ARREST BY OFFICERS FROM OTHER STATES.**

Sec. 22. G.S. 14-43.1 reads as rewritten:

##### **"§ 14-43.1. Unlawful arrest by officers from other states.**

A law-enforcement officer of a state other than North Carolina who, knowing that he is in the State of North Carolina and purporting to act by authority of his office, arrests a person in the State of North Carolina, other than as is permitted by G.S. 15A-403, is guilty of a Class 2 misdemeanor ~~misdemeanor punishable by a fine of not more than five hundred dollars (\$500.00), imprisonment for not more than six months, or both.~~"

#### **—INVOLUNTARY SERVITUDE**

Sec. 23. G.S. 14-43.2(d) reads as rewritten:

"(d) If any person reports a violation of subsection (b) of this section, which violation arises out of any contract for labor, to any party to the contract, the party shall immediately report the violation to the sheriff of the county in which the violation is alleged to have occurred, for appropriate action. A person violating this subsection shall be guilty of a Class 1 misdemeanor ~~misdemeanor and upon conviction shall be fined or imprisoned, or both, in the discretion of the court.~~"

#### **—CONCEALING BIRTH OF CHILD**

Sec. 24. G.S. 14-46 reads as rewritten:

##### **"§ 14-46. Concealing birth of child.**

If any person shall, by secretly burying or otherwise disposing of the dead body of a newborn child, endeavor to conceal the birth of such child, such person shall be punished as a Class H felon. Any person aiding, counseling or abetting any other person in concealing the birth of a child in violation of this statute shall be guilty of a Class 1 misdemeanor."

#### **—COMMUNICATING LIBELOUS MATTER TO NEWSPAPERS**

Sec. 25. G.S. 14-47 reads as rewritten:

##### **"§ 14-47. Communicating libelous matter to newspapers.**

If any person shall state, deliver or transmit by any means whatever, to the manager, editor, publisher or reporter of any newspaper or periodical for publication therein any

false and libelous statement concerning any person or corporation, and thereby secure the publication of the same, he shall be guilty of a Class 2 misdemeanor, ~~misdemeanor punishable by a fine not to exceed five hundred dollars (\$500.00), imprisonment for not more than six months, or both."~~

### **—BREAKING OR ENTERING BUILDINGS GENERALLY**

Sec. 26. G.S. 14-54(b) reads as rewritten:

"(b) Any person who wrongfully breaks or enters any building is guilty of a Class 1 misdemeanor, ~~misdemeanor and is punishable under G.S. 14-3(a).~~"

### **—BREAKING INTO COIN- OR CURRENCY-OPERATED MACHINES**

Sec. 27. G.S. 14-56.1 reads as rewritten:

#### **"§ 14-56.1. Breaking into or forcibly opening coin- or currency- operated machines.**

Any person who forcibly breaks into, or by the unauthorized use of a key or other instrument opens, any coin- or currency-operated machine with intent to steal any property or moneys therein shall be guilty of a Class 1 misdemeanor, ~~misdemeanor punishable by fine or imprisonment or both in the discretion of the court~~, but if such person has previously been convicted of violating this section, such person shall be punished as a Class H felon. The term 'coin- or currency-operated machine' shall mean any coin- or currency-operated vending machine, pay telephone, telephone coin or currency receptacle, or other coin- or currency- activated machine or device.

There shall be posted on the machines referred to in G.S. 14-56.1 a decal stating that it is a crime to break into vending machines, and that a second offense is a felony. The absence of such a decal is not a defense to a prosecution for the crime described in this section."

### **—DAMAGING OR DESTROYING COIN- OR CURRENCY-OPERATED MACHINES**

Sec. 28. G.S. 14-56.2 reads as rewritten:

#### **"§ 14-56.2. Damaging or destroying coin- or currency-operated machines.**

Any person who shall willfully and maliciously damage or destroy any coin-or currency-operated machine shall be guilty of a Class 1 misdemeanor, ~~misdemeanor punishable by fine or imprisonment or both in the discretion of the court~~. The term 'coin-or currency-operated machine' shall be defined as set out in G.S. 14-56.1."

### **—BREAKING INTO PAPER CURRENCY MACHINES**

Sec. 29. G.S. 14-56.3 reads as rewritten:

#### **"§ 14-56.3. Breaking into paper currency machines.**

Any person, who with intent to steal any moneys therein forcibly breaks into any vending or dispensing machine or device which is operated or activated by the use, deposit or insertion of United States paper currency, shall be guilty of a Class 1 misdemeanor, but if such person has previously been convicted of violating this section, such person shall be punished as a Class H felon.

There shall be posted on the machines referred to in G.S. 14-56.3 a decal stating that it is a crime to break into paper currency machines. The absence of such a decal is not a defense to a prosecution for the crime described in this section."

### **—FAILURE OF OWNER TO COMPLY WITH ORDERS OF AUTHORITIES**

Sec. 30. G.S. 14-68 reads as rewritten:

**"§ 14-68. Failure of owner of property to comply with orders of public authorities.**

If the owner or occupant of any building or premises shall fail to comply with the duly authorized orders of the chief of the fire department, or of the Commissioner of Insurance, or of any municipal or county inspector of buildings or of particular features, facilities, or installations of buildings, he shall be guilty of a Class 3 misdemeanor, and ~~shall be fined~~ ~~punished only by a fine of~~ not less than ten (\$10.00) nor more than fifty dollars (\$50.00) for each day's neglect, failure, or refusal to obey such orders."

**—FAILURE OF OFFICERS TO INVESTIGATE INCENDIARY FIRES**

Sec. 31. G.S. 14-69 reads as rewritten:

**"§ 14-69. Failure of officers to investigate incendiary fires.**

If any town or city officer shall fail, neglect or refuse to comply with any of the requirements of the law in regard to the investigation of incendiary fires, he shall be guilty of a Class 3 misdemeanor and ~~may be fined~~ ~~shall only be punished by a fine~~ not less than twenty-five (\$25.00) nor more than two hundred dollars (\$200.00)."

**—MAKING A FALSE REPORT CONCERNING DESTRUCTIVE DEVICE**

Sec. 32. G.S. 14-69.1 reads as rewritten:

**"§ 14-69.1. Making a false report concerning destructive device.**

(a) If any person shall, by any means of communication to any person or group of persons, make a report, knowing or having reason to know the same to be false, that there is located in any building, house or other structure whatsoever or any vehicle, aircraft, vessel or boat any device designed to destroy or damage the building, house or structure or vehicle, aircraft, vessel or boat by explosion, blasting or burning, he shall be guilty of a Class 1 misdemeanor. ~~misdemeanor, and shall, upon conviction, be fined or imprisoned or both in the discretion of the court.~~

(b) If any person shall, by any means of communication to any person or group of persons, make a report, knowing or having reason to know the same to be false, that there is located in any hospital facility as defined in G.S. 131E-6, which includes a health clinic facility, any device designed to destroy or damage the hospital or health clinic facility by explosion, blasting, or burning, he shall, upon a first conviction, be guilty of a Class 1 misdemeanor, punishable by a minimum of 100 hours of mandatory community service. Upon a second or subsequent conviction under this subsection, he shall be guilty of a Class I felony and shall be fined or imprisoned or both in the discretion of the court."

**—PERPETRATING HOAX BY USE OF FALSE BOMB OR OTHER DEVICE**

Sec. 33. G.S. 14-69.2 reads as rewritten:

**"§ 14-69.2. Perpetrating hoax by use of false bomb or other device.**

(a) If any person, with intent to perpetrate a hoax, shall secrete, place or display any device, machine, instrument or artifact, so as to cause any person reasonably to believe the same to be a bomb or other device capable of causing injury to persons or property, he shall be guilty of a Class 1 misdemeanor. ~~misdemeanor, and shall, upon conviction, be fined or imprisoned or both in the discretion of the court.~~

(b) A violation of subsection (a) of this section that occurs in a hospital facility as defined in G.S. 131E-6 is, upon a first conviction, a Class 1 misdemeanor punishable by

a minimum of 100 hours of mandatory community service. A second or subsequent conviction under subsection (a) of this section is a Class I felony."

**—LARCENY OF PROPERTY; RECEIVING STOLEN GOODS**

Sec. 34. G.S. 14-72(a) reads as rewritten:

"(a) Larceny of goods of the value of more than one thousand dollars (\$1,000) is a Class H felony. The receiving or possessing of stolen goods of the value of more than one thousand dollars (\$1,000) while knowing or having reasonable grounds to believe that the goods are stolen is a Class H felony. Larceny as provided in subsection (b) of this section is a Class H felony. Receiving or possession of stolen goods as provided in subsection (c) of this section is a Class H felony. Except as provided in subsections (b) and (c) of this section, larceny of property, or the receiving or possession of stolen goods knowing or having reasonable grounds to believe them to be stolen, where the value of the property or goods is not more than one thousand dollars (\$1,000), is a Class 1 misdemeanor. ~~misdemeanor punishable under G.S. 14-3(a)~~. In all cases of doubt, the jury shall, in the verdict, fix the value of the property stolen."

**—CONCEALMENT OF MERCHANDISE**

Sec. 35. G.S. 14-72.1(e) reads as rewritten:

"(e) Punishment. — For a first conviction under subsections (a) or (d), or for a subsequent conviction for which the punishment is not specified by this subsection, the defendant may be guilty of a Class 3 misdemeanor. ~~fined up to one hundred dollars (\$100.00) and must be sentenced to a term of imprisonment that includes a minimum term of not less than 24 hours and a maximum term of not more than 60 days~~. The term of imprisonment may be suspended only on condition that the defendant perform community service for a term of at least 24 hours. For a second offense committed within three years after the date the defendant was convicted of an offense under this section, the defendant may be guilty of a Class 2 misdemeanor. ~~fined up to five hundred dollars (\$500.00) and must be sentenced to a term of imprisonment that includes a minimum term of not less than 72 hours and a maximum term of not more than six months~~. The term of imprisonment may be suspended only on condition that the defendant be imprisoned for a term of at least 72 hours as a condition of special probation, perform community service for a term of at least 72 hours, or both. For a third or subsequent offense committed within five years after the date the defendant was convicted of two other offenses under this section, the defendant may be guilty of a Class 1 misdemeanor. ~~fined and must be sentenced to a term of imprisonment that includes a minimum term of not less than 14 days and a maximum term of not more than two years~~. The term of imprisonment may be suspended only if a condition of special probation is imposed to require the defendant to serve a term of imprisonment of at least 14 days. However, if the sentencing judge finds that the defendant is unable, by reason of mental or physical infirmity, to perform the service required under this section, and the reasons for such findings are set forth in the judgment, he may pronounce such other sentence as he finds appropriate."

**—UNAUTHORIZED USE OF A MOTOR-PROPELLED CONVEYANCE**

Sec. 36. G.S. 14-72.2(b) reads as rewritten:

"(b) Unauthorized use of an aircraft is a Class I felony. All other unauthorized use of a motor-propelled conveyance is a Class 1 misdemeanor. ~~misdemeanor punishable by a fine, imprisonment not to exceed two years, or both, in the discretion of the court.~~"

### **—LARCENY, MUTILATION, OR DESTRUCTION OF PUBLIC RECORDS**

Sec. 37. G.S. 14-76 reads as rewritten:

#### **"§ 14-76. Larceny, mutilation, or destruction of public records and papers.**

If any person shall steal, or for any fraudulent purpose shall take from its place of deposit for the time being, or from any person having the lawful custody thereof, or shall unlawfully and maliciously obliterate, injure or destroy any record, writ, return, panel, process, interrogatory, deposition, affidavit, rule, order or warrant of attorney or any original document whatsoever, of or belonging to any court of record, or relating to any matter, civil or criminal, begun, pending or terminated in any such court, or any bill, answer, interrogatory, deposition, affidavit, order or decree or any original document whatsoever, of or belonging to any court or relating to any cause or matter begun, pending or terminated in any such court, every such offender shall be guilty of a ~~misdemeanor~~; Class 1 misdemeanor; and in any indictment for such offense it shall not be necessary to allege that the article, in respect to which the offense is committed, is the property of any person or that the same is of any value. If any person shall steal or for any fraudulent purpose shall take from the register's office, or from any person having the lawful custody thereof, or shall unlawfully and willfully obliterate, injure or destroy any book wherein deeds or other instruments of writing are registered, or any other book of registration or record required to be kept by the register of deeds or shall unlawfully destroy, obliterate, deface or remove any records of proceedings of the board of county commissioners, or unlawfully and fraudulently abstract any record, receipt, order or voucher or other paper writing required to be kept by the clerk of the board of commissioners of any county, he shall be guilty of a Class 1 misdemeanor."

### **—MUTILATION OR DEFACEMENT OF NORTH CAROLINA STATE ARCHIVES**

Sec. 38. G.S. 14-76.1 reads as rewritten:

#### **"§ 14-76.1. Mutilation or defacement of records and papers in the North Carolina State Archives.**

If any person shall willfully or maliciously obliterate, injure, deface, or alter any record or paper in the custody of the North Carolina State Archives as defined by G.S. 121-2(7) and 121-2(8), he shall be guilty of a Class 1 misdemeanor. ~~misdemeanor and upon conviction imprisoned for a term not exceeding two years or fined not exceeding one thousand dollars (\$1,000) or both.~~—The provisions of this section do not apply to employees of the Department of Cultural Resources who may destroy any accessioned records or papers that are approved for destruction by the North Carolina Historical Commission pursuant to the authority contained in G.S. 121-4(12)."

### **—LARCENY, CONCEALMENT OR DESTRUCTION OF WILLS**

Sec. 39. G.S. 14-77 reads as rewritten:

#### **"§ 14-77. Larceny, concealment or destruction of wills.**

If any person, either during the life of the testator or after his death, shall steal or, for any fraudulent purpose, shall destroy or conceal any will, codicil or other testamentary instrument, he shall be guilty of a Class 1 misdemeanor."

#### —FALSE REPRESENTATION OF ANIMAL PEDIGREE

Sec. 40. G.S. 14-102 reads as rewritten:

#### "§ 14-102. Obtaining property by false representation of pedigree of animals.

If any person shall, with intent to defraud or cheat, knowingly represent any animal for breeding purposes as being of greater degree of any particular strain of blood than such animal actually possesses, and by such representation obtain from any other person money or other thing of value, he shall be guilty of a Class 2 misdemeanor, ~~misdemeanor, and upon conviction thereof shall for each offense be punished by a fine of not less than sixty dollars (\$60.00) nor more than three hundred dollars (\$300.00), or by imprisonment for a term not exceeding six months.~~"

#### —REGISTRATION OF ANIMALS/FALSE REPRESENTATION

Sec. 41. G.S. 14-103 reads as rewritten:

#### "§ 14-103. Obtaining certificate of registration of animals by false representation.

If any person shall, by any false representation or pretense, with intent to defraud or cheat, obtain from any club, association, society or company for the improvement of the breed of cattle, horses, sheep, swine, fowls or other domestic animals or birds, a certificate of registration of any animal in the herd register of any such association, society or company, or a transfer of any such registration, upon conviction thereof, the person is guilty of a Class 3 misdemeanor, ~~thereof he shall be punished by imprisonment for a term not exceeding three months or a fine not exceeding one hundred dollars (\$100.00), or by both such fine and imprisonment.~~"

#### —OBTAINING ADVANCES UNDER PROMISE TO WORK

Sec. 42. G.S. 14-104 reads as rewritten:

#### "§ 14-104. Obtaining advances under promise to work and pay for same.

If any person, with intent to cheat or defraud another, shall obtain any advances in money, provisions, goods, wares or merchandise of any description from any other person or corporation upon and by color of any promise or agreement that the person making the same will begin any work or labor of any description for such person or corporation from whom the advances are obtained, and the person making the promise or agreement shall willfully fail, without a lawful excuse, to commence or complete such work according to contract, he shall be guilty of a Class 2 misdemeanor, ~~misdemeanor, and upon conviction shall be fined not exceeding fifty dollars (\$50.00) or imprisoned not exceeding thirty days.~~"

#### —OBTAINING ADVANCES UNDER WRITTEN PROMISE TO PAY

Sec. 43. G.S. 14-105 reads as rewritten:

#### "§ 14-105. Obtaining advances under written promise to pay therefor out of designated property.

If any person shall obtain any advances in money, provisions, goods, wares or merchandise of any description from any other person or corporation, upon any written representation that the person making the same is the owner of any article of produce, or of any other specific chattel or personal property, which property, or the proceeds of

which the owner in such representation thereby agrees to apply to the discharge of the debt so created, and the owner shall fail to apply such produce or other property, or the proceeds thereof, in accordance with such agreement, or shall dispose of the same in any other manner than is so agreed upon by the parties to the transaction, the person so offending shall be guilty of a misdemeanor, whether he shall or shall not have been the owner of any such property at the time such representation was made. Any person violating any provision of this section shall be guilty of a Class 2 misdemeanor, punishable by a fine not to exceed five hundred dollars (\$500.00), imprisonment for not more than six months, or both."

#### **—OBTAINING PROPERTY IN RETURN FOR WORTHLESS CHECK**

Sec. 44. G.S. 14-106 reads as rewritten:

#### **"§ 14-106. Obtaining property in return for worthless check, draft or order.**

Every person who, with intent to cheat and defraud another, shall obtain money, credit, goods, wares or any other thing of value by means of a check, draft or order of any kind upon any bank, person, firm or corporation, not indebted to the drawer, or where he has not provided for the payment or acceptance of the same, and the same be not paid upon presentation, shall be guilty of a ~~misdemeanor, and upon conviction shall be fined or imprisoned, or both, at the discretion of the court.~~ Class 2 misdemeanor. The giving of the aforesaid worthless check, draft, or order shall be **prima facie** evidence of an intent to cheat and defraud."

#### **—WORTHLESS CHECKS**

Sec. 45. G.S. 14-107 reads as rewritten:

#### **"§ 14-107. Worthless checks.**

It shall be unlawful for any person, firm or corporation, to draw, make, utter or issue and deliver to another, any check or draft on any bank or depository, for the payment of money or its equivalent, knowing at the time of the making, drawing, uttering, issuing and delivering such check or draft as aforesaid, that the maker or drawer thereof has not sufficient funds on deposit in or credit with such bank or depository with which to pay the same upon presentation.

It shall be unlawful for any person, firm or corporation to solicit or to aid and abet any other person, firm or corporation to draw, make, utter or issue and deliver to any person, firm or corporation, any check or draft on any bank or depository for the payment of money or its equivalent, being informed, knowing or having reasonable grounds for believing at the time of the soliciting or the aiding and abetting that the maker or the drawer of the check or draft has not sufficient funds on deposit in, or credit with, such bank or depository with which to pay the same upon presentation.

The word 'credit' as used herein shall be construed to mean an arrangement or understanding with the bank or depository for the payment of any such check or draft.

A violation of this section shall be a Class J felony if the amount of the check or draft is more than two thousand dollars (\$2,000). If the amount of the check or draft is two thousand dollars (\$2,000) or less, a violation of this section shall be a misdemeanor punishable as follows:

- (1) If the amount of the check or draft is not over one hundred dollars (\$100.00), the person is guilty of a Class 2 misdemeanor. the

~~punishment shall be by a fine not to exceed fifty dollars (\$50.00) or imprisonment for not more than 30 days.~~ Provided, however, if such person has been convicted three times of violating G.S. 14-107, he shall on the fourth and all subsequent convictions (i) be punished ~~in the discretion of the district or superior court as for a general Class 1~~ misdemeanor and (ii) be ordered, as a condition of probation, to refrain from maintaining a checking account or making or uttering a check for three years.

- (2) If the amount of the check or draft is over one hundred dollars (\$100.00), the ~~person is guilty of a Class 2 misdemeanor. punishment shall be by a fine not to exceed two hundred fifty dollars (\$250.00) or imprisonment for not more than six months, or both.~~ Provided, however, if such person has been convicted three times of violating G.S. 14-107, he shall on the fourth and all subsequent convictions (i) be punished in the discretion of the district or superior court as for a ~~general Class 1~~ misdemeanor and (ii) be ordered, as a condition of probation, to refrain from maintaining a checking account or making or uttering a check for three years.
- (3) If the check or draft is drawn upon a nonexistent account, ~~the person is guilty of a Class 1 misdemeanor. the punishment shall be by a fine not to exceed one thousand dollars (\$1,000) or imprisonment for not more than two years, or both.~~
- (4) If the check or draft is drawn upon an account that has been closed by the drawer prior to time the check is drawn, ~~the person is guilty of a Class 1 misdemeanor. punishment shall be a fine not to exceed four hundred dollars (\$400.00) or imprisonment for not more than five months or both.~~

In deciding to impose any sentence other than an active prison sentence, the sentencing judge shall consider and may require, in accordance with the provisions of G.S. 15A-1343, restitution to the victim for the amount of the check or draft and each prosecuting witness (whether or not under subpoena) shall be entitled to a witness fee as provided by G.S. 7A-314 which shall be taxed as part of the cost and assessed to the defendant."

#### **—OBTAINING PROPERTY/SERVICES FROM MACHINES BY FALSE COINS**

Sec. 46. G.S. 14-108 reads as rewritten:

#### **"§ 14-108. Obtaining property or services from slot machines, etc., by false coins or tokens.**

Any person who shall operate, or cause to be operated, or who shall attempt to operate, or attempt to cause to be operated any automatic vending machine, slot machine, coin-box telephone or other receptacle designed to receive lawful coin of the United States of America in connection with the sale, use or enjoyment of property or service, by means of a slug or any false, counterfeited, mutilated, sweated or foreign coin, or by any means, method, trick or device whatsoever not lawfully authorized by

the owner, lessee or licensee, of such machine, coin-box telephone or receptacle, or who shall take, obtain or receive from or in connection with any automatic vending machine, slot machine, coin-box telephone or other receptacle designed to receive lawful coin of the United States of America in connection with the sale, use or enjoyment of property or service, any goods, wares, merchandise, gas, electric current, article of value, or the use or enjoyment of any telephone or telegraph facilities or service, or of any musical instrument, phonograph or other property, without depositing in and surrendering to such machine, coin-box telephone or receptacle lawful coin of the United States of America to the amount required therefor by the owner, lessee or licensee of such machine, coin-box telephone or receptacle, shall be guilty of a Class 2 misdemeanor. ~~misdemeanor punishable by a fine not to exceed five hundred dollars (\$500.00), imprisonment for not more than six months, or both.~~"

#### **—DEVICES FOR CHEATING SLOT MACHINES, ETC.**

Sec. 47. G.S. 14-109 reads as rewritten:

#### **"§ 14-109. Manufacture, sale, or gift of devices for cheating slot machines, etc.**

Any person who, with intent to cheat or defraud the owner, lessee, licensee or other person entitled to the contents of any automatic vending machine, slot machine, coin-box telephone or other receptacle, depository or contrivance designed to receive lawful coin of the United States of America in connection with the sale, use or enjoyment of property or service, or who, knowing that the same is intended for unlawful use, shall manufacture for sale, or sell or give away any slug, device or substance whatsoever intended or calculated to be placed or deposited in any such automatic vending machine, slot machine, coin-box telephone or other such receptacle, depository or contrivance, shall be guilty of a Class 2 misdemeanor. ~~misdemeanor punishable by a fine not to exceed five hundred dollars (\$500.00), imprisonment for not more than six months, or both.~~"

#### **—DEFRAUDING INNKEEPER OR CAMPGROUND OWNER**

Sec. 48. G.S. 14-110 reads as rewritten:

#### **"§ 14-110. Defrauding innkeeper or campground owner.**

No person shall, with intent to defraud, obtain food, lodging, or other accommodations at a hotel, inn, boardinghouse, eating house, or campground. Whoever violates this section shall be guilty of a Class 2 misdemeanor. ~~misdemeanor punishable by a fine not to exceed five hundred dollars (\$500.00), imprisonment for not more than six months, or both.~~—Obtaining such lodging, food, or other accommodation by false pretense, or by false or fictitious show of pretense of baggage or other property, or absconding without paying or offering to pay therefor, or surreptitiously removing or attempting to remove such baggage, shall be **prima facie** evidence of such fraudulent intent, but this section shall not apply where there has been an agreement in writing for delay in such payment."

#### **—OBTAINING AMBULANCE SERVICES WITHOUT INTENDING TO PAY**

Sec. 49. G.S. 14-111.1 reads as rewritten:

#### **"§ 14-111.1. Obtaining ambulance services without intending to pay therefor – Buncombe, Haywood and Madison Counties.**

Any person who with the intent to defraud shall obtain ambulance services for himself or other persons without intending at the time of obtaining such services to pay a reasonable charge therefor, shall be guilty of a Class 2 misdemeanor, ~~misdemeanor punishable by a fine not to exceed five hundred dollars (\$500.00), imprisonment for not more than six months, or both.~~ If a person or persons obtaining such services willfully fails to pay for the services within a period of 90 days after request for payment, such failure shall raise a presumption that the services were obtained with the intention to defraud, and with the intention not to pay therefor.

This section shall apply only to the Counties of Buncombe, Haywood and Madison."

#### **—OBTAINING AMBULANCE SERVICES WITHOUT INTENDING TO PAY**

Sec. 50. G.S. 14-111.2 reads as rewritten:

#### **"§ 14-111.2. Obtaining ambulance services without intending to pay therefor – certain named counties.**

Any person who with intent to defraud shall obtain ambulance services without intending at the time of obtaining such services to pay, if financially able, any reasonable charges therefor shall be guilty of a Class 2 misdemeanor, ~~misdemeanor punishable by a fine not to exceed five hundred dollars (\$500.00), imprisonment for not more than six months, or both.~~ A determination by the court that the recipient of such services has willfully failed to pay for the services rendered for a period of 90 days after request for payment, and that the recipient is financially able to do so, shall raise a presumption that the recipient at the time of obtaining the services intended to defraud the provider of the services and did not intend to pay for the services.

The section shall apply to Anson, Ashe, Beaufort, Caldwell, Caswell, Catawba, Chatham, Cherokee, Clay, Cleveland, Cumberland, Davie, Duplin, Forsyth, Gaston, Guilford, Haywood, Henderson, Hoke, Hyde, Iredell, Macon, Mecklenburg, Montgomery, Orange, Pasquotank, Person, Randolph, Robeson, Rockingham, Scotland, Stanly, Surry, Transylvania, Union, Vance, Washington, Wilkes and Yadkin Counties only."

#### **—MAKING UNNEEDED AMBULANCE REQUEST IN CERTAIN COUNTIES**

Sec. 51. G.S. 14-111.3 reads as rewritten:

#### **"§ 14-111.3. Making unneeded ambulance request in certain counties.**

It shall be unlawful for any person or persons to willfully obtain or attempt to obtain ambulance service that is not needed, or to make a false request or report that an ambulance is needed. Every person convicted of violating this section shall be guilty of a Class 3 misdemeanor, ~~upon conviction be punished by a fine of fifty dollars (\$50.00) or imprisonment not to exceed 30 days or both such fine and imprisonment.~~

This section shall apply only to the Counties of Ashe, Buncombe, Cherokee, Clay, Cleveland, Davie, Duplin, Greene, Haywood, Hoke, Macon, Madison, Robeson, Washington, Wilkes and Yadkin."

#### **—OBTAINING MERCHANDISE ON APPROVAL**

Sec. 52. G.S. 14-112 reads as rewritten:

#### **"§ 14-112. Obtaining merchandise on approval.**

If any person, with intent to cheat and defraud, shall solicit and obtain from any merchant any article of merchandise on approval, and shall thereafter, upon demand, refuse or fail to return the same to such merchant in an unused and undamaged condition, or to pay for the same, such person so offending shall be guilty of a Class 2 misdemeanor. ~~misdemeanor punishable by a fine not to exceed five hundred dollars (\$500.00), imprisonment for not more than six months, or both.~~ Evidence that a person has solicited a merchant to deliver to him any article of merchandise for examination or approval and has obtained the same upon such solicitation, and thereafter, upon demand, has refused or failed to return the same to such merchant in an unused and undamaged condition, or to pay for the same, shall constitute **prima facie** evidence of the intent of such person to cheat and defraud, within the meaning of this section: Provided, this section shall not apply to merchandise sold upon a written contract which is signed by the purchaser."

#### **—OBTAINING MONEY BY FALSE REPRESENTATION OF PHYSICAL DEFECT**

Sec. 53. G.S. 14-113 reads as rewritten:

#### **"§ 14-113. Obtaining money by false representation of physical defect.**

It shall be unlawful for any person to falsely represent himself or herself in any manner whatsoever as blind, deaf, dumb, or crippled or otherwise physically defective for the purpose of obtaining money or other thing of value or of making sales of any character of personal property. Any person so falsely representing himself or herself as blind, deaf, dumb, crippled or otherwise physically defective, and securing aid or assistance on account of such representation, shall be deemed guilty of a Class 2 misdemeanor. ~~misdemeanor punishable by a fine not to exceed five hundred dollars (\$500.00), imprisonment for not more than six months, or both.~~"

#### **—FALSE OR FRAUDULENT USE OF CREDIT DEVICE**

Sec. 54. G.S. 14-113.6 reads as rewritten:

#### **"§ 14-113.6. Violation made misdemeanor.**

Any person violating any of the provisions of this Article shall be guilty of a Class 2 misdemeanor. ~~misdemeanor punishable by a fine not to exceed five hundred dollars (\$500.00), imprisonment for not more than six months, or both.~~"

#### **—FINANCIAL TRANSACTION CARD CRIME**

Sec. 55. G.S. 14-113.17(a) reads as rewritten:

"(a) A person who is subject to the punishment and penalties of this ~~subsection Article shall be guilty of a Class 2 misdemeanor fined not more than one thousand dollars (\$1,000) or imprisoned not more than one year, or both.~~"

#### **—FRAUDULENT DISPOSAL OF PROPERTY/SECURITY INTEREST**

Sec. 56. G.S. 14-114(a) reads as rewritten:

"(a) If any person, after executing a security agreement on personal property for a lawful purpose, shall make any disposition of any property embraced in such security agreement, with intent to defeat the rights of the secured party, every person so offending and every person with a knowledge of the security interest buying any property embraced in which security agreement, and every person assisting, aiding or abetting the unlawful disposition of such property, with intent to defeat the rights of any

secured party in such security agreement, shall be guilty of a Class 2 misdemeanor, misdemeanor punishable by a fine not to exceed five hundred dollars (\$500.00), imprisonment for not more than six months, or both.

A person's refusal to turn over secured property to a secured party who is attempting to repossess the property without a judgment or order for possession shall not, by itself, be a violation of this section."

#### —**SECRETING PROPERTY TO HINDER LIEN**

Sec. 57. G.S. 14-115 reads as rewritten:

#### **"§ 14-115. Secreting property to hinder enforcement of lien or security interest.**

Any person who, with intent to prevent or hinder the enforcement of a lien or security interest after a judgment or order has been issued for possession for that personal property subject to said lien or security interest, either refuses to surrender such personal property in his possession to a law enforcement officer, or removes, or exchanges, or secretes such personal property, shall be guilty of a Class 2 misdemeanor, misdemeanor punishable by a fine not to exceed five hundred dollars (\$500.00), imprisonment for not more than six months, or both."

#### —**FRAUDULENT ENTRY OF HORSES AT FAIRS**

Sec. 58. G.S. 14-116 reads as rewritten:

#### **"§ 14-116. Fraudulent entry of horses at fairs.**

If any person shall knowingly enter or cause to be entered in competition for any purse, prize, premium, stake or sweepstake offered or given by any agricultural or other society, association or person in this State, any horse, mare, gelding, colt or filly under an assumed name or out of its proper class, he shall be guilty of a Class 2 misdemeanor, punished by a fine not less than one hundred (\$100.00) nor more than one thousand dollars (\$1,000), or by imprisonment in the State's prison for not less than one nor more than five years, or by both fine and imprisonment, at the discretion of the court."

#### —**FRAUDULENT AND DECEPTIVE ADVERTISING**

Sec. 59. G.S. 14-117 reads as rewritten:

#### **"§ 14-117. Fraudulent and deceptive advertising.**

It shall be unlawful for any person, firm, corporation or association, with intent to sell or in anywise to dispose of merchandise, securities, service or any other thing offered by such person, firm, corporation or association, directly or indirectly, to the public for sale or distribution, or with intent to increase the consumption thereof, or to induce the public in any manner to enter into any obligation relating thereto, or to acquire title thereto, or an interest therein, to make public, disseminate, circulate or place before the public or cause directly or indirectly to be made, published, disseminated, circulated or placed before the public in this State, in a newspaper or other publication, or in the form of a book, notice, handbill, poster, bill, circular, pamphlet or letter, or in any other way, an advertisement of any sort regarding merchandise, securities, service or any other thing so offered to the public, which advertisement contains any assertion, representation or statement of fact which is untrue, deceptive or misleading: Provided, that such advertising shall be done willfully and with intent to mislead. Any person who shall violate the provisions of this section

shall be guilty of a Class 2 misdemeanor, ~~misdemeanor, and upon conviction shall be fined not exceeding fifty dollars (\$50.00) or imprisoned not exceeding 30 days."~~

#### **—GASOLINE PRICE ADVERTISEMENTS**

Sec. 60. G.S. 14-117.2(b) reads as rewritten:

"(b) Any person or firm violating the provisions of this section shall be guilty of a Class 3 misdemeanor, ~~separate misdemeanor, punishable by a fine of not more than fifty dollars (\$50.00) or imprisonment of not more than 30 days or both such fine and imprisonment, for each day that such violation continues."~~

#### **—BLACKMAILING**

Sec. 61. G.S. 14-118 reads as rewritten:

##### **"§ 14-118. Blackmailing.**

If any person shall knowingly send or deliver any letter or writing demanding of any other person, with menaces and without any reasonable or probable cause, any chattel, money or valuable security; or if any person shall accuse, or threaten to accuse, or shall knowingly send or deliver any letter or writing accusing or threatening to accuse any other person of any crime punishable by law with death or by imprisonment in the State's prison, with the intent to extort or gain from such person any chattel, money or valuable security, every such offender shall be guilty of a Class 1 misdemeanor."

#### **—SIMULATION OF COURT PROCESS**

Sec. 62. G.S. 14-118.1 reads as rewritten:

##### **"§ 14-118.1. Simulation of court process in connection with collection of claim, demand or account.**

It shall be unlawful for any person, firm, corporation, association, agent or employee in any manner to coerce, intimidate, or attempt to coerce or intimidate any person in connection with any claim, demand or account, by the issuance, utterance or delivery of any matter, printed, typed or written, which (i) simulates or resembles a summons, warrant, writ or other court process or pleading; or (ii) by its form, wording, use of the name of North Carolina or any officer, agency or subdivision thereof, use of seals or insignia, or general appearance has a tendency to create in the mind of the ordinary person the false impression that it has judicial or other official authorization, sanction or approval. Any violation of the provisions of this section shall be a Class 2 misdemeanor, ~~misdemeanor and shall be punishable by a fine of not more than two hundred dollars (\$200.00) or by imprisonment of not more than six months, or both such fine and imprisonment, in the discretion of the court."~~

#### **—OBTAINING ACADEMIC CREDIT BY FRAUDULENT MEANS**

Sec. 63. G.S. 14-118.2(b) reads as rewritten:

"(b) Any person, firm, corporation or association violating any of the provisions of this section shall be guilty of a Class 2 misdemeanor, ~~misdemeanor punishable by a fine not to exceed five hundred dollars (\$500.00), imprisonment for not more than six months, or both.~~ This section includes the acts of a teacher or other school official; however, the provisions of this section shall not apply to the acts of one student in assisting another student as herein defined if the former is duly registered in an educational institution in North Carolina and is subject to the disciplinary authority thereof."

## —USE OF INFORMATION OBTAINED FROM PATIENTS IN HOSPITALS

Sec. 64. G.S. 14-118.3 reads as rewritten:

### "§ 14-118.3. Acquisition and use of information obtained from patients in hospitals for fraudulent purposes.

It shall be unlawful for any person, firm or corporation, or any officer, agent or other representative of any person, firm or corporation to obtain or seek to obtain from any person while a patient in any hospital information concerning any illness, injury or disease of such patient, other than information concerning the illness, injury or disease for which such patient is then hospitalized and being treated, for a fraudulent purpose, or to use any information so obtained in regard to such other illness, injury or disease for a fraudulent purpose.

Any person, firm or corporation violating the provisions of this section shall be guilty of a Class 2 misdemeanor ~~misdemeanor punishable by a fine not to exceed five hundred dollars (\$500.00), imprisonment for not more than six months, or both.~~"

## —THEFT OF CABLE TELEVISION SERVICE

Sec. 65. G.S. 14-118.5 reads as rewritten:

### "§ 14-118.5. Theft of cable television service.

(a) Any person, firm or corporation who, after October 1, 1984, knowingly and willfully attaches or maintains an electronic, mechanical or other connection to any cable, wire, decoder, converter, device or equipment of a cable television system or removes, tampers with, modifies or alters any cable, wire, decoder, converter, device or equipment of a cable television system for the purpose of intercepting or receiving any programming or service transmitted by such cable television system which person, firm or corporation is not authorized by the cable television system to receive, is guilty of a Class 3 misdemeanor punishable by which may include a fine not exceeding five hundred dollars (\$500.00) ~~(\$500.00), or by imprisonment not exceeding 30 days, or both.~~—Each unauthorized connection, attachment, removal, modification or alteration shall constitute a separate violation.

(b) Any person, firm or corporation who knowingly and willfully, without the authorization of a cable television system, distributes, sells, attempts to sell or possesses for sale in North Carolina any converter, decoder, device, or kit, that is designed to decode or descramble any encoded or scrambled signal transmitted by such cable television system, is guilty of a Class 3 misdemeanor punishable by which may include a fine not exceeding five hundred dollars (\$500.00) ~~or by imprisonment up to six months, or both. (\$500.00)~~. The term "encoded or scrambled signal" shall include any signal or transmission that is not intended to produce an intelligible program or service without the aid of a decoder, descrambler, filter, trap or other electronic or mechanical device."

## —FALSIFYING DOCUMENTS ISSUED BY A SCHOOL

Sec. 66. G.S. 14-122.1(c) reads as rewritten:

"(c) Any person who violates a provision of this section shall be guilty of a Class 1 misdemeanor ~~crime and shall be punished as provided in G.S. 14-3.~~"

## —WILLFUL AND WANTON INJURY TO REAL PROPERTY

Sec. 67. G.S. 14-127 reads as rewritten:

**"§ 14-127. Willful and wanton injury to real property.**

If any person shall willfully and wantonly damage, injure or destroy any real property whatsoever, either of a public or private nature, he shall be guilty of a Class 1 misdemeanor and shall be punished by fine or imprisonment or both, in the discretion of the court."

**—INJURY TO TREES, CROPS, LANDS, ETC., OF ANOTHER**

Sec. 68. G.S. 14-128 reads as rewritten:

**"§ 14-128. Injury to trees, crops, lands, etc., of another.**

Any person, not being on his own lands, who shall without the consent of the owner thereof, willfully commit any damage, injury, or spoliation to or upon any tree, wood, underwood, timber, garden, crops, vegetables, plants, lands, springs, or any other matter or thing growing or being thereon, or who cuts, breaks, injures, or removes any tree, plant, or flower, shall be guilty of a Class 1 misdemeanor and, upon conviction, shall be fined not exceeding five hundred dollars (\$500.00) or imprisoned not exceeding six months, or both in the discretion of the court. Provided, however, that this section shall not apply to the officers, agents, and employees of the Department of Transportation while in the discharge of their duties within the right-of-way or easement of the Department of Transportation."

**—TAKING WILD PLANTS FROM LAND OF ANOTHER**

Sec. 69. G.S. 14-129 reads as rewritten:

**"§ 14-129. Taking, etc., of certain wild plants from land of another.**

No person, firm or corporation shall dig up, pull up or take from the land of another or from any public domain, the whole or any part of any Venus flytrap (*Dionaea muscipula*), trailing arbutus, Aaron's Rod (*Thermopsis caroliniana*), Bird-foot Violet (*Viola pedata*), Bloodroot (*Sanguinaria canadensis*), Blue Dogbane (*Amsonia tabernaemontana*), Cardinal-flower (*Lobelia cardinalis*), Columbine (*Aquilegia canadenis*), Dutchman's Breeches (*Dicentra cucullaria*), Maidenhair Fern (*Adiantum pedatum*), Walking Fern (*Camptosorus rhizophyllus*), Gentians (*Gentiana*), Ginseng (*Panax quinquefolium*), Ground Cedar, Running Cedar, Hepatica (*Hepatica americana* and *acutiloba*), Jack-in-the-Pulpit (*Arisaema triphyllum*), Lily (*Lilium*), Lupine (*Lupinus*), Monkshood (*Aconitum uncinatum* and *reclinatum*), May Apple (*Podophyllum peltatum*), Orchids (all species), Pitcher Plant (*Sarracenia*), Sea Oats (*Uniola paniculata*), Shooting Star (*Dodecatheon meadia*), Oconee Bells (*Shortia galacifolia*), Solomon's Seal (*Polygonatum*), Trailing Christmas (Greens-*Lycopodium*), Trillium (*Trillium*), Virginia Bluebells (*Mertensia virginica*), and Fringe Tree (*Chionanthus virginicus*), American holly, white pine, red cedar, hemlock or other coniferous trees, or any flowering dogwood, any mountain laurel, any rhododendron, or any ground pine, or any Christmas greens, or any Judas tree, or any leucothea, or any azalea, without having in his possession a permit to dig up, pull up or take such plants, signed by the owner of such land, or by his duly authorized agent. Any person convicted of violating the provisions of this section shall be guilty of a Class 3 misdemeanor only punished by a fine of fined not less than ten dollars (\$10.00) nor more than fifty dollars (\$50.00) for each offense. The provisions of this section shall not apply to the Counties of Cabarrus, Carteret, Catawba, Cherokee, Chowan, Cumberland, Currituck, Dare,

Duplin, Edgecombe, Franklin, Gaston, Granville, Hertford, McDowell, Pamlico, Pender, Person, Richmond, Rockingham, Rowan and Swain."

### **—TRESPASS ON PUBLIC LANDS**

Sec. 70. G.S. 14-130 reads as rewritten:

#### **"§ 14-130. Trespass on public lands.**

If any person shall erect a building on any state-owned lands, or cultivate or remove timber from any such lands, without the permission of the State, he shall be guilty of a Class 1 misdemeanor. Moreover, the State can recover from any person cutting timber on its land three times the value of the timber which is cut."

### **—TRESPASS ON LAND UNDER OPTION BY U.S.**

Sec. 71. G.S. 14-131 reads as rewritten:

#### **"§ 14-131. Trespass on land under option by the federal government.**

On lands under option which have formally or informally been offered to and accepted by the North Carolina Department of Environment, Health, and Natural Resources by the acquiring federal agency and tentatively accepted by said Department for administration as State forests, State parks, State game refuges or for other public purposes, it shall be unlawful to cut, dig, break, injure or remove any timber, lumber, firewood, trees, shrubs or other plants; or any fence, house, barn or other structure; or to pursue, trap, hunt or kill any bird or other wild animals or take fish from streams or lakes within the boundaries of such areas without the written consent of the local official of the United States having charge of the acquisition of such lands.

Any person, firm or corporation convicted of the violation of this section shall be guilty of a Class 3 misdemeanor. ~~misdemeanor and shall be subject to a fine of not more than fifty dollars (\$50.00) or to imprisonment for not to exceed 30 days, or to both such fine and imprisonment.~~

The Department of Environment, Health, and Natural Resources through its legally appointed forestry, fish and game wardens is hereby authorized and empowered to assist the county law-enforcement officers in the enforcement of this section."

### **—DISORDERLY CONDUCT/INJURIES TO PUBLIC BUILDINGS**

Sec. 72. G.S. 14-132(d) reads as rewritten:

"(d) Any person who violates any provision of this section is guilty of a Class 2 misdemeanor. ~~misdemeanor punishable by a fine not to exceed five hundred dollars (\$500.00), imprisonment for not more than six months, or both.~~"

### **—TRESPASSING UPON OR DAMAGING A PUBLIC SCHOOL BUS**

Sec. 73. G.S. 14-132.2 reads as rewritten:

#### **"§ 14-132.2. Willfully trespassing upon or damaging a public school bus.**

(a) Any person who shall unlawfully and willfully demolish, destroy, deface, injure, burn or damage any public school bus or public school activity bus shall be guilty of a Class 1 misdemeanor. ~~misdemeanor punishable by a fine not to exceed five hundred dollars (\$500.00), imprisonment for not more than two years, or both.~~

(b) Any person who shall enter a public school bus or public school activity bus after being forbidden to do so by the authorized school bus driver in charge thereof, or the school principal to whom the public school bus or public school activity bus is assigned, shall be guilty of a Class 2 misdemeanor. ~~misdemeanor punishable by a fine~~

~~not to exceed one hundred dollars (\$100.00), imprisonment for not more than 30 days, or both.~~

(c) Any occupant of a public school bus or public school activity bus who shall refuse to leave said bus upon demand of the authorized driver in charge thereof, or upon demand of the principal of the school to which said bus is assigned, shall be guilty of a Class 2 misdemeanor. ~~misdemeanor punishable by a fine not to exceed one hundred dollars (\$100.00), imprisonment for not more than 30 days, or both.~~

(d) Subsections (b) and (c) of this section shall not apply to a child less than 12 years of age, or authorized professional school personnel."

#### —ARTIFICIAL ISLANDS IN PUBLIC WATERS

Sec. 74. G.S. 14-133 reads as rewritten:

#### "§ 14-133. Erecting artificial islands and lumps in public waters.

If any person shall erect artificial islands or lumps in any of the waters of the State east of the Atlantic Coast Line Railroad running from Wilmington to Weldon by way of Burgaw, Warsaw, Goldsboro, Wilson, Rocky Mount, and Halifax (formerly the Wilmington and Weldon Railroad) and running from Weldon to the North Carolina-Virginia State boundary by way of Garysburg and Pleasant Hill (formerly the Petersburg and Weldon Railroad), he shall be guilty of a Class 2 misdemeanor. ~~misdemeanor punishable by a fine not to exceed five hundred dollars (\$500.00), imprisonment for not more than six months, or both.~~"

#### —OPERATING MOTOR VEHICLE UPON UTILITY EASEMENTS

Sec. 75. G.S. 14-134.2 reads as rewritten:

#### "§ 14-134.2. Operating motor vehicle upon utility easements after being forbidden to do so.

If any person, without permission, shall ride, drive or operate a minibike, motorbike, motorcycle, jeep, dune buggy, automobile, truck or any other motor vehicle upon a utility easement upon which the owner or holder of the easement or agent of the owner or holder of the easement has posted on the easement a "no trespassing" sign or has otherwise given oral or written notice to the person not to so ride, drive or operate such a vehicle upon the said easement, he shall be guilty of a Class 3 misdemeanor. ~~misdemeanor punishable by a fine not to exceed five hundred dollars (\$500.00), imprisonment for not more than six months or both,~~ provided, however, neither the owner of the property nor the holder of the easement or their agents, employees, guests, invitees or permittees shall be guilty of a violation under this section."

#### —DOMESTIC CRIMINAL TRESPASS

Sec. 76. G.S. 14-134.3 reads as rewritten:

#### "§ 14-134.3. Domestic criminal trespass.

Any person who enters after being forbidden to do so or remains after being ordered to leave by the lawful occupant, upon the premises occupied by a present or former spouse or by a person with whom the person charged has lived as if married, shall be guilty of a misdemeanor if the complainant and the person charged are living apart; provided, however, that no person shall be guilty if said person enters upon the premises pursuant to a judicial order or written separation agreement which gives the person the

right to enter upon said premises for the purpose of visiting with minor children. Evidence that the parties are living apart shall include but is not necessarily limited to:

- (1) A judicial order of separation;
- (2) A court order directing the person charged to stay away from the premises occupied by the complainant;
- (3) An agreement, whether verbal or written, between the complainant and the person charged that they shall live separate and apart, and such parties are in fact living separate and apart; or
- (4) Separate places of residence for the complainant and the person charged.

On conviction, said person ~~is guilty of a Class 1 misdemeanor, may be punished by a fine not to exceed five hundred dollars (\$500.00), imprisonment for not more than six months, or both."~~

#### **—CUTTING, INJURING, OR REMOVING ANOTHER'S TIMBER**

Sec. 77. G.S. 14-135 reads as rewritten:

#### **"§ 14-135. Cutting, injuring, or removing another's timber.**

If any person not being the bona fide owner thereof, shall knowingly and willfully cut down, injure or remove any standing, growing or fallen tree or log, the property of another, he shall be guilty of a ~~Class 1 misdemeanor, and shall be punished by a fine or imprisonment, or both, in the discretion of the court."~~

#### **—SETTING FIRE TO GRASS AND BRUSHLANDS AND WOODLANDS**

Sec. 78. G.S. 14-136 reads as rewritten:

#### **"§ 14-136. Setting fire to grass and brushlands and woodlands.**

If any person shall intentionally set fire to any grassland, brushland or woodland, except it be his own property, or in that case without first giving notice to all persons owning or in charge of lands adjoining the land intended to be fired, and without also taking care to watch such fire while burning and to extinguish it before it shall reach any lands near to or adjoining the lands so fired, he shall for every such offense be guilty of a ~~Class 2 misdemeanor and shall be fined not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00), or imprisoned for a period of not less than 60 days nor more than four months~~ for the first offense, and for a second or any subsequent similar offense shall be guilty of a ~~Class 1 misdemeanor, imprisoned not less than four months nor more than one year~~. If intent to damage the property of another shall be shown, said person shall, for a first offense, be punished as a Class I felon; and for a second and subsequent offenses said person shall be punished as a Class H felon. This section shall not prevent an action for the damages sustained by the owner of any property from such fires. For the purposes of this section, the term 'woodland' is to be taken to include all forest areas, both timber and cutover land, and all second-growth stands on areas that have at one time been cultivated. Any person who shall furnish to the State, evidence sufficient for the conviction of a violation of this section shall receive the sum of five hundred dollars (\$500.00) to be paid from the State Fire Suppression Fund."

#### **—WILLFULLY OR NEGLIGENTLY SETTING FIRE TO WOODS AND FIELDS**

Sec. 79. G.S. 14-137 reads as rewritten:

**"§ 14-137. Willfully or negligently setting fire to woods and fields.**

If any person, firm or corporation shall willfully or negligently set on fire, or cause to be set on fire, any woods, lands or fields, whatsoever, every such offender shall be guilty of a Class 2 misdemeanor. ~~offender, upon conviction, shall be fined or imprisoned in the discretion of the court.~~ This section shall apply only in those counties under the protection of the Department of Environment, Health, and Natural Resources in its work of forest fire control. It shall not apply in the case of a landowner firing, or causing to be fired, his own open, nonwooded lands, or fields in connection with farming or building operations at the time and in the manner now provided by law: Provided, he shall have confined the fire at his own expense to said open lands or fields."

**—CERTAIN FIRES TO BE GUARDED BY WATCHMAN**

Sec. 80. G.S. 14-140 reads as rewritten:

**"§ 14-140. Certain fires to be guarded by watchman.**

All persons, firms or corporations who shall burn any tar kiln or pit of charcoal, or set fire to or burn any brush, grass or other material, whereby any property may be endangered or destroyed, shall keep and maintain a careful and competent watchman in charge of such kiln, pit, brush or other material while burning. Any person, firm or corporation violating the provisions of this section shall be guilty of a Class 3 misdemeanor. ~~punishable by a fine of not less than ten dollars (\$10.00) nor more than fifty dollars (\$50.00), or by imprisonment for not exceeding 30 days.~~ Fire escaping from such kiln, pit, brush or other material while burning shall be **prima facie** evidence of neglect of these provisions."

**—BURNING OR OTHERWISE DESTROYING CROPS IN THE FIELD**

Sec. 81. G.S. 14-141 reads as rewritten:

**"§ 14-141. Burning or otherwise destroying crops in the field.**

Any person who shall willfully burn or destroy any other person's lawfully grown crop, pasture, or provender shall be punished as follows:

- (1) If the damage is two thousand dollars (\$2,000) or less, the person is guilty of a Class 1 misdemeanor. ~~misdemeanor punishable by a term of imprisonment not to exceed two years, a fine, or both.~~
- (2) If the damage is more than two thousand dollars (\$2,000), the person is guilty of a Class I felony."

**—INJURIES TO DAMS AND WATER CHANNELS OF MILLS**

Sec. 82. G.S. 14-142 reads as rewritten:

**"§ 14-142. Injuries to dams and water channels of mills and factories.**

If any person shall cut away, destroy or otherwise injure any dam, or part thereof, or shall obstruct or damage any race, canal or other water channel erected, opened, used or constructed for the purpose of furnishing water for the operation of any mill, factory or machine works, or for the escape of water therefrom, he shall be guilty of a Class 2 misdemeanor. ~~shall, upon conviction, be punishable by a fine not to exceed five hundred dollars (\$500.00), imprisonment for not more than six months, or both.~~"

**—INJURING HOUSES, CHURCHES, FENCES AND WALLS**

Sec. 83. G.S. 14-144 reads as rewritten:

**"§ 14-144. Injuring houses, churches, fences and walls.**

If any person shall, by any other means than burning or attempting to burn, unlawfully and willfully demolish, destroy, deface, injure or damage any of the houses or other buildings mentioned in this Chapter in the Article entitled Arson and Other Burnings; or shall by any other means than burning or attempting to burn unlawfully and willfully demolish, pull down, destroy, deface, damage or injure any church, uninhabited house, outhouse or other house or building not mentioned in such article; or shall unlawfully and willfully burn, destroy, pull down, injure or remove any fence, wall or other inclosure, or any part thereof, surrounding or about any yard, garden, cultivated field or pasture, or about any church or graveyard, or about any factory or other house in which machinery is used, every person so offending shall be guilty of a Class 2 misdemeanor. ~~misdemeanor punishable by a fine not to exceed five hundred dollars (\$500.00), imprisonment for not more than six months, or both."~~

**—UNLAWFUL POSTING OF ADVERTISEMENTS**

Sec. 84. G.S. 14-145 reads as rewritten:

**"§ 14-145. Unlawful posting of advertisements.**

Any person who in any manner paints, prints, places, or affixes, or causes to be painted, printed, placed, or affixed, any business or commercial advertisement on or to any stone, tree, fence, stump, pole, automobile, building, or other object, which is the property of another without first obtaining the written consent of such owner thereof, or who in any manner paints, prints, places, puts, or affixes, or causes to be painted, printed, placed, or affixed, such an advertisement on or to any stone, tree, fence, stump, pole, mile-board, milestone, danger-sign, danger-signal, guide-sign, guide-post, automobile, building or other object within the limits of a public highway, shall be guilty of a Class 3 misdemeanor. ~~misdemeanor and shall be fined not exceeding fifty dollars (\$50.00) or imprisoned not exceeding 30 days."~~

**—INJURING BRIDGES**

Sec. 85. G.S. 14-146 reads as rewritten:

**"§ 14-146. Injuring bridges.**

If any person shall unlawfully and willfully demolish, destroy, break, tear down, injure or damage any bridge across any of the creeks or rivers or other streams in the State, he shall be guilty of a Class 1 misdemeanor. ~~misdemeanor, and fined or imprisoned, or both, in the discretion of the court."~~

**—REMOVING, ALTERING OR DEFACING LANDMARKS**

Sec. 86. G.S. 14-147 reads as rewritten:

**"§ 14-147. Removing, altering or defacing landmarks.**

If any person, firm or corporation shall knowingly remove, alter or deface any landmark in anywise whatsoever, or shall knowingly cause such removal, alteration or defacement to be done, such person, firm or corporation shall be guilty of a Class 2 misdemeanor. This section shall not apply to landmarks, such as creeks and other small streams, which the interest of agriculture may require to be altered or turned from their channels, nor to such persons, firms or corporations as own the fee simple in the lands on both sides of the lines designated by the landmarks removed, altered or defaced. Nor

shall this section apply to those adjoining landowners who may by agreement remove, alter or deface landmarks in which they alone are interested."

### **—DEFACING OR DESECRAINATING GRAVE SITES**

Sec. 87. G.S. 14-148(c) reads as rewritten:

"(c) Violation of this section is a Class 1 misdemeanor. ~~misdemeanor punishable by a fine of not more than five hundred dollars (\$500.00), imprisonment for not less than 60 days nor more than one year, or both, in the discretion of the court.~~ In passing sentence, the court shall consider the appropriateness of restitution or reparation as a condition of probation under G.S. 15A-1343(b)(6) as an alternative to actual imposition of a fine, jail term, or both."

### **—INTERFERING WITH GAS, ELECTRIC, AND STEAM APPLIANCES**

Sec. 88. G.S. 14-151 reads as rewritten:

#### **"§ 14-151. Interfering with gas, electric and steam appliances.**

If any person shall willfully, with intent to injure or defraud, commit any of the acts set forth in the following subdivisions, he shall be guilty of a Class 2 misdemeanor:

- (1) Connect a tube, pipe, wire or other instrument or contrivance with a pipe or wire used for conducting or supplying illuminating gas, fuel, natural gas or electricity in such a manner as to supply such gas or electricity to any burner, orifice, lamp or motor where the same is or can be burned or used without passing through the meter or other instrument provided for registering the quantity consumed; or,
- (2) Obstruct, alter, injure or prevent the action of a meter or other instrument used to measure or register the quantity of illuminating fuel, natural gas or electricity consumed in a house or apartment, or at an orifice or burner, lamp or motor, or by a consumer or other person other than an employee of the company owning any gas or electric meter, who willfully shall detach or disconnect such meter, or make or report any test of, or examine for the purpose of testing any meter so detached or disconnected; or,
- (3) In any manner whatever change, extend or alter any service or other pipe, wire or attachment of any kind, connecting with or through which natural or artificial gas or electricity is furnished from the gas mains or pipes of any person, without first procuring from said person written permission to make such change, extension or alterations; or,
- (4) Make any connection or reconnection with the gas mains, service pipes or wires of any person, furnishing to consumers natural or artificial gas or electricity, or turn on or off or in any manner interfere with any valve or stopcock or other appliance belonging to such person, and connected with his service or other pipes or wires, or enlarge the orifices of mixers, or use natural gas for heating purposes except through mixers, or electricity for any purpose without first procuring from such person a written permit to turn on or off such stopcock or valve, or to make such connection or reconnections, or to enlarge the orifice of mixers, or to use for heating purposes without mixers, or to

interfere with the valves, stopcocks, wires or other appliances of such, as the case may be; or,

(5) Retain possession of or refuse to deliver any mixer, meter, lamp or other appliance which may be leased or rented by any person, for the purpose of furnishing gas, electricity or power through the same, or sell, lend or in any other manner dispose of the same to any person other than such person entitled to the possession of the same; or,

(6) Set on fire any gas escaping from wells, broken or leaking mains, pipes, valves or other appliances used by any person in conveying gas to consumers, or interfere in any manner with the wells, pipes, mains, gateboxes, valves, stopcocks, wires, cables, conduits or any other appliances, machinery or property of any person engaged in furnishing gas to consumers unless employed by or acting under the authority and direction of such person; or,

(7) Open or cause to be opened, or reconnect or cause to be reconnected any valve lawfully closed or disconnected by a district steam corporation; or

(8) Turn on steam or cause it to be turned on or to reenter any premises when the same has been lawfully stopped from entering such premises."

### —INTERFERING WITH ELECTRIC, GAS, OR WATER METERS

Sec. 89. G.S. 14-151.1(c) reads as rewritten:

"(c) Any person violating any of the provisions of this section shall be guilty of a ~~Class 1 misdemeanor~~ ~~misdemeanor and upon conviction thereof shall be fined not more than five hundred dollars (\$500.00) or imprisoned not longer than two years, or both fined and imprisoned, in the discretion of the court.~~"

### —INJURING FIXTURES AND OTHER PROPERTY OF GAS COMPANIES

Sec. 90. G.S. 14-152 reads as rewritten:

#### "**§ 14-152. Injuring fixtures and other property of gas companies; civil liability.**

If any person shall willfully, wantonly or maliciously remove, obstruct, injure or destroy any part of the plant, machinery, fixtures, structures or buildings, or anything appertaining to the works of any gas company, or shall use, tamper or interfere with the same, he shall be deemed guilty of a ~~Class 3 misdemeanor~~ ~~misdemeanor, and upon conviction shall be fined not exceeding fifty dollars (\$50.00) or imprisoned not more than 30 days for such offense.~~ Such person shall also forfeit and pay to the company so injured, to be sued for and recovered in a civil action, double the amount of the damages sustained by any such injury."

### —TAMPERING WITH ENGINES AND BOILERS

Sec. 91. G.S. 14-153 reads as rewritten:

#### "**§ 14-153. Tampering with engines and boilers.**

If any person shall willfully turn out water from any boiler or turn the bolts of any engine or boiler, or meddle or tamper with such boiler or engine, or any other machinery in connection with any boiler or engine, causing loss, damage, danger or

delay to the owner in the prosecution of his work, he shall be guilty of a Class 2 misdemeanor."

### **—INJURING WIRES AND OTHER FIXTURES OF UTILITIES**

Sec. 92. G.S. 14-154 reads as rewritten:

#### **"§ 14-154. Injuring wires and other fixtures of telephone, telegraph and electric-power companies.**

If any person shall willfully injure, destroy or pull down any telegraph, telephone or electric-power-transmission pole, wire, insulator or any other fixture or apparatus attached to a telegraph, telephone or electric-power-transmission line, he shall be guilty of a Class 1 misdemeanor, ~~misdemeanor, and shall be fined and imprisoned at the discretion of the court.~~"

### **—UNAUTHORIZED CONNECTIONS WITH TELEPHONE OR TELEGRAPH**

Sec. 93. G.S. 14-155 reads as rewritten:

#### **"§ 14-155. Unauthorized connections with telephone or telegraph.**

It shall be unlawful for any person to tap or make any connection with any wire or apparatus of any telephone or telegraph company operating in this State, except such connection as may be authorized by the person or corporation operating such wire or apparatus. Any person violating this section shall be guilty of a Class 3 misdemeanor, ~~shall, upon conviction, be fined not more than ten dollars (\$10.00) or imprisoned not more than 10 days for each offense.~~—Each day's continuance of such unlawful connection shall be a separate offense. No connection approved by the Federal Communications Commission or the North Carolina Utilities Commission shall be a violation of this section."

### **—INJURING FIXTURES AND OTHER PROPERTY OF ELECTRIC-POWER COMPANIES**

Sec. 94. G.S. 14-156 reads as rewritten:

#### **"§ 14-156. Injuring fixtures and other property of electric-power companies.**

It shall be unlawful for any person willfully and wantonly, and without the consent of the owner, to take down, remove, injure, obstruct, displace or destroy any line erected or constructed for the transmission of electrical current, or any poles, towers, wires, conduits, cables, insulators or any support upon which wires or cables may be suspended, or any part of any such line or appurtenances or apparatus connected therewith, or to sever any wire or cable thereof, or in any manner to interrupt the transmission of electrical current over and along any such line, or to take down, remove, injure or destroy any house, shop, building or other structure or machinery connected with or necessary to the use of any line erected or constructed for the transmission of electrical current, or to wantonly or willfully cause injury to any of the property mentioned in this section by means of fire. Any person violating any of the provisions of this section shall be guilty of a Class 2 misdemeanor, ~~misdemeanor, and upon conviction thereof shall be fined not more than five hundred dollars (\$500.00) or imprisoned not longer than one year, or both fined and imprisoned, in the discretion of the court.~~"

### **—FELLING TREES ON TELEPHONE AND ELECTRIC-POWER WIRES**

Sec. 95. G.S. 14-157 reads as rewritten:

**"§ 14-157. Felling trees on telephone and electric-power wires.**

If any person shall negligently and carelessly cut or fell any tree, or any limb or branch therefrom, in such a manner as to cause the same to fall upon and across any telephone, electric light or electric-power-transmission wire, from which any injury to such wire shall be occasioned, he shall be guilty of a Class 3 misdemeanor, and shall also be liable to penalty of fifty dollars (\$50.00) for each and every offense. ~~Any person violating any provision of this section shall be punishable by a fine not to exceed five hundred dollars (\$500.00), imprisonment for not more than six months, or both."~~

**—INTERFERING WITH TELEPHONE LINES**

Sec. 96. G.S. 14-158 reads as rewritten:

**"§ 14-158. Interfering with telephone lines.**

If any person shall unnecessarily disconnect the wire or in any other way render any telephone line, or any part of such line, unfit for use in transmitting messages, or shall unnecessarily cut, tear down, destroy or in any way render unfit for the transmission of messages any part of the wire of a telephone line, he shall be guilty of a Class 2 ~~misdemeanor. misdemeanor punishable by a fine not to exceed five hundred dollars (\$500.00), imprisonment for not more than six months, or both."~~

**—INJURING BUILDINGS OR FENCES; POSSESSION OF HOUSE**

Sec. 97. G.S. 14-159 reads as rewritten:

**"§ 14-159. Injuring buildings or fences; taking possession of house without consent.**

If any person shall deface, injure or damage any house, uninhabited house or other building belonging to another; or deface, damage, pull down, injure, remove or destroy any fence or wall enclosing, in whole or in part, the premises belonging to another; or shall move into, take possession of and/or occupy any house, uninhabited house or other building situated on the premises belonging to another, without having first obtained authority so to do and consent of the owner or agent thereof, he shall be guilty of a Class 3 ~~misdemeanor. misdemeanor and shall be fined not exceeding fifty dollars (\$50.00), or imprisoned not exceeding 30 days."~~

**—INTERFERENCE WITH ANIMAL RESEARCH**

Sec. 98. G.S. 14-159.2(b) reads as rewritten:

"(b) Any person who commits an offense under subsection (a) of this section shall be guilty of a Class 1 misdemeanor."

**—TRESPASS/HUNTING WITHOUT WRITTEN CONSENT**

Sec. 99. G.S. 14-159.6 reads as rewritten:

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

Any person who willfully goes on the land, waters, ponds, or a legally established waterfowl blind of another upon which notices, signs or posters, described in G.S. 14-159.7, prohibiting hunting, fishing or trapping, or upon which "posted" notices have been placed, to hunt, fish or trap without the written consent of the owner or his agent shall be guilty of a Class 2 ~~misdemeanor. misdemeanor and punished by a fine of not less than fifty dollars (\$50.00) nor more than two hundred fifty dollars (\$250.00), or by imprisonment for not more than six months, or by both fine and imprisonment.~~ Provided, further, that no arrests under authority of this section shall be made without

the consent of the owner or owners of said land, or their duly authorized agents in the following counties: Halifax and Warren."

#### **—MUTILATION OF "POSTED" SIGNS; POSTING WITHOUT CONSENT**

Sec. 100. G.S. 14-159.8 reads as rewritten:

#### **"§ 14-159.8. Mutilation, etc., of 'posted' signs; posting signs without consent of owner or agent.**

Any person who shall mutilate, destroy or take down any 'posted,' 'no hunting' or similar notice, sign or poster on the lands, waters, or legally established waterfowl blind of another, or who shall post such sign or poster on the lands, waters or legally established waterfowl blind of another, without the consent of the owner or his agent, shall be deemed guilty of a Class 3 misdemeanor and shall be only punished by a fine of not more than one hundred dollars (\$100.00)."

#### **—FIRST DEGREE TRESPASS**

Sec. 101. G.S. 14-159.12(b) reads as rewritten:

"(b) Classification. – First degree trespass is a Class 2 misdemeanor misdemeanor punishable by imprisonment for up to six months, a fine of up to one thousand dollars (\$1,000), or both."

#### **—SECOND DEGREE TRESPASS**

Sec. 102. G.S. 14-159.13(b) reads as rewritten:

"(b) Classification. – Second degree trespass is a Class 3 misdemeanor misdemeanor punishable by imprisonment for up to 30 days, a fine up to two hundred dollars (\$200.00), or both."

#### **—VANDALISM; PENALTIES**

Sec. 103. G.S. 14-159.21 reads as rewritten:

#### **"§ 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 Class 3 misdemeanor 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."

#### **—SALE OF SPELEOTHEMS UNLAWFUL; PENALTIES**

Sec. 104. G.S. 14-159.22 reads as rewritten:

#### **"§ 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 Class 3 misdemeanor, ~~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.~~"

### —WILLFUL AND WANTON INJURY TO PERSONAL PROPERTY

Sec. 105. G.S. 14-160 reads as rewritten:

#### "§ 14-160. Willful and wanton injury to personal property; punishments.

(a) If any person shall wantonly and willfully injure the personal property of another he shall be guilty of a Class 2 misdemeanor, ~~misdemeanor punishable by a fine not to exceed five hundred dollars (\$500.00), imprisonment for not more than six months or both.~~

(b) Notwithstanding the provisions of subsection (a), if any person shall wantonly and willfully injure the personal property of another, causing damage in an amount in excess of two hundred dollars (\$200.00), he shall be guilty of a Class 1 misdemeanor, ~~misdemeanor punishable as provided in G.S. 14-3(a).~~"

(c) This section applies to injuries to personal property without regard to whether the property is destroyed or not."

### —ALTERATION/DESTRUCTION/REMOVAL OF IDENTIFICATION

#### MARKS

Sec. 106. G.S. 14-160.1(c) reads as rewritten:

"(c) A violation of any of the provisions of this section shall be a Class 1 misdemeanor, ~~misdemeanor, punishable on conviction thereof by imprisonment not to exceed two years or by a fine not to exceed one thousand dollars (\$1,000) or both, in the discretion of the court.~~"

### —REMOVING BOATS.

Sec. 107. G.S. 14-162 reads as rewritten:

#### "§ 14-162. Removing boats.

If any person shall loose, unmoor, or turn adrift from any landing or other place wherever the same shall be, any boat, canoe, or other marine vessel, or if any person shall direct the same to be done without the consent of the owner, or the person having the lawful custody or possession of such vessel, he shall be guilty of a Class 2 misdemeanor, ~~misdemeanor, and upon conviction shall be fined not exceeding five hundred dollars (\$500.00), imprisonment for not more than six months or both.~~ The owner may also have his action for such injury. The penalties aforesaid shall not extend to any person who shall press any such property by public authority."

### —INJURING OR KILLING LAW-ENFORCEMENT AGENCY ANIMAL

Sec. 108. G.S. 14-163.1 reads as rewritten:

#### "§ 14-163.1. Injuring or killing law-enforcement agency animal.

Any person who knows or has reason to know that an animal is used for law-enforcement purposes such as investigation, detection of narcotics or explosives, or crowd control, by any law-enforcement agency and who willfully and not in self defense, causes serious injury to or kills that animal is guilty of a Class 1 misdemeanor, ~~misdemeanor and shall be fined or imprisoned, or both, in the discretion of the court.~~"

### —MALICIOUS OR WILLFUL INJURY TO HIRED PERSONAL PROPERTY

Sec. 109. G.S. 14-165 reads as rewritten:

**"§ 14-165. Malicious or willful injury to hired personal property.**

Any person who shall rent or hire from any person, firm or corporation, any horse, mule or like animal, or any buggy, wagon, truck, automobile, or other like vehicle, aircraft, motor, trailer, appliance, equipment, tool, or other thing of value, who shall maliciously or willfully injure or damage the same by in any way using or driving the same in violation of any statute of the State of North Carolina, or who shall permit any other person so to do, shall be guilty of a Class 2 misdemeanor. ~~misdemeanor and subject to punishment as hereinafter provided."~~

**—SUBLETTING OF HIRED PROPERTY**

Sec. 110. G.S. 14-166 reads as rewritten:

**"§ 14-166. Subletting of hired property.**

Any person who shall rent or hire, any horse, mule, or other like animal, or any buggy, wagon, truck, automobile, or other like vehicle, aircraft, motor, trailer, appliance, equipment, tool, or other thing of value, who shall, without the permission of the person, firm or corporation from whom such property is rented or hired, sublet or rent the same to any other person, firm or corporation, shall be guilty of a Class 2 misdemeanor. ~~misdemeanor punishable by a fine not to exceed five hundred dollars (\$500.00), imprisonment for not more than six months, or both."~~

**—FAILURE TO RETURN HIRED PROPERTY**

Sec. 111. G.S. 14-167 reads as rewritten:

**"§ 14-167. Failure to return hired property.**

Any person who shall rent or hire, any horse, mule or other like animal, or any buggy, wagon, truck, automobile, or other vehicle, aircraft, motor, trailer, appliance, equipment, tool, or other thing of value, and who shall willfully fail to return the same to the possession of the person, firm or corporation from whom such property has been rented or hired at the expiration of the time for which such property has been rented or hired, shall be guilty of a Class 2 misdemeanor. ~~misdemeanor punishable by a fine not to exceed five hundred dollars (\$500.00), imprisonment for not more than six months, or both."~~

**—HIRING WITH INTENT TO DEFRAUD**

Sec. 112. G.S. 14-168 reads as rewritten:

**"§ 14-168. Hiring with intent to defraud.**

Any person who shall, with intent to cheat and defraud the owner thereof of the rental price therefor, hire or rent any horse or mule or any other like animal, or any buggy, wagon, truck, automobile or other like vehicle, aircraft, motor, trailer, appliance, equipment, tool, or other thing of value, or who shall obtain the possession of the same by false and fraudulent statements made with intent to deceive, which are calculated to deceive, and which do deceive, shall be guilty of a Class 2 misdemeanor. ~~misdemeanor punishable by a fine not to exceed five hundred dollars (\$500.00), imprisonment for not more than six months, or both."~~

**—CONVERSION BY BAILEE, LESSEE, TENANT OR ATTORNEY-IN-FACT**

Sec. 113. G.S. 14-168.1 reads as rewritten:

**"§ 14-168.1. Conversion by bailee, lessee, tenant or attorney-in-fact.**

Every person entrusted with any property as bailee, lessee, tenant or lodger, or with any power of attorney for the sale or transfer thereof, who fraudulently converts the same, or the proceeds thereof, to his own use, or secretes it with a fraudulent intent to convert it to his own use, shall be guilty of a Class 1 misdemeanor.

If, however, the value of the property converted or secreted, or the proceeds thereof, is in excess of four hundred dollars (\$400.00), every person so converting or secreting it is guilty of a Class H felony. In all cases of doubt the jury shall, in the verdict, fix the value of the property converted or secreted."

#### **—FAILING TO RETURN RENTED PROPERTY/PURCHASE OPTION**

Sec. 114. G.S. 14-168.4(a) reads as rewritten:

"(a) It shall be a Class 2 misdemeanor, punishable by a fine not to exceed five hundred dollars (\$500.00), imprisonment for not more than six months, or both, for any person to fail to return rented property with intent to defeat the rights of the owner, which is rented pursuant to a written rental agreement in which there is an option to purchase the property, after the date of termination provided in the agreement has occurred or, if the termination date is the occurrence of a specified event, then that such event has in fact occurred."

#### **—PROTECTION OF BAILOR AGAINST ACTS OF BAILEE**

Sec. 115. G.S. 14-169 reads as rewritten:

#### **"§ 14-169. Violation made misdemeanor.**

Except as otherwise provided, any person violating the provisions of this Article shall be guilty of a Class 1 misdemeanor and punished at the discretion of the court."

#### **—REGULATING THE LEASING OF STORAGE BATTERIES**

Sec. 116. G.S. 14-175 reads as rewritten:

#### **"§ 14-175. Violation made misdemeanor.**

Any person, firm or corporation, and the officers, agents, employees, and members of any firm or corporation violating any of the provisions of G.S. 14-170 to 14-174 shall be guilty of a Class 3 misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding fifty dollars (\$50.00) or be imprisoned for a term of not exceeding 30 days in the discretion of the court."

#### **—REBUILDING STORAGE BATTERIES OUT OF OLD PARTS**

Sec. 117. G.S. 14-176 reads as rewritten:

#### **"§ 14-176. Rebuilding storage batteries out of old parts and sale of, regulated.**

Any person, firm or corporation who assembles or rebuilds an electric storage battery for use on automobiles, in whole or in part, out of secondhand or used material such as containers, separators, plates, groups or other battery parts, and sells same or offers same for sale in the State of North Carolina without the word 'rebuilt' placed in the side of the container, shall be guilty of a Class 2 misdemeanor and, upon conviction thereof, shall be sentenced to pay a fine not exceeding two hundred and fifty dollars (\$250.00) or imprisoned for a term not exceeding six months or both."

#### **—INCEST BETWEEN UNCLE AND NIECE AND NEPHEW AND AUNT**

Sec. 118. G.S. 14-179 reads as rewritten:

#### **"§ 14-179. Incest between uncle and niece and nephew and aunt.**

In all cases of carnal intercourse between uncle and niece, and nephew and aunt, the parties shall be guilty of a Class 1 misdemeanor, ~~misdemeanor~~, and shall be punished by ~~a fine or imprisonment, in the discretion of the court.~~"

#### —FORNICATION AND ADULTERY

Sec. 119. G.S. 14-184 reads as rewritten:

#### "§ 14-184. Fornication and adultery.

If any man and woman, not being married to each other, shall lewdly and lasciviously associate, bed and cohabit together, they shall be guilty of a Class 2 misdemeanor, ~~misdemeanor~~. Provided, that the admissions or confessions of one shall not be received in evidence against the other. ~~Any person violating any provision of this section shall be punishable by a fine not to exceed five hundred dollars (\$500.00), imprisonment for not more than six months, or both.~~"

#### —AT HOTEL FOR IMMORAL PURPOSES; FALSELY REGISTERING

Sec. 120. G.S. 14-186 reads as rewritten:

#### "§ 14-186. Opposite sexes occupying same bedroom at hotel for immoral purposes; falsely registering as husband and wife.

Any man and woman found occupying the same bedroom in any hotel, public inn or boardinghouse for any immoral purpose, or any man and woman falsely registering as, or otherwise representing themselves to be, husband and wife in any hotel, public inn or boardinghouse, shall be deemed guilty of a Class 2 misdemeanor, ~~misdemeanor punishable by a fine not to exceed five hundred dollars (\$500.00), imprisonment for not more than six months, or both.~~"

#### —KEEPING DISORDERLY HOUSES

Sec. 121. G.S. 14-188(b) reads as rewritten:

"(b) On a prosecution in any court for keeping a disorderly house or a bawdy house, or permitting a house to be used as a bawdy house or used in such a way to make it disorderly or a common nuisance, the offense shall constitute a Class 2 misdemeanor, ~~misdemeanor punishable by a fine not to exceed five hundred dollars (\$500.00), imprisonment for not more than six months, or both.~~"

#### —COERCING ACCEPTANCE OF OBSCENE ARTICLES

Sec. 122. G.S. 14-190.4 reads as rewritten:

#### "§ 14-190.4. Coercing acceptance of obscene articles or publications.

No person, firm or corporation shall, as a condition to any sale, allocation, consignment or delivery for resale of any paper, magazine, book, periodical or publication require that the purchaser or consignee receive for resale any other article, book, or publication which is obscene within the meaning of G.S. 14-190.1; nor shall any person, firm or corporation deny or threaten to deny any franchise or impose or threaten to impose any penalty, financial or otherwise, by reason of the failure or refusal of any person to accept such articles, books, or publications, or by reason of the return thereof. Violation of this section is a Class 1 misdemeanor, ~~misdemeanor punishable by imprisonment for up to one year and a fine of up to one thousand dollars (\$1,000).~~"

#### —PREPARATION OF OBSCENE PHOTOGRAPHS

Sec. 123. G.S. 14-190.5 reads as rewritten:

#### "§ 14-190.5. Preparation of obscene photographs, slides and motion pictures.

Every person who knowingly:

- (1) Photographs himself or any other person, for purposes of preparing an obscene film, photograph, negative, slide or motion picture for the purpose of dissemination; or
- (2) Models, poses, acts, or otherwise assists in the preparation of any obscene film, photograph, negative, slide or motion picture for the purpose of dissemination, shall be guilty of a Class 1 misdemeanor. ~~misdemeanor punishable by imprisonment for up to one year and a fine of up to one thousand dollars (\$1,000.)~~

#### —INDECENT EXPOSURE

Sec. 124. G.S. 14-190.9 reads as rewritten:

#### "§ 14-190.9. Indecent exposure.

Any person who shall willfully expose the private parts of his or her person in any public place and in the presence of any other person or persons, of the opposite sex, or aids or abets in any such act, or who procures another to perform such act; or any person, who as owner, manager, lessee, director, promoter or agent, or in any other capacity knowingly hires, leases or permits the land, building, or premises of which he is owner, lessee or tenant, or over which he has control, to be used for purposes of any such act, shall be guilty of a Class 2 misdemeanor. ~~misdemeanor punishable by a fine not to exceed five hundred dollars (\$500.00), imprisonment for not more than six months, or both.~~"

#### —DISPLAYING MATERIAL HARMFUL TO MINORS

Sec. 125. G.S. 14-190.14(b) reads as rewritten:

"(b) Punishment. – Violation of this section is a ~~misdemeanor and is punishable by imprisonment for up to six months and a fine of at least five hundred dollars (\$500.00).~~ Class 2 misdemeanor. Each day's violation of this section is a separate offense."

#### —DISSEMINATING HARMFUL MATERIAL TO MINORS

Sec. 126. G.S. 14-190.15(d) reads as rewritten:

"(d) Punishment. – Violation of this section is a Class 1 misdemeanor. ~~misdemeanor and is punishable by imprisonment for up to two years and a fine.~~"

#### —PROFANE OR INDECENT LANGUAGE ON PASSENGER TRAINS

Sec. 127. G.S. 14-195 reads as rewritten:

#### "§ 14-195. Using profane or indecent language on passenger trains.

It shall be unlawful for any person to curse or use profane or indecent language on any passenger train. Any person so offending shall be guilty of a Class 3 misdemeanor. ~~upon conviction be fined not more than fifty dollars (\$50.00) or imprisoned not more than 30 days.~~"

#### —PROFANE, INDECENT OR THREATENING LANGUAGE OVER TELEPHONE; ANNOYING OR HARASSING BY REPEATED TELEPHONING

Sec. 128. G.S. 14-196(c) reads as rewritten:

"(c) Anyone violating the provisions of this section shall be guilty of a Class 2 misdemeanor and shall be subject to a fine or imprisonment, or both, in the discretion of the court."

#### —USING PROFANE OR INDECENT LANGUAGE ON PUBLIC HIGHWAYS

Sec. 129. G.S. 14-197 reads as rewritten:

#### "§ 14-197. Using profane or indecent language on public highways; counties exempt.

If any person shall, on any public road or highway and in the hearing of two or more persons, in a loud and boisterous manner, use indecent or profane language, he shall be guilty of a Class 3 misdemeanor and upon conviction shall be fined not exceeding fifty dollars (\$50.00) or imprisoned not exceeding 30 days. The following counties shall be exempt from the provisions of this section: Pitt and Swain."

#### —OBSTRUCTING WAY TO PLACES OF PUBLIC WORSHIP

Sec. 130. G.S. 14-199 reads as rewritten:

#### "§ 14-199. Obstructing way to places of public worship.

If any person shall maliciously stop up or obstruct the way leading to any place of public worship, or to any spring or well commonly used by the congregation, he shall be guilty of a Class 2 misdemeanor punishable by a fine not to exceed five hundred dollars (\$500.00), imprisonment for not more than six months, or both."

#### —SECRETELY PEEPING INTO ROOM OCCUPIED BY FEMALE PERSON

Sec. 131. G.S. 14-202 reads as rewritten:

#### "§ 14-202. Secretly peeping into room occupied by female person.

Any person who shall peep secretly into any room occupied by a female person shall be guilty of a Class 1 misdemeanor and upon conviction shall be fined or imprisoned in the discretion of the court."

#### —ADULT ESTABLISHMENTS

Sec. 132. G.S. 14-202.12 reads as rewritten:

#### "§ 14-202.12. Violations; penalties.

Any person who violates G.S. 14-202.11 shall be guilty of a Class 3 misdemeanor and shall be imprisoned for a term not to exceed three months or fined an amount not to exceed three hundred dollars (\$300.00), or both, in the discretion of the court. Any person who has been previously convicted of a violation of G.S. 14-202.11, upon conviction for a second or subsequent violation of G.S. 14-202.11, shall be guilty of a Class 2 misdemeanor and shall be imprisoned for a term not to exceed six months or fined an amount not to exceed five hundred dollars (\$500.00), or both, in the discretion of the court.

As used herein, 'person' shall include:

- (1) The agent in charge of the building, premises, structure or facility; or
- (2) The owner of the building, premises, structure or facility when such owner knew or reasonably should have known the nature of the business located therein, and such owner refused to cooperate with the public officials in reasonable measures designed to terminate the proscribed use; provided, however, that if there is an agent in charge,

and if the owner did not have actual knowledge, the owner shall not be prosecuted; or

- (3) The owner of the business; or
- (4) The manager of the business."

## —LOITERING FOR PROSTITUTION

Sec. 133. G.S. 14-204.1(b) reads as rewritten:

- "(b) If a person remains or wanders about in a public place and
  - (1) Repeatedly beckons to, stops, or attempts to stop passers-by, or repeatedly attempts to engage passers-by in conversation; or
  - (2) Repeatedly stops or attempts to stop motor vehicles; or
  - (3) Repeatedly interferes with the free passage of other persons

for the purpose of violating any subdivision of G.S. 14-204 or 14-177, that person is guilty of a Class 1 misdemeanor. ~~misdemeanor and, upon conviction, shall be punished as for a violation of G.S. 14-204.~~"

## —PROSTITUTION

Sec. 134. G.S. 14-208 reads as rewritten:

### "§ 14-208. Punishment; probation; parole.

Any person who shall be deemed guilty in the first degree, as set forth in G.S. 14-207, shall be guilty of a Class 1 misdemeanor: ~~misdemeanor, and may be fined or imprisoned in the discretion of the court, or may be committed to any penal or reformatory institution in this State.~~ Provided, that in case of a commitment to a reformatory institution, the commitment shall be made for an indeterminate period of time of not less than one nor more than three years in duration, and the board of managers or directors of the reformatory institution shall have authority to discharge or to place on parole any person so committed after the service of the minimum term or any part thereof, and to require the return to said institution for the balance of the maximum term of any person who shall violate the terms or conditions of the parole.

Notwithstanding the previous paragraph, any person who shall be deemed guilty in the first degree, as set forth in G.S. 14-207, shall be guilty of a Class 1 misdemeanor, ~~misdemeanor and shall be imprisoned for not less than 60 days nor more than two years, and may be fined in the discretion of the court.~~ This paragraph applies only in cities with a population of 300,000 or over, according to the most recent decennial federal census, but shall only apply in a city within that class if the city has adopted an ordinance to that effect, which ordinance makes a finding that prostitution is a serious problem within the city.

Any person who shall be deemed guilty in the second degree, as set forth in G.S. 14-207, shall be guilty of a Class 1 misdemeanor: ~~misdemeanor, and shall be fined or imprisoned at the discretion of the court.~~ Provided, that the defendant may be placed on probation in the care of a probation officer designated by law, or theretofore appointed by the court.

Probation or parole shall be granted or ordered in the case of a person infected with venereal disease only on such terms and conditions as shall insure medical treatment therefor and prevent the spread thereof, and the court may order any convicted defendant to be examined for venereal disease.

No girl or woman who shall be convicted under this Article shall be placed on probation or on parole in the care or charge of any person except a woman probation officer."

#### —REFUSAL OF WITNESS TO APPEAR OR TO TESTIFY IN INVESTIGATIONS OF LYNCHINGS

Sec. 135. G.S. 14-222 reads as rewritten:

##### **"§ 14-222. Refusal of witness to appear or to testify in investigations of lynchings.**

If any person summoned as a witness in the investigation of a charge of lynching shall willfully fail to attend as a witness in obedience to the process served on him, or if, after being sworn, he shall refuse to answer questions pertinent to the matter being investigated before any tribunal, he shall be guilty of a Class 1 misdemeanor, ~~misdemeanor, and, on conviction, shall be fined or imprisoned, or both, at the discretion of the court.~~

#### —RESISTING OFFICERS

Sec. 136. G.S. 14-223 reads as rewritten:

##### **"§ 14-223. Resisting officers.**

If any person shall willfully and unlawfully resist, delay or obstruct a public officer in discharging or attempting to discharge a duty of his office, he shall be guilty of a Class 2 misdemeanor, ~~misdemeanor punishable by a fine not to exceed five hundred dollars (\$500.00), imprisonment for not more than six months, or both.~~

#### —FALSE, ETC., REPORTS TO POLICE RADIO BROADCASTING STATIONS

Sec. 137. G.S. 14-225 reads as rewritten:

##### **"§ 14-225. False, etc., reports to police radio broadcasting stations.**

Any person who shall willfully make or cause to be made to a police radio broadcasting station any false, misleading or unfounded report, for the purpose of interfering with the operation thereof, or to hinder or obstruct any peace officer in the performance of his duty, shall be guilty of a Class 2 misdemeanor, ~~misdemeanor punishable by a fine not to exceed five hundred dollars (\$500.00), imprisonment for not more than six months, or both.~~

#### —PICKETING OR PARADING

Sec. 138. G.S. 14-225.1 reads as rewritten:

##### **"§ 14-225.1. Picketing or parading.**

Any person who, with intent to interfere with, obstruct, or impede the administration of justice, or with intent to influence any justice or judge of the General Court of Justice, juror, witness, district attorney, assistant district attorney, or court officer, in the discharge of his duty, pickets, parades, or uses any sound truck or similar device within 300 feet of an exit from any building housing any court of the General Court of Justice, or within 300 feet of any building or residence occupied or used by such justice, judge, juror, witness, district attorney, assistant district attorney, or court officer, shall upon plea or conviction be guilty of a Class 1 misdemeanor, ~~misdemeanor and imprisoned for not more than two years or fined not more than one thousand dollars (\$1000), or both.~~

#### —VIOLATING ORDERS OF COURT

Sec. 139. G.S. 14-226.1 reads as rewritten:

### **"§ 14-226.1. Violating orders of court.**

Any person who shall willfully disobey or violate any injunction, restraining order, or any order lawfully issued by any court for the purpose of maintaining or restoring public safety and public order, or to afford protection for lives or property during times of a public crisis, disaster, riot, catastrophe, or when such condition is imminent, or for the purpose of preventing and abating disorderly conduct as defined in G.S. 14-288.4 shall be guilty of a Class 3 misdemeanor which may include a fine not to exceed two hundred fifty dollars (\$250.00). ~~misdemeanor, and upon conviction, shall be fined not more than two hundred fifty dollars (\$250.00) or imprisoned for not more than 30 days, or both, in the discretion of the court.~~ This section shall not in any manner affect the court's power to punish for contempt."

### **—FAILING TO BE WITNESS BEFORE LEGISLATIVE COMMITTEES**

Sec. 140. G.S. 14-227 reads as rewritten:

### **"§ 14-227. Failing to attend as witness before legislative committees.**

If any person shall willfully fail or refuse to attend or produce papers, on summons of any committee of investigation of either house of the General Assembly, either select or committee of the whole, he shall be guilty of a ~~misdemeanor, and on conviction in the superior court of the county in which such witness may reside or be found, he shall be~~ Class 3 misdemeanor and fined not less than five hundred dollars (\$500.00) nor more than one thousand dollars (\$1,000), ~~and shall be subject to imprisonment at the discretion of the court. (\$1,000.)~~

### **—SECRET LISTENING**

Sec. 141. G.S. 14-227.3 reads as rewritten:

### **"§ 14-227.3. Violation made misdemeanor.**

All persons violating the provisions of G.S. 14-227.1 or 14-227.2 shall be guilty of a ~~Class 2 misdemeanor. punishable by a fine not to exceed five hundred dollars (\$500.00), imprisonment for not more than six months, or both.~~

### **—WILLFULLY FAILING TO DISCHARGE DUTIES**

Sec. 142. G.S. 14-230 reads as rewritten:

### **"§ 14-230. Willfully failing to discharge duties.**

If any clerk of any court of record, sheriff, magistrate, county commissioner, county surveyor, coroner, treasurer, or official of any of the State institutions, or of any county, city or town, shall willfully omit, neglect or refuse to discharge any of the duties of his office, for default whereof it is not elsewhere provided that he shall be indicted, he shall be guilty of a Class 1 misdemeanor. If it shall be proved that such officer, after his qualification, willfully and corruptly omitted, neglected or refused to discharge any of the duties of his office, or willfully and corruptly violated his oath of office according to the true intent and meaning thereof, such officer shall be guilty of misbehavior in office, and shall be punished by removal therefrom under the sentence of the court as a part of the punishment for the ~~offense. offense, and shall also be fined or imprisoned in the discretion of the court.~~

### **—FAILING TO MAKE REPORTS AND DISCHARGE OTHER DUTIES**

Sec. 143. G.S. 14-231 reads as rewritten:

### **"§ 14-231. Failing to make reports and discharge other duties.**

If any State or county officer shall fail, neglect or refuse to make, file or publish any report, statement or other paper, or to deliver to his successor all books and other property belonging to his office, or to pay over or deliver to the proper person all moneys which come into his hands by virtue or color of his office, or to discharge any duty devolving upon him by virtue of his office and required of him by law, he shall be guilty of a Class 1 misdemeanor."

#### —**SWEARING FALSELY TO OFFICIAL REPORTS**

Sec. 144. G.S. 14-232 reads as rewritten:

#### **"§ 14-232. Swearing falsely to official reports.**

If any clerk, sheriff, register of deeds, county commissioner, county treasurer, magistrate or other county officer shall willfully swear falsely to any report or statement required by law to be made or filed, concerning or touching the county, State or school revenue, he shall be guilty of a Class 1 misdemeanor."

Sec. 145. G.S. 14-234(e) reads as rewritten:

"(e) Anyone violating this section shall be guilty of a Class 1 misdemeanor."

#### —**MISUSE OF CONFIDENTIAL INFORMATION**

Sec. 146. G.S. 14-234.1(b) reads as rewritten:

"(b) Violation of this section is a Class 1 misdemeanor."

#### —**AGENT FOR THOSE FURNISHING SUPPLIES FOR INSTITUTIONS**

Sec. 147. G.S. 14-236 reads as rewritten:

#### **"§ 14-236. Acting as agent for those furnishing supplies for schools and other State institutions.**

If any member of any board of directors, board of managers, board of trustees of any of the educational, charitable, eleemosynary or penal institutions of the State, or any member of any board of education, or any county or district superintendent or examiner of teachers, or any trustee of any school or other institution supported in whole or in part from any of the public funds of the State, or any officer, agent, manager, teacher or employee of such boards, shall have any pecuniary interest, either directly or indirectly, proximately or remotely in supplying any goods, wares or merchandise of any nature or kind whatsoever for any of said institutions or schools; or if any of such officers, agents, managers, teachers or employees of such institution or school or State or county officer shall act as agent for any manufacturer, merchant, dealer, publisher or author for any article of merchandise to be used by any of said institutions or schools; or shall receive, directly or indirectly, any gift, emolument, reward or promise of reward for his influence in recommending or procuring the use of any manufactured article, goods, wares or merchandise of any nature or kind whatsoever by any of such institutions or schools, he shall be forthwith removed from his position in the public service, and shall upon conviction be deemed guilty of a Class 1 misdemeanor. ~~misdemeanor and fined not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00) and be imprisoned in the discretion of the court.~~

This section shall not apply to members of any board of education which is subject to and complies with the provisions of G.S. 14-234(d1)."

#### —**BUYING SCHOOL SUPPLIES FROM INTERESTED OFFICER**

Sec. 148. G.S. 14-237 reads as rewritten:

**"§ 14-237. Buying school supplies from interested officer.**

If any county board of education or school committee shall buy school supplies in which any member has a pecuniary interest, the members of such board shall be removed from their positions in the public service and shall, upon conviction, be deemed guilty of a Class 1 misdemeanor.

This section shall not apply to members of any board of education which is subject to and complies with the provisions of G.S. 14-234(d1)."

**—SOLICITING DURING SCHOOL WITHOUT PERMISSION OF SCHOOL**

Sec. 149. G.S. 14-238 reads as rewritten:

**"§ 14-238. Soliciting during school hours without permission of school head.**

No person, agent, representative or salesman shall solicit or attempt to sell or explain any article of property or proposition to any teacher or pupil of any public school on the school grounds or during the school day without having first secured the written permission and consent of the superintendent, principal or person actually in charge of the school and responsible for it.

Any person violating the provisions of this section shall be guilty of a Class 2 ~~misdemeanor~~ ~~misdemeanor punishable by a fine not to exceed five hundred dollars (\$500.00), imprisonment for not more than six months, or both.~~"

**—ALLOWING PRISONERS TO ESCAPE; PUNISHMENT**

Sec. 150. G.S. 14-239 reads as rewritten:

**"§ 14-239. Allowing prisoners to escape; punishment.**

If any sheriff, deputy sheriff, or jailer, shall willfully or wantonly allow the escape of any person committed to his custody who is (i) a person charged with a crime, or (ii) a person sentenced by the court upon conviction of any offense, he shall be guilty of a Class 1 misdemeanor. No prosecution shall be brought against any such officer pursuant to this section by reason of a prisoner being allowed to participate pursuant to court order in any work release, work study, community service, or other lawful program, or by reason of any such prisoner failing to return from participation in any such program."

**—DISPOSING OF PUBLIC DOCUMENTS OR REFUSING TO DELIVER THEM**

Sec. 151. G.S. 14-241 reads as rewritten:

**"§ 14-241. Disposing of public documents or refusing to deliver them over to successor.**

It shall be the duty of the clerk of the superior court of each county, and every other person to whom the acts of the General Assembly, appellate division reports or other public documents are transmitted or deposited for the use of the county or the State, to keep the same safely in their respective offices; and if any such person having the custody of such books and documents, for the uses aforesaid, shall negligently and willfully dispose of the same, by sale or otherwise, or refuse to deliver over the same to his successor in office, he shall be guilty of a Class 1 ~~misdemeanor~~ ~~misdemeanor, and shall be punished by a fine or imprisonment, or both, at the discretion of the court.~~"

**—FAILING TO RETURN PROCESS OR MAKING FALSE RETURN**

Sec. 152. G.S. 14-242 reads as rewritten:

**"§ 14-242. Failing to return process or making false return.**

If any sheriff, deputy, or other officer, whether State or municipal, or any person who presumes to act as any such officer, not being by law authorized so to do, willfully refuses to return any precept, notice or process, to him tendered or delivered, which it is his duty to execute, or willfully makes a false return thereon, the person who willfully refused to make the return or willfully made the false return shall be guilty of a Class 1 misdemeanor."

#### **—FAILING TO SURRENDER TAX LIST FOR INSPECTION AND CORRECTION**

Sec. 153. G.S. 14-243 reads as rewritten:

#### **"§ 14-243. Failing to surrender tax list for inspection and correction.**

If any tax collector shall refuse or fail to surrender his tax list for inspection or correction upon demand by the authorities imposing the tax, or their successors in office, he shall be guilty of a Class 1 misdemeanor. ~~misdemeanor, and shall be imprisoned not more than five years, and fined not exceeding one thousand dollars (\$1,000), at the discretion of the court.~~

#### **—FAILING TO FILE REPORT OF FINES OR PENALTIES**

Sec. 154. G.S. 14-244 reads as rewritten:

#### **"§ 14-244. Failing to file report of fines or penalties.**

If any officer who is by law required to file any report or statement of fines or penalties with the county board of education shall fail so to do at or before the time fixed by law for the filing of such report, he shall be guilty of a Class 1 misdemeanor."

#### **—EX-MAGISTRATE TO TURN OVER BOOKS, PAPERS AND MONEY**

Sec. 155. G.S. 14-246 reads as rewritten:

#### **"§ 14-246. Failure of ex-magistrate to turn over books, papers and money.**

If any magistrate, on expiration of his term of office, or if any personal representative of a deceased magistrate shall, after demand upon him by the clerk of the superior court, willfully fail and refuse to deliver to the clerk of the superior court all dockets, all law and other books, all money, and all official papers which came into his hands by virtue or color of his office, he shall be guilty of a Class 1 misdemeanor."

#### **—PUBLICLY OWNED VEHICLE**

Sec. 156. G.S. 14-251 reads as rewritten:

#### **"§ 14-251. Violation made misdemeanor.**

Any person, firm or corporation violating any of the provisions of G.S. 14-247 to 14-250 shall be guilty of a Class 2 misdemeanor. ~~misdemeanor punishable by a fine of not less than one hundred dollars (\$100.00) and not more than five hundred dollars (\$500.00), imprisonment for not more than six months, or both such fine and imprisonment.~~ Nothing in G.S. 14-247 through 14-251 shall apply to the purchase, use or upkeep or expense account of the car for the executive mansion and the Governor."

#### **—RAILROAD OFFICERS TO ACCOUNT WITH SUCCESSORS**

Sec. 157. G.S. 14-253 reads as rewritten:

#### **"§ 14-253. Failure of certain railroad officers to account with successors.**

If the president and directors of any railroad company, and any person acting under them, shall, upon demand, fail or refuse to account with the president and directors elected or appointed to succeed them, and to transfer to them forthwith all the money,

books, papers, choses in action, property and effects of every kind and description belonging to such company, they shall be guilty of a felony, and shall be punished by imprisonment in the State's prison for not less than one nor more than five years, and be fined at the discretion of the court. All persons conspiring with any such president, directors or their agents to defeat, delay or hinder the execution of this section shall be guilty of a Class 1 misdemeanor, ~~misdemeanor, and shall be punished in like manner.~~ The Governor is hereby authorized, at the request of the president, directors and other officers of any railroad company, to make requisition upon the governor of any other state for the apprehension of any such president failing to comply with this section."

#### **—ESCAPE OF WORKING PRISONERS FROM CUSTODY**

Sec. 158. G.S. 14-255 reads as rewritten:

#### **"§ 14-255. Escape of working prisoners from custody.**

If any prisoner removed from the local confinement facility or satellite jail/work release unit of a county pursuant to G.S. 162-58 shall escape from the person having him in custody or the person supervising him, he shall be guilty of a Class 3 misdemeanor."

#### **—PRISON BREACH AND ESCAPE**

Sec. 159. G.S. 14-256 reads as rewritten:

#### **"§ 14-256. Prison breach and escape from county or municipal confinement facilities or officers.**

If any person shall break any prison, jail or lockup maintained by any county or municipality in North Carolina, being lawfully confined therein, or shall escape from the lawful custody of any superintendent, guard or officer of such prison, jail or lockup, he shall be guilty of a Class 1 misdemeanor, except that the person is guilty of a Class J felony if:

- (1) He has been convicted of a felony and has been committed to the facility pending transfer to the State prison system; or
- (2) He is serving a sentence imposed upon conviction of a felony."

#### **—FURNISHING CERTAIN CONTRABAND TO INMATES**

Sec. 160. G.S. 14-258.1(b) reads as rewritten:

"(b) Any person who shall knowingly give or sell any alcoholic beverages to any inmate of any State mental or penal institution, or to any inmate of any local confinement facility, except for medical purposes as prescribed by a duly licensed physician and except for an ordained minister or rabbi who gives sacramental wine to an inmate as part of a religious service; or any person who shall combine, confederate, conspire, procure, or procure another or others to give or sell any alcoholic beverages to any inmate of any such State institution or local confinement facility, except for medical purposes as prescribed by a duly licensed physician and except for an ordained minister or rabbi who gives sacramental wine to an inmate as part of a religious service; or any person who shall bring into the buildings, grounds or other facilities of such institution any alcoholic beverages, except for medical purposes as prescribed by a duly licensed physician or sacramental wine brought by an ordained minister or rabbi for use as part of a religious service, shall be guilty of a ~~misdemeanor, and on conviction thereof shall be fined or imprisoned, in the discretion of the court.~~ Class 1 misdemeanor. If such

person is an officer or employee of any institution of the State, such person shall be dismissed from office."

### **—HARBORING OR AIDING CERTAIN PERSONS**

Sec. 161. G.S. 14-259 reads as rewritten:

#### **"§ 14-259. Harboring or aiding certain persons.**

It shall be unlawful for any person knowing or having reasonable cause to believe, that any person has escaped from any prison, jail, reformatory, or from the criminal insane department of any State hospital, or from the custody of any peace officer who had such person in charge, or that such person is a convict or prisoner whose parole has been revoked, or that such person is a fugitive from justice or is otherwise the subject of an outstanding warrant for arrest or order of arrest, to conceal, hide, harbor, feed, clothe or otherwise aid and comfort in any manner to any such person. Fugitive from justice shall, for the purpose of this provision, mean any person who has fled from any other jurisdiction to avoid prosecution for a crime.

Every person who shall conceal, hide, harbor, feed, clothe, or offer aid and comfort to any other person in violation of this section shall be guilty of a felony, if such other person has been convicted of, or was in custody upon the charge of a felony, and shall be punished as a Class I felon; and shall be guilty of a misdemeanor, Class 1 misdemeanor, if such other person had been convicted of, or was in custody upon a charge of a misdemeanor, and shall be punished in the discretion of the court.

The provisions of this section shall not apply to members of the immediate family of such person. For the purposes of this section 'immediate family' shall be defined to be the mother, father, brother, sister, wife, husband and child of said person."

### **—OFFENSES AGAINST PUBLIC PEACE**

Sec. 162. G.S. 14-268 reads as rewritten:

#### **"§ 14-268. Violation made misdemeanor.**

Any person violating the provisions of this Article shall be guilty of a Class 1 misdemeanor, misdemeanor, and fined or imprisoned, in the discretion of the court."

### **—CARRYING CONCEALED WEAPONS**

Sec. 163. G.S. 14-269(c) reads as rewritten:

"(c) Any person violating the provisions of this section shall be guilty of a Class 2 misdemeanor, misdemeanor, and shall be punished by a fine not to exceed five hundred dollars (\$500.00), imprisonment for not more than six months, or both."

### **—WEAPONS ON CAMPUS OR OTHER EDUCATIONAL PROPERTY**

Sec. 164. G.S. 14-269.2 reads as rewritten:

#### **"§ 14-269.2. Weapons on campus or other educational property.**

It shall be unlawful for any person to possess, or carry, whether openly or concealed, any gun, rifle, pistol, dynamite cartridge, bomb, grenade, mine, powerful explosive as defined in G.S. 14-284.1, bowie knife, dirk, dagger, slungshot, leaded cane, switchblade knife, blackjack, metallic knuckles or any other weapon of like kind, not used solely for instructional or school sanctioned ceremonial purposes, in any public or private school building or bus, on any public or private school campus, grounds, recreation area, athletic field, or other property owned, used or operated by any board of education, school, college, or university board of trustees or directors for the

administration of any public or private educational institution. For the purpose of this section a self-opening or switch-blade knife is defined as a knife containing a blade or blades which open automatically by the release of a spring or a similar contrivance, and the above phrase 'weapon of like kind' includes razors and razor blades (except solely for personal shaving) and any sharp pointed or edged instrument except unaltered nail files and clips and tools used solely for preparation of food, instruction and maintenance. This section shall not apply to the following persons: Officers and enlisted personnel of the armed forces of the United States when in discharge of their official duties as such and acting under orders requiring them to carry arms or weapons, civil officers of the United States while in the discharge of their official duties, officers and soldiers of the militia and the national guard when called into actual service, officers of the State, or of any county, city, or town, charged with the execution of the laws of the State, when acting in the discharge of their official duties, any pupils who are members of the Reserve Officer Training Corps and who are required to carry arms or weapons in the discharge of their official class duties, and any private police employed by the administration or board of trustees of any public or private institution of higher education when acting in the discharge of their duties.

Any person violating the provisions of this section shall be guilty of a Class 2 misdemeanor. ~~misdemeanor and upon conviction shall be punished in the discretion of the court.~~

## **—WEAPONS WHERE ALCOHOLIC BEVERAGES ARE SOLD AND CONSUMED**

Sec. 165. G.S. 14-269.3(a) reads as rewritten:

"(a) It shall be unlawful for any person to carry any gun, rifle, or pistol into any assembly where a fee has been charged for admission thereto, or into any establishment in which alcoholic beverages are sold and consumed. Any person violating the provisions of this section shall be guilty of a Class 1 misdemeanor. ~~misdemeanor and upon conviction shall be punished in the discretion of the court by fine or imprisonment or by both.~~"

## **—WEAPONS ON STATE PROPERTY AND IN COURTHOUSES**

Sec. 166. G.S. 14-269.4 reads as rewritten:

### **"§ 14-269.4. Weapons on State property and in courthouses.**

It shall be unlawful for any person to possess, or carry, whether openly or concealed, any deadly weapon, not used solely for instructional or officially sanctioned ceremonial purposes in the State Capitol Building, the Executive Mansion, the Western Residence of the Governor, or on the grounds of any of these buildings, and in any building housing any court of the General Court of Justice. If a court is housed in a building containing nonpublic uses in addition to the court, then this prohibition shall apply only to that portion of the building used for court purposes while the building is being used for court purposes.

This section shall not apply to:

- (1) Officers and enlisted personnel of the armed forces when in the discharge of their official duties as such and acting under orders requiring them to carry arms and weapons,

- (2) Civil officers of the United States while in the discharge of their official duties,
- (3) Officers and soldiers of the militia and the State guard when on duty or called into service,
- (4) Officers or employees of the State, or any county, city, or town charged with the execution of the laws of the State, when acting in the discharge of their official duties if authorized by law to carry weapons,
- (4a) Any person in a building housing a court of the General Court of Justice in possession of a weapon for evidentiary purposes, to deliver it to a law enforcement agency, or for purposes of registration,
- (5) State-owned rest areas, rest stops along the highways, and State-owned hunting and fishing reservations.

Any person violating the provisions of this section shall be guilty of a Class 1 misdemeanor and upon conviction shall be punished in the discretion of the court by fine or imprisonment or by both such fine and imprisonment."

#### **—POSSESSION AND SALE OF SPRING-LOADED PROJECTILE KNIVES PROHIBITED**

Sec. 167. G.S. 14-269.6(b) reads as rewritten:

"(b) Any person violating the provisions of this section shall be guilty of a Class 1 misdemeanor and upon conviction shall be punished in the discretion of the court by fine or imprisonment or by both."

#### **—DISORDERLY CONDUCT AT BUS OR RAILROAD STATION OR AIRPORT**

Sec. 168. G.S. 14-275.1 reads as rewritten:

##### **"§ 14-275.1. Disorderly conduct at bus or railroad station or airport.**

Any person shall be guilty of a misdemeanor punishable by a fine of not more than fifty dollars (\$50.00) or imprisonment for not more than 30 days, in the discretion of the court, Class 3 misdemeanor, if such person while at, or upon the premises of,

- (1) Any bus station, depot or terminal, or
- (2) Any railroad passenger station, depot or terminal, or
- (3) Any airport or air terminal used by any common carrier, or
- (4) Any airport or air terminal owned or leased, in whole or in part, by any county, municipality or other political subdivision of the State, or privately owned airport

shall

- (1) Engage in disorderly conduct, or
- (2) Use vulgar, obscene or profane language, or
- (3) On any one occasion, without having necessary business there, loiter and loaf upon the premises after being requested to leave by any peace officer or by any person lawfully in charge of such premises."

#### **—IMPERSONATION OF EMERGENCY PERSONNEL**

Sec. 169. G.S. 14-276.1 reads as rewritten:

##### **"§ 14-276.1. Impersonation of firemen or emergency medical services personnel.**

It is a ~~misdemeanor, punishable by imprisonment not to exceed 30 days, Class 3 misdemeanor~~, for any person, with intent to deceive, to impersonate a fireman or any emergency medical services personnel, whether paid or voluntary, by a false statement, display of insignia, emblem, or other identification on his person or property, or any other act, which indicates a false status of affiliation, membership, or level of training or proficiency, if:

- (1) The impersonation is made with intent to impede the performance of the duties of a fireman or any emergency medical services personnel, or
- (2) Any person reasonably relies on the impersonation and as a result suffers injury to person or property.

For purposes of this section, emergency medical services personnel means an ambulance attendant, emergency medical technician, emergency medical technician intermediates, emergency medical technician paramedics, or other member of a rescue squad or other emergency medical organization."

#### **—IMPERSONATION OF A LAW-ENFORCEMENT OR OTHER PUBLIC OFFICER**

Sec. 170. G.S. 14-277(d) reads as rewritten:

"(d) Violation of subsection (a) of this section is a ~~misdemeanor punishable under G.S. 14-3(a)~~. Class 1 misdemeanor. Violation of subsection (b) of this section is a Class 1 misdemeanor. Upon conviction under subsection (b), ~~the trial judge must sentence the defendant to a term of imprisonment of not less than 72 hours and not more than two years~~. ~~The~~ the term of imprisonment may be suspended on condition that the defendant:

- (1) Be imprisoned for a term of at least 72 hours as a condition of special probation; or
- (2) Perform community service for a term of 72 hours;
- (3) Pay a fine in the discretion of the court; or
- (4) Any combination of these conditions.

The judge may, in his discretion, impose any other lawful condition of probation."

Sec. 171. G.S. 14-277(e) reads as rewritten:

"(e) It shall be unlawful for any person other than duly authorized employees of a county, a municipality or the State of North Carolina, including but not limited to, the Department of Social Services, Health, Area Mental Health, Developmental Disabilities, and Substance Abuse Authority or Building Inspector to represent to any person that they are duly authorized employees of a county, a municipality or the State of North Carolina or one of the above-enumerated departments and acting upon such representation to perform any act, make any investigation, seek access to otherwise confidential information, perform any duty of said office, gain access to any place not otherwise open to the public, or seek to be afforded any privilege which would otherwise not be afforded to such person except for such false representation or make any attempt to do any of said enumerated acts. Any person, corporation, or business association violating the provisions of this section shall be guilty of a Class 1 misdemeanor. ~~misdemeanor and upon conviction may be fined or imprisoned at the discretion of the court~~."

## —COMMUNICATING THREATS

Sec. 172. G.S. 14-277.1 reads as rewritten:

### "§ 14-277.1. Communicating threats.

- (a) A person is guilty of a Class 1 misdemeanor if without lawful authority:
  - (1) He willfully threatens to physically injure the person or damage the property of another;
  - (2) The threat is communicated to the other person, orally, in writing, or by any other means;
  - (3) The threat is made in a manner and under circumstances which would cause a reasonable person to believe that the threat is likely to be carried out; and
  - (4) The person threatened believes that the threat will be carried out.
- (b) A violation of this section is ~~a Class 1 misdemeanor punishable by a fine of not more than five hundred dollars (\$500.00), imprisonment of not more than six months, or both.~~"

## —STALKING.

Sec. 173. G.S. 14-277.3(b) reads as rewritten:

- (b) Classification. – A violation of this section is a ~~misdemeanor punishable by imprisonment up to six months, a fine up to one thousand dollars (\$1,000), or both.~~ Class 2 misdemeanor. A person who commits the offense of stalking when there is a court order in effect prohibiting similar behavior is ~~punishable by imprisonment up to two years, a fine up to two thousand dollars (\$2,000), or both.~~ guilty of a Class 1 misdemeanor. A second or subsequent conviction for stalking occurring within five years of a prior conviction of the same defendant is punishable as a Class I felony."

## —WEAPONS AT PARADES, ETC., PROHIBITED

Sec. 174. G.S. 14-277.2(a) reads as rewritten:

- (a) It shall be unlawful for any person participating in, affiliated with, or present as a spectator at any parade, funeral procession, picket line, or demonstration upon any public place owned or under the control of the State or any of its political subdivisions to willfully or intentionally possess or have immediate access to any dangerous weapon. Violation of this subsection shall be a Class 1 misdemeanor. It shall be presumed that any rifle or gun carried on a rack in a pickup truck at a holiday parade or in a funeral procession does not violate the terms of this act."

## —UNLAWFUL INJURY TO PROPERTY OF RAILROADS

Sec. 175. G.S. 14-279 reads as rewritten:

### "§ 14-279. Unlawful injury to property of railroads.

Any person who, without intent to cause injury to any person or damage to equipment, commits any of the acts referred to in G.S. 14-278 shall be guilty of a Class 2 misdemeanor."

## —UNLAWFUL IMPAIRMENT OF OPERATION OF RAILROADS

Sec. 176. G.S. 14-279.1 reads as rewritten:

### "§ 14-279.1. Unlawful impairment of operation of railroads.

Any person who, without authorization of the affected railroad company, shall willfully do or cause to be done any act to railroad engines, equipment, or rolling stock

so as to impede or prevent movement of railroad trains or so as to impair the operation of railroad equipment shall be guilty of a Class 2 misdemeanor."

**—OPERATING TRAINS AND STREETCARS WHILE INTOXICATED.**

Sec. 177. G.S. 14-281 reads as rewritten:

**"§ 14-281. Operating trains and streetcars while intoxicated.**

Any train dispatcher, telegraph operator, engineer, fireman, flagman, brakeman, switchman, conductor, motorman, or other employee of any steam, street, suburban or interurban railway company, who shall be intoxicated while engaged in running or operating, or assisting in running or operating, any railway train, shifting-engine, or street or other electric car, shall be guilty of a Class 2 misdemeanor ~~misdemeanor punishable by a fine not to exceed five hundred dollars (\$500.00), imprisonment for not more than six months, or both.~~"

**—THROWING, DROPPING, ETC., OBJECTS AT SPORTING EVENTS**

Sec. 178. G.S. 14-281.1 reads as rewritten:

**"§ 14-281.1. Throwing, dropping, etc., objects at sporting events.**

It shall be unlawful for any person to throw, drop, pour, release, discharge, expose or place in an area where an athletic contest or sporting event is taking place any substance or object that shall be likely to cause injury to persons participating in or attending such contests or events or to cause damage to animals, vehicles, equipment, devices, or other things used in connection with such contests or events. Any person violating the provisions of this section shall be guilty of a Class 3 misdemeanor ~~misdemeanor, and upon conviction shall be fined not more than one hundred dollars (\$100.00) or imprisoned not more than 30 days, or both, in the discretion of the court.~~"

**—EXPLODING DYNAMITE CARTRIDGES AND BOMBS**

Sec. 179. G.S. 14-283 reads as rewritten:

**"§ 14-283. Exploding dynamite cartridges and bombs.**

If any person shall fire off or explode, or cause to be fired off or exploded, except for mechanical purposes in a legitimate business, any dynamite cartridge, bomb or other explosive of a like nature, he shall be guilty of a Class 1 misdemeanor."

**—KEEPING FOR SALE OR SELLING EXPLOSIVES WITHOUT A LICENSE**

Sec. 180. G.S. 14-284 reads as rewritten:

**"§ 14-284. Keeping for sale or selling explosives without a license.**

If any dealer or other person shall sell or keep for sale any dynamite cartridges, bombs or other combustibles of a like kind, without first having obtained from the board of commissioners of the county where such person or dealer resides a license for that purpose, he shall be guilty of a Class 1 misdemeanor."

**—REGULATION OF SALE OF EXPLOSIVES; REPORTS; STORAGE**

Sec. 181. G.S. 14-284.1(e) reads as rewritten:

**"(e) Any person violating the provisions of this section shall be guilty of a Class 2 misdemeanor ~~misdemeanor punishable by a fine not to exceed five hundred dollars (\$500.00), imprisonment for not more than six months, or both.~~"**

**—FALSE FIRE ALARMS; MOLESTING FIRE-ALARM SYSTEM**

Sec. 182. G.S. 14-286 reads as rewritten:

**"§ 14-286. Giving false fire alarms; molesting fire-alarm, fire- detection or fire-extinguishing system.**

It shall be unlawful for any person or persons to wantonly and willfully give or cause to be given, or to advise, counsel, or aid and abet anyone in giving, a false alarm of fire, or to break the glass key protector, or to pull the slide, arm, or lever of any station or signal box of any fire-alarm system, except in case of fire, or willfully misuse or damage a portable fire extinguisher, or in any way to willfully interfere with, damage, deface, molest, or injure any part or portion of any fire-alarm, fire-detection, smoke-detection or fire-extinguishing system. Any person violating any of the provisions of this section shall be guilty of a ~~misdemeanor punishable by a fine not to exceed five hundred dollars (\$500.00), imprisonment for not more than six months, or both~~ Class 2 misdemeanor."

**—MAKING FALSE AMBULANCE REQUEST**

Sec. 183. G.S. 14-286.1 reads as rewritten:

**"§ 14-286.1. Making false ambulance request.**

It shall be unlawful for any person to willfully summon an ambulance or willfully report that an ambulance is needed when such person does not have good cause to believe that the services of an ambulance are needed. Every person convicted of willfully violating this section shall be guilty of a Class 3 misdemeanor, upon conviction be punished by a fine not to exceed fifty dollars (\$50.00) or imprisonment not to exceed 30 days or both such fine and imprisonment."

**—INTERFERING WITH EMERGENCY COMMUNICATION**

Sec. 184. G.S. 14-286.2(a) reads as rewritten:

"(a) Offense. – A person who, without authorization, intentionally interferes with an emergency radio communication, knowing that the communication is an emergency communication, and who is not making an emergency communication himself, is guilty of a misdemeanor and is punishable by:

- (1) ~~A fine of up to one thousand dollars (\$1,000) and imprisonment for up to one year~~ Class 1 misdemeanor if, as a result of the interference, serious bodily injury or property damage in excess of one thousand dollars (\$1,000) occurs; or
- (2) ~~A fine of up to five hundred dollars (\$500.00) and imprisonment for up to six months~~ Class 2 misdemeanor if a result described in subdivision (1) does not occur."

**—LEAVING UNUSED WELL OPEN AND EXPOSED**

Sec. 185. G.S. 14-287 reads as rewritten:

**"§ 14-287. Leaving unused well open and exposed.**

It shall be unlawful for any person, firm or corporation, after discontinuing the use of any well, to leave said well open and exposed; said well, after the use of same has been discontinued, shall be carefully and securely filled: Provided, that this shall not apply to wells on farms that are protected by curbing or board walls. Any person violating any of the provisions of this section shall be guilty of a Class 2 misdemeanor, punishable by a fine not to exceed five hundred dollars (\$500.00), imprisonment for not more than six months, or both."

## —UNLAWFUL TO POLLUTE ANY BOTTLES USED FOR BEVERAGES

Sec. 186. G.S. 14-288 reads as rewritten:

### "§ 14-288. Unlawful to pollute any bottles used for beverages.

It shall be unlawful for any person, firm or corporation having custody for the purpose of sale, distribution or manufacture of any beverage bottle, to place, cause or permit to be placed therein turpentine, varnish, wood alcohol, bleaching water, bluing, kerosene, oils, or any unclean or foul substance, or other offensive material, or to send, ship, return and deliver or cause or permit to be sent, shipped, returned or delivered to any producer of beverages, any bottle used as a container for beverages, and containing any turpentine, varnish, wood alcohol, bleaching water, bluing, kerosene, oils, or any unclean or foul substance, or other offensive material. Any person, firm or corporation violating the provisions of this section shall be guilty of a Class 3 misdemeanor, and upon conviction shall be fined on the first offense, one dollar (\$1.00) for each bottle so defiled, and for any subsequent offense not more than ten dollars (\$10.00) for each bottle so defiled."

## —RIOT; INCITING TO RIOT; PUNISHMENTS

Sec. 187. G.S. 14-288.2(b) reads as rewritten:

"(b) Any person who willfully engages in a riot is guilty of a Class 1 misdemeanor. misdemeanor punishable as provided in G.S. 14-3(a)."

Sec. 188. G.S. 14-288.2(d) reads as rewritten:

"(d) Any person who willfully incites or urges another to engage in a riot, so that as a result of such inciting or urging a riot occurs or a clear and present danger of a riot is created, is guilty of a Class 1 misdemeanor. misdemeanor punishable as provided in G.S. 14-3(a)."

## —DISORDERLY CONDUCT

Sec. 189. G.S. 14-288.4(b) reads as rewritten:

"(b) Any person who willfully engages in disorderly conduct is guilty of a misdemeanor punishable by a fine not to exceed five hundred dollars (\$500.00) or imprisonment for not more than six months. Class 2 misdemeanor."

## —FAILURE TO DISPERSE WHEN COMMANDED

Sec. 190. G.S. 14-288.5(b) reads as rewritten:

"(b) Any person who fails to comply with a lawful command to disperse is guilty of a Class 2 misdemeanor. misdemeanor punishable by a fine not to exceed five hundred dollars (\$500.00) or imprisonment for not more than six months."

## —LOOTING; TRESPASS DURING EMERGENCY

Sec. 191. G.S. 14-288.6(a) reads as rewritten:

"(a) Any person who enters upon the premises of another without legal justification when the usual security of property is not effective due to the occurrence or aftermath of riot, insurrection, invasion, storm, fire, explosion, flood, collapse, or other disaster or calamity is guilty of the a Class 1 misdemeanor of trespass during emergency and is punishable as provided in G.S. 14-3(a). an emergency."

## —TRANSPORTING WEAPON OR SUBSTANCE DURING EMERGENCY

Sec. 192. G.S. 14-288.7(c) reads as rewritten:

"(c) Any person who violates any provision of this section is guilty of a Class 1 misdemeanor. ~~misdemeanor punishable as provided in G.S. 14-3(a).~~"

### **—ASSAULT ON EMERGENCY PERSONNEL; PUNISHMENTS**

Sec. 193. G.S. 14-288.9(c) reads as rewritten:

"(c) Any person who commits an assault upon emergency personnel is guilty of a ~~misdemeanor punishable as provided in G.S. 14-3(a)~~Class 1 misdemeanor. Any person who commits an assault upon emergency personnel with or through the use of any dangerous weapon or substance shall be punished as a Class I felon."

### **—MUNICIPAL ORDINANCES TO DEAL WITH EMERGENCY**

Sec. 194. G.S. 14-288.12(e) reads as rewritten:

"(e) Any person who violates any provision of an ordinance or a proclamation enacted or proclaimed under the authority of this section is guilty of a Class 3 misdemeanor. ~~misdemeanor punishable as provided in G.S. 14-4.~~"

### **—COUNTY ORDINANCES TO DEAL WITH EMERGENCY**

Sec. 195. G.S. 14-288.13(d) reads as rewritten:

"(d) Any person who violates any provision of an ordinance or a proclamation enacted or proclaimed under the authority of this section is guilty of a Class 3 misdemeanor. ~~misdemeanor punishable as provided in G.S. 14-4.~~"

### **—CHAIRMAN OF COUNTY COMMISSION TO EXTEND RESTRICTIONS**

Sec. 196. G.S. 14-288.14(e) reads as rewritten:

"(e) Any person who violates any provision of any prohibition or restriction extended by proclamation under the authority of this section is guilty of a Class 3 misdemeanor. ~~misdemeanor punishable by a fine not to exceed fifty dollars (\$50.00) or imprisonment for not more than 30 days.~~"

### **—AUTHORITY OF GOVERNOR IN EMERGENCIES**

Sec. 197. G.S. 14-288.15(e) reads as rewritten:

"(e) Any person who violates any provision of a proclamation of the Governor issued under the authority of this section is guilty of a Class 2 misdemeanor. ~~misdemeanor punishable by a fine not to exceed five hundred dollars (\$500.00) or imprisonment for not more than six months.~~"

### **—GOVERNOR'S POWER TO ORDER EVACUATION OF PUBLIC BUILDING**

Sec. 198. G.S. 14-288.19(b) reads as rewritten:

"(b) Any person who willfully refuses to leave the building as directed in the Governor's order shall be guilty of a Class 2 misdemeanor. ~~misdemeanor punishable by a fine not to exceed five hundred dollars (\$500.00) or imprisonment for not more than six months, or both, in the discretion of the court.~~"

### **—ADVERTISING LOTTERIES**

Sec. 199. G.S. 14-289 reads as rewritten:

#### **“§ 14-289. Advertising lotteries.**

Except in connection with a lawful raffle as provided in Part 2 of this Article, if anyone by writing or printing or by circular or letter or in any other way, advertise or publish an account of a lottery, whether within or without this State, stating how, when or where the same is to be or has been drawn, or what are the prizes therein or any of

them, or the price of a ticket or any share or interest therein, or where or how it may be obtained, he shall be guilty of a Class 2 misdemeanor."

#### **—DEALING IN LOTTERIES**

Sec. 200. G.S. 14-290 reads as rewritten:

##### **"§ 14-290. Dealing in lotteries.**

Except in connection with a lawful raffle as provided in Part 2 of this Article, if any person shall open, set on foot, carry on, promote, make or draw, publicly or privately, a lottery, by whatever name, style or title the same may be denominated or known; or if any person shall, by such way and means, expose or set to sale any house, real estate, goods, chattels, cash, written evidence of debt, certificates of claims or any other thing of value whatsoever, every person so offending shall be guilty of a misdemeanor, and ~~shall be fined not exceeding two thousand dollars (\$2,000) or imprisoned not exceeding six months, or both, in the discretion of the court.~~ Class 2 misdemeanor which may include a fine not to exceed two thousand dollars (\$2,000). Any person who engages in disposing of any species of property whatsoever, including money and evidences of debt, or in any manner distributes gifts or prizes upon tickets, bottle crowns, bottle caps, seals on containers, other devices or certificates sold for that purpose, shall be held liable to prosecution under this section. Any person who shall have in his possession any tickets, certificates or orders used in the operation of any lottery shall be held liable under this section, and the mere possession of such tickets shall be **prima facie** evidence of the violation of this section."

#### **—SELLING LOTTERY TICKETS AND ACTING AS AGENT FOR LOTTERIES**

Sec. 201. G.S. 14-291 reads as rewritten:

##### **"§ 14-291. Selling lottery tickets and acting as agent for lotteries.**

Except in connection with a lawful raffle as provided in Part 2 of this Article, if any person shall sell, barter or otherwise dispose of any lottery ticket or order for any number of shares in any lottery, or shall in anywise be concerned in such lottery, by acting as agent in the State for or on behalf of any such lottery, to be drawn or paid either out of or within the State, such person shall be guilty of a misdemeanor, and ~~shall be punished as provided for in G.S. 14-290.~~ Class 2 misdemeanor."

#### **—SELLING "NUMBERS" TICKETS**

Sec. 202. G.S. 14-291.1 reads as rewritten:

##### **"§ 14-291.1. Selling 'numbers' tickets; possession **prima facie** evidence of violation.**

Except in connection with a lawful raffle as provided in Part 2 of this Article, if any person shall sell, barter or cause to be sold or bartered, any ticket, token, certificate or order for any number or shares in any lottery, commonly known as the numbers or butter and egg lottery, or lotteries of similar character, to be drawn or paid within or without the State, such person shall be guilty of a misdemeanor, and ~~shall be punished by fine or imprisonment, or both, in the discretion of the court.~~ Class 2 misdemeanor. Any person who shall have in his possession any tickets, tokens, certificates or orders used in the operation of any such lottery shall be guilty under this section, and the possession of such tickets shall be **prima facie** evidence of the violation of this section."

#### **—PYRAMID AND CHAIN SCHEMES PROHIBITED**

Sec. 203. G.S. 14-291.2(a) reads as rewritten:

"(a) Any person who shall establish, promote, operate or participate in any pyramid distribution plan, program, device or scheme whereby a participant pays a valuable consideration for the opportunity or chance to receive a fee or compensation upon the introduction of other participants into the program, whether or not such opportunity or chance is received in conjunction with the purchase of merchandise, shall be deemed to have participated in a lottery and shall be guilty of a Class 2 misdemeanor, punished as provided for in G.S. 14-290."

#### —GAMBLING

Sec. 204. G.S. 14-292 reads as rewritten:

#### "§ 14-292. Gambling.

Except as provided in Part 2 of this Article, any person or organization that operates any game of chance or any person who plays at or bets on any game of chance at which any money, property or other thing of value is bet, whether the same be in stake or not, shall be guilty of a Class 2 misdemeanor."

#### —ALLOWING GAMBLING IN HOUSES OF PUBLIC ENTERTAINMENT

Sec. 205. G.S. 14-293 reads as rewritten:

#### "§ 14-293. Allowing gambling in houses of public entertainment; penalty.

If any keeper of an ordinary or other house of entertainment, or of a house wherein alcoholic beverages are retailed, shall knowingly suffer any game, at which money or property, or anything of value, is bet, whether the same be in stake or not, to be played in any such house, or in any part of the premises occupied therewith; or shall furnish persons so playing or betting either on said premises or elsewhere with drink or other thing for their comfort or subsistence during the time of play, he shall be guilty of a misdemeanor, and shall be fined not less than five hundred dollars (\$500.00) and be imprisoned not less than six months. Class 2 misdemeanor. Any person who shall be convicted under this section shall, upon such conviction, forfeit his license to do any of the businesses mentioned in this section, and shall be forever debarred from doing any of such businesses in this State. The court shall embody in its judgment that such person has forfeited his license, and no board of county commissioners, board of town commissioners or board of aldermen shall thereafter have power or authority to grant to such convicted person or his agent a license to do any of the businesses mentioned herein."

#### —GAMBLING WITH FARO BANKS AND TABLES

Sec. 206. G.S. 14-294 reads as rewritten:

#### "§ 14-294. Gambling with faro banks and tables.

If any person shall open, establish, use or keep a faro bank, or a faro table, with the intent that games of chance may be played thereat, or shall play or bet thereat any money, property or other thing of value, whether the same be in stake or not, he shall be guilty of a Class 2 misdemeanor, misdemeanor, and shall be fined at least two hundred dollars (\$200.00) and imprisoned not less than three months."

#### —KEEPING GAMING DEVICES

Sec. 207. G.S. 14-295 reads as rewritten:

**"§ 14-295. Keeping gaming tables, illegal punchboards or slot machines, or betting thereat.**

If any person shall establish, use or keep any gaming table (other than a faro bank), by whatever name such table may be called, an illegal punchboard or an illegal slot machine, at which games of chance shall be played, he shall ~~on conviction thereof be fined not less than two hundred dollars (\$200.00) and shall be imprisoned not less than 30 days; be guilty of a Class 2 misdemeanor;~~ and every person who shall play thereat or thereat bet any money, property or other thing of value, whether the same be in stake or not, shall be guilty of a ~~Class 2 misdemeanor, and shall be fined not less than ten dollars (\$10.00).~~ misdemeanor."

**—ALLOWING GAMING DEVICES**

Sec. 208. G.S. 14-297 reads as rewritten:

**"§ 14-297. Allowing gaming tables, illegal punchboards or slot machines on premises.**

If any person shall knowingly suffer to be opened, kept or used in his house or on any part of the premises occupied therewith, any of the gaming tables prohibited by G.S. 14-289 through 14-300 or any illegal punchboard or illegal slot machine, he shall forfeit and pay to any one who will sue therefor two hundred dollars (\$200.00), and shall also be guilty of a ~~Class 2 misdemeanor. misdemeanor and fined and imprisoned."~~

**—DESTRUCTION OF GAMING DEVICES**

Sec. 209. G.S. 14-300 reads as rewritten:

**"§ 14-300. Opposing destruction of gaming tables and seizure of property.**

If any person shall oppose the destruction of any prohibited gaming table, or the seizure of any moneys, property or other thing staked on forbidden games, or shall take and carry away the same or any part thereof after seizure, he shall forfeit and pay to the person so opposed one thousand dollars (\$1,000), for the use of the State and the person so opposed, and shall, moreover, be guilty of a Class 2 misdemeanor."

**—SLOT MACHINES, VENDING MACHINES AND OTHER GAMBLING DEVICES**

Sec. 210. G.S. 14-303 reads as rewritten:

**"§ 14-303. Violation of two preceding sections a misdemeanor.**

A violation of any of the provisions of G.S. 14-301, 14-302 shall be a ~~misdemeanor punishable by a fine or imprisonment, or, in the discretion of the court, by both. Class 2 misdemeanor."~~

**—MANUFACTURE AND SALE OF SLOT MACHINES AND DEVICES**

Sec. 211. G.S. 14-309 reads as rewritten:

**"§ 14-309. Violation made misdemeanor.**

Any person who violates any provision of G.S. 14-304 through 14-309 is guilty of a ~~misdemeanor and upon conviction shall be fined or imprisoned in the discretion of the court. Class 2 misdemeanor."~~

**—BINGO**

Sec. 212. G.S. 14-309.5(b) reads as rewritten:

"(b) It is lawful for an exempt organization to conduct bingo games in accordance with the provisions of this Part. Any licensed exempt organization who conducts a

bingo game in violation of any provision of this Part shall be guilty of a ~~misdemeanor under G.S. 14-292 and shall be punished in accordance with G.S. 14-3. Class 2 misdemeanor.~~ Upon conviction such person shall not conduct a bingo game for a period of one year. It is lawful to participate in a bingo game conducted pursuant to this Part. It shall be a Class H felony for any person: (i) to operate a bingo game without a license; (ii) to operate a bingo game while license is revoked or suspended; (iii) to willfully misuse or misapply any moneys received in connection with any bingo game; or (iv) to contract with or provide consulting services to any licensee. It shall not constitute a violation of any State law to advertise a bingo game conducted in accordance with this Part."

#### **—ACCOUNTING AND USE OF PROCEEDS**

Sec. 213. G.S. 14-309.11(c) reads as rewritten:

"(c) Any person who shall willfully furnish, supply, or otherwise give false information in any audit or statement filed pursuant to this section shall be guilty of a Class 2 misdemeanor."

#### **—BEACH BINGO**

Sec. 214. G.S. 14-309.14(a) reads as rewritten:

"(a) No beach bingo game may offer a prize having a value greater than ten dollars (\$10.00). Any person offering a greater than ten-dollar (\$10.00) but less than fifty-dollar (\$50.00) prize is guilty of a Class 2 misdemeanor. Any person offering a prize of fifty dollars (\$50.00) or greater is guilty of a Class H felony."

Sec. 215. G.S. 14-309.15(a) reads as rewritten:

"(a) It is lawful for any nonprofit organization or association, recognized by the Department of Revenue as tax-exempt pursuant to G.S. 105-130.11(a), to conduct raffles in accordance with this section. Any person who conducts a raffle in violation of any provision of this section shall be guilty of a ~~misdemeanor under G.S. 14-292 and shall be punished in accordance with G.S. 14-3. Class 2 misdemeanor.~~ Upon conviction that person shall not conduct a raffle for a period of one year. It is lawful to participate in a raffle conducted pursuant to this section. It shall not constitute a violation of State law to advertise a raffle conducted in accordance with this section. A raffle conducted pursuant to this section is not 'gambling'."

#### **—SELLING CIGARETTES TO MINORS**

Sec. 216. G.S. 14-313 reads as rewritten:

##### **"§ 14-313. Selling cigarettes to minors.**

If any person shall knowingly sell, give away or otherwise dispose of, directly or indirectly, cigarettes, or tobacco in the form of cigarettes, or cut tobacco in any form or shape which may be used or intended to be used as a substitute for cigarettes, or cigarette wrapping papers, or a smokeless tobacco product to any minor under the age of 18 years, or if any person shall knowingly aid, assist or abet any other person in selling such articles to such minor, he shall be guilty of a ~~misdemeanor punishable by a fine not to exceed five hundred dollars (\$500.00), imprisonment for not more than six months, or both. Class 2 misdemeanor.~~ As used in this section, 'smokeless tobacco product' means (i) loose tobacco or a flat compressed cake of tobacco that may be

chewed or held in the mouth or (ii) shredded, powdered, or pulverized tobacco that may be inhaled through the nostrils, chewed, or held in the mouth."

#### **—SELLING OR GIVING WEAPONS TO MINORS**

Sec. 217. G.S. 14-315 reads as rewritten:

##### **"§ 14-315. Selling or giving weapons to minors.**

If any person shall knowingly sell, offer for sale, give or in any way dispose of to a minor any pistol or pistol cartridge, brass knucks, bowie knife, dirk, shurikin, loaded cane or slingshot, he shall be guilty of a Class 1 misdemeanor."

#### **—PERMITTING YOUNG CHILDREN TO USE DANGEROUS FIREARMS**

Sec. 218. G.S. 14-316(a) reads as rewritten:

"(a) It shall be unlawful for any parent, guardian, or person standing in **loco parentis**, to knowingly permit his child under the age of 12 years to have the possession, custody or use in any manner whatever, any gun, pistol or other dangerous firearm, whether such weapon be loaded or unloaded, except when such child is under the supervision of the parent, guardian or person standing in **loco parentis**. It shall be unlawful for any other person to knowingly furnish such child any weapon enumerated herein. Any person violating the provisions of this section shall be guilty of a Class 2 misdemeanor. ~~misdemeanor, and upon conviction shall be fined not exceeding fifty dollars (\$50.00) or imprisoned not exceeding 30 days."~~

#### **—CONTRIBUTING TO DELINQUENCY**

Sec. 219. G.S. 14-316.1 reads as rewritten:

##### **"§ 14-316.1. Contributing to delinquency and neglect by parents and others.**

Any person who is at least 16 years old who knowingly or willfully causes, encourages, or aids any juvenile within the jurisdiction of the court to be in a place or condition, or to commit an act whereby the juvenile could be adjudicated delinquent, undisciplined, abused, or neglected as defined by G.S. 7A-517 shall be guilty of a Class 1 misdemeanor.

It is not necessary for the district court exercising juvenile jurisdiction to make an adjudication that any juvenile is delinquent, undisciplined, abused, or neglected in order to prosecute a parent or any person, including an employee of the Department of Human Resources under this section. An adjudication that a juvenile is delinquent, undisciplined, abused, or neglected shall not preclude a subsequent prosecution of a parent or any other person including an employee of the Division of Youth Services who contributes to the delinquent, undisciplined, abused, or neglected condition of any juvenile."

#### **—PERMITTING MINORS TO ENTER BARROOMS OR BILLIARD ROOMS**

Sec. 220. G.S. 14-317 reads as rewritten:

##### **"§ 14-317. Permitting minors to enter barrooms or billiard rooms.**

If the manager or owner of any barroom, wherein beer, wine, or any alcoholic beverages are sold or consumed, or billiard room shall knowingly allow any minor under 18 years of age to enter or remain in such barroom or billiard room, where before such minor under 18 years of age enters or remains in such barroom or billiard room, the manager or owner thereof has been notified in writing by the parents or guardian of such minor under 18 years of age not to allow him to enter or remain in such barroom or

billiard room, he shall be guilty of a ~~misdemeanor and upon conviction shall be fined not exceeding fifty dollars (\$50.00) or imprisoned not exceeding 30 days. Class 3 misdemeanor.~~

### **—EXPOSING CHILDREN TO FIRE**

Sec. 221. G.S. 14-318 reads as rewritten:

#### **"§ 14-318. Exposing children to fire.**

If any person shall leave any child under the age of eight years locked or otherwise confined in any dwelling, building or enclosure, and go away from such dwelling, building or enclosure without leaving some person of the age of discretion in charge of the same, so as to expose the child to danger by fire, the person so offending shall be guilty of a ~~misdemeanor, and shall be punished at the discretion of the court. Class 1 misdemeanor.~~

### **—DISCARDING OR ABANDONING ICEBOXES**

Sec. 222. G.S. 14-318.1 reads as rewritten:

#### **"§ 14-318.1. Discarding or abandoning iceboxes, etc.; precautions required.**

It shall be unlawful for any person, firm or corporation to discard, abandon, leave or allow to remain in any place any icebox, refrigerator or other container, device or equipment of any kind with an interior storage area of more than one and one-half cubic feet of clear space which is airtight, without first removing the door or doors or hinges from such icebox, refrigerator, container, device or equipment. This section shall not apply to any icebox, refrigerator, container, device or equipment which is being used for the purpose for which it was originally designed, or is being used for display purposes by any retail or wholesale merchant, or is crated, strapped or locked to such an extent that it is impossible for a child to obtain access to any airtight compartment thereof. Any person violating the provisions of this section shall be guilty of a ~~Class 1 misdemeanor, and upon conviction shall be punished at the discretion of the court.~~

### **—CHILD ABUSE A GENERAL MISDEMEANOR**

Sec. 223. G.S. 14-318.2 reads as rewritten:

#### **"§ 14-318.2. Child abuse a general misdemeanor.**

(a) Any parent of a child less than 16 years of age, or any other person providing care to or supervision of such child, who inflicts physical injury, or who allows physical injury to be inflicted, or who creates or allows to be created a substantial risk of physical injury, upon or to such child by other than accidental means is guilty of the ~~Class 1 misdemeanor of child abuse.~~

(b) The ~~Class 1~~ misdemeanor of child abuse is an offense additional to other civil and criminal provisions and is not intended to repeal or preclude any other sanctions or ~~remedies, and is punishable as provided in G.S. 14-3(a). remedies.~~

### **—FAILING TO PAY MINORS FOR DOING CERTAIN WORK**

Sec. 224. G.S. 14-321 reads as rewritten:

#### **"§ 14-321. Failing to pay minors for doing certain work.**

Whenever any person, having a contract with any corporation, company or person for the manufacture or change of any raw material by the piece or pound, shall employ any minor to assist in the work upon the faith of and by color of such contract, with intent to cheat and defraud such minor, and, having secured the contract price, shall

willfully fail to pay the minor when he shall have performed his part of the contract work, whether done by the day or by the job, the person so offending shall be guilty of a ~~misdemeanor, and upon conviction shall be fined not more than fifty dollars (\$50.00) or imprisoned not more than 30 days. Class 3 misdemeanor.~~"

#### —ABANDONMENT AND FAILURE TO SUPPORT SPOUSE AND CHILDREN

Sec. 225. G.S. 14-322(b) reads as rewritten:

"(b) Any supporting spouse who shall willfully abandon a dependent spouse without providing that spouse with adequate support shall be guilty of a Class 1 or 2 misdemeanor and upon conviction shall be punished according to subsection (f)."

Sec. 226. G.S. 14-322(f) reads as rewritten:

"(f) A first offense under this section ~~shall be punishable by a fine not exceeding five hundred dollars (\$500.00), or by imprisonment for not more than six months, or both.~~ is a Class 2 misdemeanor. A second or subsequent offense ~~shall be a misdemeanor punishable by fine, or by imprisonment for not more than two years, or both.~~ is a Class 1 misdemeanor."

#### —PARENTS; FAILURE TO SUPPORT

Sec. 227. G.S. 14-326.1 reads as rewritten:

##### **"§ 14-326.1. Parents; failure to support.**

If any person being of full age, and having sufficient income after reasonably providing for his or her own immediate family shall, without reasonable cause, neglect to maintain and support his or her parent or parents, if such parent or parents be sick or not able to work and have not sufficient means or ability to maintain or support themselves, such person shall be deemed guilty of a ~~misdemeanor, and, upon conviction, shall be punished by a fine not exceeding five hundred dollars (\$500.00) or by imprisonment not exceeding six months, or both, in the discretion of the court.~~ Class 2 misdemeanor; upon conviction of a second or subsequent offense ~~he or she shall be punished by fine or by imprisonment not exceeding two years, or both, in the discretion of the court.~~ such person shall be guilty of a Class 1 misdemeanor.

If there be more than one person bound under the provisions of the next preceding paragraph to support the same parent or parents, they shall share equitably in the discharge of such duty."

#### —POISONOUS ALCOHOLIC BEVERAGES

Sec. 228. G.S. 14-329(c) reads as rewritten:

"(c) Any person who, either individually or as agent for any person, firm or corporation, shall transport for other than personal use, sell or possess for purpose of sale, any spirituous liquor to be used as a beverage which is found to contain any foreign properties or ingredients poisonous to the human system, shall be guilty of a ~~misdemeanor and shall be punished by imprisonment for not less than six months, and may be fined in the discretion of the court.~~ Class 2 misdemeanor. In prosecutions under this subsection and under subsection (b) above, proof of transportation of more than one gallon of spirituous liquor will be *prima facie* evidence of transportation for other than personal use, and proof of possession of more than one gallon of spirituous liquor will be *prima facie* evidence of possession for purpose of sale."

Sec. 229. G.S. 14-329(d) reads as rewritten:

"(d) Any person who, either individually or as agent for any person, firm or corporation, shall transport or possess, for use as a beverage, any illicit spirituous liquor which is found to contain any foreign properties or ingredients poisonous to the human system, shall be guilty of a ~~misdemeanor and shall be punished by a fine of not less than two hundred dollars (\$200.00), and may be imprisoned in the discretion of the court.~~ Class 1 misdemeanor: Provided, anyone charged under this subsection may show as a complete defense that the spirituous liquor in question was legally obtained and possessed and that he had no knowledge of the poisonous nature of the beverage."

#### **—SELLING OR OFFERING TO SELL MEAT OF DISEASED ANIMALS**

Sec. 230. G.S. 14-342 reads as rewritten:

#### **"§ 14-342. Selling or offering to sell meat of diseased animals.**

If any person shall knowingly and willfully slaughter any diseased animal and sell or offer for sale any of the meat of such diseased animal for human consumption, or if any person knows that the meat offered for sale or sold for human consumption by him is that of a diseased animal, he shall be guilty of a ~~misdemeanor, and shall be fined or imprisoned, or both, in the discretion of the court.~~ Class 1 misdemeanor."

#### **—UNAUTHORIZED DEALING IN RAILROAD TICKETS**

Sec. 231. G.S. 14-343 reads as rewritten:

#### **"§ 14-343. Unauthorized dealing in railroad tickets.**

If any person shall sell or deal in tickets issued by any railroad company, unless he is a duly authorized agent of the railroad company, or shall refuse upon demand to exhibit his authority to sell or deal in such tickets, he shall be guilty of a ~~misdemeanor punishable by a fine not to exceed five hundred dollars (\$500.00), imprisonment for not more than six months, or both.~~ Class 2 misdemeanor."

#### **—TICKETS SCALPING**

Sec. 232. G.S. 14-344 reads as rewritten:

#### **"§ 14-344. Sale of admission tickets in excess of printed price.**

Any person, firm, or corporation shall be allowed to add a reasonable service fee to the face value of the tickets sold, and the person, firm, or corporation which sells or resells such tickets shall not be permitted to recoup funds greater than the combined face value of the ticket, tax, and the authorized service fee. This service fee may not exceed three dollars (\$3.00) for each ticket except that a promoter or operator of the property where the event is to be held and a ticket sales agency may agree in writing on a reasonable service fee greater than three dollars (\$3.00) for the first sale of tickets by the ticket sales agent. This service fee may be a pre-established amount per ticket or a percentage of each ticket. The existence of the service fee shall be made known to the public by printing or writing the amount of the fee on the tickets which are printed for the event. Any person, firm or corporation which sells or offers to sell a ticket for a price greater than the price permitted by this section shall be guilty of a ~~misdemeanor punishable by a fine not to exceed five hundred dollars (\$500.00), imprisonment for not more than six months, or both.~~ Class 2 misdemeanor."

#### **—SALE OF CONVICT-MADE GOODS PROHIBITED**

Sec. 233. G.S. 14-346(b) reads as rewritten:

"(b) Any person, firm or corporation selling, undertaking to sell, or offering for sale any prison-made or convict-made goods, wares or merchandise, anywhere within the State, in violation of the provisions of this section, shall be guilty of a ~~misdemeanor punishable by a fine not to exceed five hundred dollars (\$500.00), imprisonment for not more than six months, or both.~~ Class 2 misdemeanor. Each sale or offer to sell, in violation of the provisions of this section, shall constitute a separate offense."

#### **—INFLUENCING AGENTS AND SERVANTS**

Sec. 234. G.S. 14-353 reads as rewritten:

#### **"§ 14-353. Influencing agents and servants in violating duties owed employers.**

Any person who gives, offers or promises to an agent, employee or servant any gift or gratuity whatever with intent to influence his action in relation to his principal's, employer's or master's business; any agent, employee or servant who requests or accepts a gift or gratuity or a promise to make a gift or to do an act beneficial to himself, under an agreement or with an understanding that he shall act in any particular manner in relation to his principal's, employer's or master's business; any agent, employee or servant who, being authorized to procure materials, supplies or other articles either by purchase or contract for his principal, employer or master, or to employ service or labor for his principal, employer or master, receives, directly or indirectly, for himself or for another, a commission, discount or bonus from the person who makes such sale or contract, or furnishes such materials, supplies or other articles, or from a person who renders such service or labor; and any person who gives or offers such an agent, employee or servant such commission, discount or bonus, shall be guilty of a ~~misdemeanor punishable by a fine not to exceed five hundred dollars (\$500.00), imprisonment for not more than six months, or both.~~ Class 2 misdemeanor."

#### **—BLACKLISTING EMPLOYEES**

Sec. 235. G.S. 14-355 reads as rewritten:

#### **"§ 14-355. Blacklisting employees.**

If any person, agent, company or corporation, after having discharged any employee from his or its service, shall prevent or attempt to prevent, by word or writing of any kind, such discharged employee from obtaining employment with any other person, company or corporation, such person, agent or corporation shall be guilty of a Class 3 misdemeanor and shall be punished by a fine not exceeding five hundred dollars (\$500.00); and such person, agent, company or corporation shall be liable in penal damages to such discharged person, to be recovered by civil action. This section shall not be construed as prohibiting any person or agent of any company or corporation from furnishing in writing, upon request, any other person, company or corporation to whom such discharged person or employee has applied for employment, a truthful statement of the reason for such discharge."

#### **—CONSPIRING TO BLACKLIST EMPLOYEES**

Sec. 236. G.S. 14-356 reads as rewritten:

#### **"§ 14-356. Conspiring to blacklist employees.**

It shall be unlawful for two or more persons to agree together to blacklist any discharged employee or to attempt, by words or writing or any other means whatever, to prevent such discharged employee, or any employee who may have voluntarily left the

service of his employer, from obtaining employment with any other person or company. Persons violating the provisions of this section shall be guilty of a ~~misdemeanor and shall be fined or imprisoned, or both, at the discretion of the court. Class 1 misdemeanor.~~

### **—VIOLATION OF CONTRACTS BETWEEN LANDLORD AND TENANT**

Sec. 237. G.S. 14-358 reads as rewritten:

#### **"§ 14-358. Local: Violation of certain contracts between landlord and tenant.**

If any tenant or cropper shall procure advances from his landlord to enable him to make a crop on the land rented by him, and then willfully abandon the same without good cause and before paying for such advances with intent to defraud the landlord; or if any landlord shall contract with a tenant or cropper to furnish him advances to enable him to make a crop, and shall willfully fail or refuse, without good cause, to furnish such advances according to his agreement with intent to defraud the tenant, he shall be guilty of a ~~misdemeanor and shall be fined not exceeding fifty dollars (\$50.00) or imprisoned not exceeding 30 days. Class 3 misdemeanor.~~ Any person employing a tenant or cropper who has violated the provisions of this section, with knowledge of such violation, shall be liable to the landlord furnishing such advances for the amount thereof, and shall also be guilty of a ~~misdemeanor, and fined not exceeding fifty dollars (\$50.00) or imprisoned not exceeding 30 days. Class 3 misdemeanor.~~ This section shall apply to the following counties only: Alamance, Alexander, Beaufort, Bertie, Bladen, Cabarrus, Camden, Caswell, Chowan, Cleveland, Columbus, Craven, Cumberland, Currituck, Duplin, Edgecombe, Gaston, Gates, Greene, Halifax, Harnett, Hertford, Johnston, Jones, Lee, Lenoir, Lincoln, Martin, Mecklenburg, Montgomery, Nash, Northampton, Onslow, Pamlico, Pender, Perquimans, Person, Pitt, Randolph, Robeson, Rockingham, Rowan, Rutherford, Sampson, Stokes, Surry, Tyrrell, Vance, Wake, Warren, Washington, Wayne, Wilson and Yadkin."

### **—TENANT NEGLECTING CROP; LANDLORD FAILING TO MAKE ADVANCES; HARBORING OR EMPLOYING DELINQUENT TENANT**

Sec. 238. G.S. 14-359 reads as rewritten:

#### **"§ 14-359. Local: Tenant neglecting crop; landlord failing to make advances; harboring or employing delinquent tenant.**

If any tenant or cropper shall procure advances from his landlord to enable him to make a crop on the land rented by him, and then willfully refuse to cultivate such crops or negligently or willfully abandon the same without good cause and before paying for such advances with intent to defraud the landlord; or if any landlord who induces another to become tenant or cropper by agreeing to furnish him advances to enable him to make a crop, shall willfully fail or refuse without good cause to furnish such advances according to his agreement with intent to defraud the tenant, or if any person shall entice, persuade or procure any tenant, lessee or cropper, who has made a contract agreeing to cultivate the land of another, to abandon or to refuse or fail to cultivate such land with intent to defraud the landlord, or after notice shall harbor or detain on his own premises, or on the premises of another, any such tenant, lessee or cropper, he shall be guilty of a ~~misdemeanor and shall be fined not more than fifty dollars (\$50.00) or imprisoned not more than 30 days. Class 3 misdemeanor.~~ Any person who employs a

tenant or cropper who has violated the provisions of this section, with knowledge of such violation, shall be liable to the landlord furnishing such advances, for the amount thereof. This section shall apply only to the following counties: Alamance, Anson, Cabarrus, Caswell, Davidson, Franklin, Granville, Halifax, Harnett, Hertford, Hoke, Hyde, Lee, Lincoln, Moore, Person, Randolph, Richmond, Rockingham, Rowan, Rutherford, Sampson, Stanly, Stokes, Union, Vance, Wake and Washington."

#### **—CRUELTY TO ANIMALS; CONSTRUCTION OF SECTION**

Sec. 239. G.S. 14-360 reads as rewritten:

##### **"§ 14-360. Cruelty to animals; construction of section.**

If any person shall willfully overdrive, overload, wound, injure, torture, torment, deprive of necessary sustenance, cruelly beat, needlessly mutilate or kill or cause or procure to be overdriven, overloaded, wounded, injured, tortured, tormented, deprived of necessary sustenance, cruelly beaten, needlessly mutilated or killed as aforesaid, any useful beast, fowl or animal, every such offender shall for every such offense be guilty of a ~~misdemeanor punishable by a fine of up to one thousand five hundred dollars (\$1,500) and imprisonment for up to one year.~~ Class 1 misdemeanor. In this section, and in every law which may be enacted relating to animals, the words 'animal' and 'dumb animal' shall be held to include every living creature; the words 'torture,' 'torment' or 'cruelty' shall be held to include every act, omission or neglect whereby unjustifiable physical pain, suffering or death is caused or permitted. Such terms shall not be construed to prohibit the lawful taking of animals under the jurisdiction and regulation of the Wildlife Resources Commission."

#### **—INSTIGATING OR PROMOTING CRUELTY TO ANIMALS**

Sec. 240. G.S. 14-361 reads as rewritten:

##### **"§ 14-361. Instigating or promoting cruelty to animals.**

If any person shall willfully set on foot, or instigate, or move to, carry on, or promote, or engage in, or do any act towards the furtherance of any act of cruelty to any animal, he shall be guilty of a ~~misdemeanor punishable by a fine of up to one thousand five hundred dollars (\$1,500) and imprisonment for up to one year.~~ Class 1 misdemeanor."

#### **—ABANDONMENT OF ANIMALS**

Sec. 241. G.S. 14-361.1 reads as rewritten:

##### **"§ 14-361.1. Abandonment of animals.**

Any person being the owner or possessor, or having charge or custody of an animal, who willfully and without justifiable excuse abandons the animal is guilty of a ~~misdemeanor punishable by a fine of up to one thousand dollars (\$1,000) and imprisonment for up to six months.~~ Class 2 misdemeanor."

#### **—COCK FIGHTING**

Sec. 242. G.S. 14-362 reads as rewritten:

##### **"§ 14-362. Cock fighting.**

A person who instigates, promotes, conducts, is employed at, allows property under his ownership or control to be used for, participates as a spectator at, or profits from an exhibition featuring the fighting of a cock is guilty of a ~~misdemeanor and is punishable by imprisonment for up to six months and a fine of up to five hundred dollars (\$500.00).~~

Class 2 misdemeanor. A lease of property that is used or is intended to be used for an exhibition featuring the fighting of a cock is void, and a lessor who knows this use is made or is intended to be made of his property is under a duty to evict the lessee immediately."

### **—ANIMAL FIGHTS, OTHER THAN COCK FIGHTS, AND ANIMAL BAITING**

Sec. 243. G.S. 14-362.1 reads as rewritten:

#### **"§ 14-362.1. Animal fights, other than cock fights, and animal baiting.**

(a) A person who instigates, promotes, conducts, is employed at, provides an animal for, allows property under his ownership or control to be used for, or profits from an exhibition featuring the fighting or baiting of an animal, other than a cock, is guilty of a Class 2 misdemeanor. ~~misdemeanor and is punishable as provided in G.S. 14-3(a).~~—A lease of property that is used or is intended to be used for an exhibition featuring the fighting or baiting of an animal, other than a cock, is void, and a lessor who knows this use is made or is intended to be made of his property is under a duty to evict the lessee immediately.

(b) A person who owns, possesses, or trains an animal, other than a cock, with the intent that the animal be used in an exhibition featuring the fighting or baiting of that animal or any other animal is guilty of a ~~misdemeanor and is punishable by imprisonment for up to one year and a fine of up to one thousand dollars (\$1,000).~~ Class 2 misdemeanor.

(c) A person who participates as a spectator at an exhibition featuring the fighting or baiting of an animal, other than a cock, is guilty of a ~~misdemeanor and is punishable by imprisonment for up to six months and a fine of up to five hundred dollars (\$500.00).~~ Class 2 misdemeanor.

(d) A person who commits an offense under subsection (a) within three years after being convicted of an offense under this section is guilty of a Class J felony.

(e) This section does not prohibit the lawful taking or training of animals under the jurisdiction and regulation of the Wildlife Resources Commission."

### **—CONVEYING ANIMALS IN A CRUEL MANNER**

Sec. 244. G.S. 14-363 reads as rewritten:

#### **"§ 14-363. Conveying animals in a cruel manner.**

If any person shall carry or cause to be carried in or upon any vehicle or other conveyance, any animal in a cruel or inhuman manner, he shall be guilty of a ~~misdemeanor punishable by a fine of up to one thousand five hundred dollars (\$1,500) and imprisonment for up to one year.~~ Class 1 misdemeanor. Whenever an offender shall be taken into custody therefor by any officer, the officer may take charge of such vehicle or other conveyance and its contents, and deposit the same in some safe place of custody. The necessary expenses which may be incurred for taking charge of and keeping and sustaining the vehicle or other conveyance shall be a lien thereon, to be paid before the same can be lawfully reclaimed; or the said expenses, or any part thereof remaining unpaid, may be recovered by the person incurring the same of the owner of such animal in an action therefor."

### **—BABY ANIMALS; PETS AS NOVELTIES FORBIDDEN**

Sec. 245. G.S. 14-363.1 reads as rewritten:

**"§ 14-363.1. Living baby chicks or other fowl, or rabbits under eight weeks of age; disposing of as pets or novelties forbidden.**

If any person, firm or corporation shall sell, or offer for sale, barter or give away as premiums living baby chicks, ducklings, or other fowl or rabbits under eight weeks of age as pets or novelties, such person, firm or corporation shall be guilty of a ~~misdemeanor punishable by a fine not to exceed two hundred dollars (\$200.00) or imprisonment for not more than 30 days, or both. Class 3 misdemeanor.~~ Provided, that nothing contained in this section shall be construed to prohibit the sale of nondomesticated species of chicks, ducklings, or other fowl, or of other fowl from proper brooder facilities by hatcheries or stores engaged in the business of selling them for purposes other than for pets or novelties."

**—MOLESTING OR INJURING LIVESTOCK**

Sec. 246. G.S. 14-366 reads as rewritten:

**"§ 14-366. Molesting or injuring livestock.**

If any person shall unlawfully and on purpose drive any livestock, lawfully running at large in the range, from said range, or shall kill, maim or injure any livestock, lawfully running at large in the range or in the field or pasture of the owner, whether done with actual intent to injure the owner, or to drive the stock from the range, or with any other unlawful intent, every such person, his counselors, aiders, and abettors, shall be guilty of a Class 2 misdemeanor: provided, that nothing herein contained shall prohibit any person from driving out of the range any stock unlawfully brought from other states or places. In any indictment under this section it shall not be necessary to name in the bill or prove on the trial the owner of the stock molested, maimed, killed or injured. Any person violating any provision of this section shall be ~~punishable by a fine not to exceed five hundred dollars (\$500.00), imprisonment for not more than six months, or both. guilty of a Class 2 misdemeanor.~~"

**—PLACING POISONOUS SHRUBS AND VEGETABLES IN PUBLIC PLACES**

Sec. 247. G.S. 14-368 reads as rewritten:

**"§ 14-368. Placing poisonous shrubs and vegetables in public places.**

If any person shall throw into or leave exposed in any public square, street, lane, alley or open lot in any city, town or village, or in any public road, any mock orange or other poisonous shrub, plant, tree or vegetable, he shall be liable in damages to any person injured thereby and shall also be guilty of a ~~misdemeanor punishable by a fine not to exceed five hundred dollars (\$500.00), imprisonment for not more than six months, or both. Class 2 misdemeanor.~~"

**—OBTAINING/DIVULGING KNOWLEDGE OF TELEPHONIC MESSAGES**

Sec. 248. G.S. 14-370 reads as rewritten:

**"§ 14-370. Wrongfully obtaining or divulging knowledge of telephonic messages.**

If any person wrongfully obtains, or attempts to obtain, any knowledge of a telephonic message by connivance with a clerk, operator, messenger or other employee of a telephone company, or, being such clerk, operator, messenger or employee, willfully divulges to any but the person for whom it was intended, the contents of a telephonic message or dispatch intrusted to him for transmission or delivery, or the

nature thereof, he shall be guilty of a ~~misdemeanor, and shall be fined or imprisoned, or both, in the discretion of the court.~~ Class 2 misdemeanor."

#### **—VIOLATING PRIVACY OF TELEGRAPHIC MESSAGES**

Sec. 249. G.S. 14-371 reads as rewritten:

#### **"§ 14-371. Violating privacy of telegraphic messages; failure to transmit and deliver same promptly.**

If any person wrongfully obtains, or attempts to obtain, any knowledge of a telegraphic message by connivance with a clerk, operator, messenger, or other employee of a telegraph company, or, being such clerk, operator, messenger, or other employee, willfully divulges to any but the person for whom it was intended, the contents of a telegraphic message or dispatch intrusted to him for transmission or delivery, or the nature thereof, or willfully refuse or neglect duly to transmit or deliver the same, he shall be guilty of a Class 2 misdemeanor."

#### **—UNAUTHORIZED OPENING OF LETTERS AND TELEGRAMS**

Sec. 250. G.S. 14-372 reads as rewritten:

#### **"§ 14-372. Unauthorized opening, reading or publishing of sealed letters and telegrams.**

If any person shall willfully, and without authority, open or read, or cause to be opened or read, a sealed letter or telegram, or shall publish the whole or any portion of such letter or telegram, knowing it to have been opened or read without authority, he shall be guilty of a Class 2 misdemeanor."

#### **—BRIBERY OF HORSE SHOW JUDGES OR OFFICIALS**

Sec. 251. G.S. 14-380.1 reads as rewritten:

#### **"§ 14-380.1. Bribery of horse show judges or officials.**

Any person who bribes, or offers to bribe, any judge or other official in any horse show, with intent to influence his decision or judgment concerning said horse show, shall be guilty of a ~~misdemeanor punishable by a fine not to exceed five hundred dollars (\$500.00), imprisonment for not more than six months, or both.~~ Class 2 misdemeanor."

#### **—BRIBERY ATTEMPTS TO BE REPORTED**

Sec. 252. G.S. 14-380.2 reads as rewritten:

#### **"§ 14-380.2. Bribery attempts to be reported.**

Any judge or other official of any horse show shall report to the resident superior court district attorney any attempt to bribe him with respect to his decisions in any horse show, and a failure to so report shall constitute a ~~misdemeanor punishable by a fine not to exceed five hundred dollars (\$500.00), imprisonment for not more than six months, or both.~~ Class 2 misdemeanor."

#### **—DESECRATION OF STATE AND UNITED STATES FLAG**

Sec. 253. G.S. 14-381 reads as rewritten:

#### **"§ 14-381. Desecration of State and United States flag.**

It shall be unlawful for any person willfully and knowingly to cast contempt upon any flag of the United States or upon any flag of North Carolina by public acts of physical contact including, but not limited to, mutilation, defiling, defacing or trampling. Any person violating this section shall be deemed guilty of a ~~misdemeanor and shall be punished by a fine not exceeding five hundred dollars (\$500.00) or~~

~~imprisonment for not more than six months or both, in the discretion of the court. Class 2 misdemeanor.~~

The flag of the United States, as used in this section, shall be the same as defined in 4 U.S.C.A. 1 and 4 U.S.C.A. 2. The flag of North Carolina, as used in this section, shall be the same as defined in G.S. 144-1."

#### **—POLLUTION OF WATER ON LANDS USED FOR DAIRY PURPOSES**

Sec. 254. G.S. 14-382 reads as rewritten:

##### **"§ 14-382. Pollution of water on lands used for dairy purposes.**

It shall be unlawful for any person, firm, or corporation owning lands adjoining the lands of any person, firm, or corporation which are or may be used for dairy purposes or for grazing milk cows, to dispose of or permit disposal of any animal, mineral, chemical, or vegetable refuse, sewage or other deleterious matter in such way as to pollute the water on the lands so used or which may be used for dairy purposes or for grazing milk cows, or to render unfit or unsafe for use the milk produced from cows feeding upon the grasses and herbage growing on such lands. This section shall not apply to incorporated towns maintaining a sewer system. Anyone violating the provisions of this section shall be guilty of a ~~misdemeanor and fined not more than fifty dollars (\$50.00) or imprisoned for not more than 30 days, or both, Class 3 misdemeanor,~~ and each day that such pollution is committed or exists shall constitute a separate offense."

#### **—CUTTING TIMBER ON TOWN WATERSHED**

Sec. 255. G.S. 14-383 reads as rewritten:

##### **"§ 14-383. Cutting timber on town watershed without disposing of boughs and debris; misdemeanor.**

Any person, firm or corporation owning lands or the standing timber on lands within 400 feet of any watershed held or owned by any city or town, for the purpose of furnishing a city or town water supply, upon cutting or removing the timber or permitting the same cut or removed from lands so within 400 feet of said watershed, or any part thereof, shall, within three months after cutting, or earlier upon written notice by said city or town, remove or cause to be burned under proper supervision all treetops, boughs, laps and other portions of timber not desired to be taken for commercial or other purposes, within 400 feet of the boundary line of such part of such watershed as is held or owned by such town or city, so as to leave such space of 400 feet immediately adjoining the boundary line of such watershed, so held or owned, free and clear of all such treetops, laps, boughs and other inflammable material caused by or left from cutting such standing timber, so as to prevent the spread of fire from such cutover area and the consequent damage to such watershed. Any such person, firm or corporation violating the provisions of this section shall be guilty of a ~~misdemeanor punishable by a fine not to exceed five hundred dollars (\$500.00), imprisonment for not more than six months, or both. Class 2 misdemeanor.~~

#### **—INJURING NOTICES AND ADVERTISEMENTS**

Sec. 256. G.S. 14-384 reads as rewritten:

##### **"§ 14-384. Injuring notices and advertisements.**

If any person shall wantonly or maliciously mutilate, deface, pull or tear down, destroy or otherwise damage any notice, sign or advertisement, unless immoral or obscene, whether put up by an officer of the law in performance of the duties of his office or by some other person for a lawful purpose, before the object for which such notice, sign or advertisement was posted shall have been accomplished, he shall be guilty of a ~~misdemeanor, and upon conviction thereof shall be fined not exceeding twenty-five dollars (\$25.00) or imprisoned not exceeding 30 days at the discretion of the court.~~ Class 3 misdemeanor. Nothing herein contained shall apply to any person mutilating, defacing, pulling or tearing down, destroying or otherwise damaging notices, signs or advertisements put upon his own land or lands of which he may have charge or control, unless consent of such person to put up such notice, sign or advertisement shall have first been obtained, except those put up by an officer of the law in the performance of the duties of his office."

#### **—DEFACING OR DESTROYING PUBLIC NOTICES AND ADVERTISEMENTS**

Sec. 257. G.S. 14-385 reads as rewritten:

#### **"§ 14-385. Defacing or destroying public notices and advertisements.**

If any person shall willfully and unlawfully deface, tear down, remove or destroy any legal notice or advertisement authorized by law to be posted by any officer or other person, the same being actually posted at the time of such defacement, tearing down, removal or destruction, during the time for which such legal notice or advertisement shall be authorized by law to be posted, he shall be guilty of a ~~misdemeanor, and shall be fined not exceeding fifty dollars (\$50.00) or imprisoned not exceeding 30 days.~~ Class 3 misdemeanor."

#### **—SALE OF JAMAICA GINGER**

Sec. 258. G.S. 14-389 reads as rewritten:

#### **"§ 14-389. Sale of Jamaica ginger.**

It shall be unlawful for any person, firm, or corporation to sell the compound known as Jamaica ginger except upon the prescription of a duly licensed and regularly practicing physician; the person, firm, or corporation selling Jamaica ginger upon prescription shall keep a list of said prescriptions, and shall allow said list to be examined by any officer of the law, and no prescription shall ever be filled but once; it shall be unlawful for any physician to give a prescription for Jamaica ginger except to a person directly under his care, and then only in good faith for medicinal purposes only. Any person violating any provision of this section shall be ~~punishable by a fine not to exceed five hundred dollars (\$500.00), imprisonment not for more than six months, or both guilty of a Class 2 misdemeanor.~~"

#### **—USURIOUS LOANS ON HOUSEHOLD PROPERTY/ASSIGNMENT OF WAGES**

Sec. 259. G.S. 14-391 reads as rewritten:

#### **"§ 14-391. Usurious loans on household and kitchen furniture or assignment of wages.**

Any person, firm or corporation who shall lend money in any manner whatsoever by note, chattel mortgage, conditional sale, or purported conditional sale or otherwise,

upon any article of household or kitchen furniture, or any assignment of wages, earned or to be earned, and shall willfully:

- (1) Take, receive, reserve or charge a greater rate of interest than permitted by law, either before or after the interest may accrue; or
- (2) Refuse to give receipts for payments on interest or principal of such loan; or
- (3) Fail or refuse to surrender the note and security when the same is paid off or a new note and mortgage is given in renewal, unless such new mortgage shall state the amount still due by the old note or mortgage and that the new one is given as additional security;

shall be guilty of a Class 1 misdemeanor and in addition thereto shall be subject to the provisions of G.S. 24-2."

#### **—ANONYMOUS OR THREATENING LETTERS, MAILING OR TRANSMITTING**

Sec. 260. G.S. 14-394 reads as rewritten:

#### **"§ 14-394. Anonymous or threatening letters, mailing or transmitting.**

It shall be unlawful for any person, firm, or corporation, or any association of persons in this State, under whatever name styled, to write and transmit any letter, note, or writing, whether written, printed, or drawn, without signing his, her, their, or its true name thereto, threatening any person or persons, firm or corporation, or officers thereof with any personal injury or violence or destruction of property of such individuals, firms, or corporations, or using therein any language or threats of any kind or nature calculated to intimidate or place in fear any such persons, firms or corporations, or officers thereof, as to their personal safety or the safety of their property, or using vulgar or obscene language, or using such language which if published would bring such persons into public contempt and disgrace, and any person, firm, or corporation violating the provisions of this section shall be ~~fined or imprisoned, or both, in the discretion of the court.~~ guilty of a Class 1 misdemeanor."

#### **—AMERICAN LEGION EMBLEM; WEARING BY NONMEMBERS**

Sec. 261. G.S. 14-395 reads as rewritten:

#### **"§ 14-395. Commercialization of American Legion emblem; wearing by nonmembers.**

It shall be unlawful for anyone not a member of the American Legion, an organization consisting of ex-members of the army, navy and marine corps, who served as members of such organizations in the recent world war, to wear upon his or her person the recognized emblem of the American Legion, or to use the said emblem for advertising purposes, or to commercialize the same in any way whatsoever; or to use the said emblem in display upon his or her property or place of business, or at any place whatsoever. Anyone violating the provisions of this section shall be guilty of a ~~misdemeanor and fined not more than fifty dollars (\$50.00) or imprisoned not more than 30 days.~~ Class 3 misdemeanor."

#### **—SEXUAL HARASSMENT**

Sec. 262. G.S. 14-395.1(a) reads as rewritten:

"(a) Offense. – Any lessor of residential real property or the agent of any lessor of residential real property who shall harass on the basis of sex any lessee or prospective lessee of the property shall be guilty of a ~~misdemeanor punishable by a term of imprisonment not to exceed six months, a fine not to exceed two hundred dollars (\$200.00), or both. Class 2 misdemeanor.~~"

#### —DOGS ON "CAPITOL SQUARE" WORRYING SQUIRRELS

Sec. 263. G.S. 14-396 reads as rewritten:

#### "§ 14-396. Dogs on 'Capitol Square' worrying squirrels.

It shall be unlawful for any owner or keeper of a dog to permit the same to run at large on the Capitol grounds known as 'Capitol Square' or to be thereon unless on leash or otherwise in the immediate physical control of said owner or keeper, or to pursue, worry or harass any squirrel or other wild animal kept on said grounds. Any person violating the provisions of this section shall be guilty of a ~~misdemeanor punishable by fine not exceeding fifty dollars (\$50.00) or imprisonment not exceeding 30 days. Class 3 misdemeanor.~~"

#### —USE OF NAME OF DENOMINATIONAL COLLEGE ON DANCE HALL

Sec. 264. G.S. 14-397 reads as rewritten:

#### "§ 14-397. Use of name of denominational college in connection with dance hall.

It shall be unlawful for any person, firm, corporation, club or society, by whatsoever name called, to use in connection with any dance, or dance hall, by advertisement, announcement, or otherwise, the name of any college, or any class or organization of any college operated and conducted by a religious denomination, unless the written permission of the dean of such college is given, permitting and allowing the use of the name of such denominational college, or a class or organization of the same in connection with such dance, or dance hall. Any person violating any of the provisions of this section shall be guilty of a ~~misdemeanor punishable by a fine not to exceed five hundred dollars (\$500.00), imprisonment for not more than six months, or both. Class 2 misdemeanor.~~"

#### —THEFT OR DESTRUCTION OF PROPERTY OF PUBLIC LIBRARIES

Sec. 265. G.S. 14-398 reads as rewritten:

#### "§ 14-398. Theft or destruction of property of public libraries, museums, etc.

Any person who shall steal or unlawfully take or detain, or willfully or maliciously or wantonly write upon, cut, tear, deface, disfigure, soil, obliterate, break or destroy, or who shall sell or buy or receive, knowing the same to have been stolen, any book, document, newspaper, periodical, map, chart, picture, portrait, engraving, statue, coin, medal, apparatus, specimen, or other work of literature or object of art or curiosity deposited in a public library, gallery, museum, collection, fair or exhibition, or in any department or office of State or local government, or in a library, gallery, museum, collection, or exhibition, belonging to any incorporated college or university, or any incorporated institution devoted to educational, scientific, literary, artistic, historical or charitable purposes, shall, if the value of the property stolen, detained, sold, bought or received knowing same to have been stolen, or if the damage done by writing upon, cutting, tearing, defacing, disfiguring, soiling, obliterating, breaking or destroying any such property, shall not exceed fifty dollars (\$50.00), be guilty of a ~~misdemeanor and~~

~~upon conviction shall be fined or imprisoned in the discretion of the court. Class 1 misdemeanor.~~ If the value of the property stolen, detained, sold or received knowing same to have been stolen, or the amount of damage done in any of the ways or manners hereinabove set out, shall exceed the sum of fifty dollars (\$50.00), the person committing same shall be punished as a Class H felon."

#### —LITTERING

Sec. 266. G.S. 14-399(c) reads as rewritten:

"(c) Any person who violates this section in an amount not exceeding 15 pounds and not for commercial purposes is guilty of a Class 3 misdemeanor punishable by a fine of not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00) for the first offense. Any second or subsequent offense is punishable by a fine of not less than one hundred dollars (\$100.00) nor more than one thousand dollars (\$1,000). In addition, the court may require the violator to pick up litter or perform other labor commensurate with the offense committed."

Sec. 267. G.S. 14-399(d) reads as rewritten:

"(d) Any person who violates this section in an amount exceeding 15 pounds but not exceeding 500 pounds and not for commercial purposes is guilty of a Class 3 misdemeanor punishable by a fine of not less than one hundred dollars (\$100.00) nor more than one thousand dollars (\$1,000). In addition, the court shall require the violator to pick up litter or perform other community service commensurate with the offense committed."

#### —PLASTIC YOKE AND RING TYPE DEVICES PROHIBITED

Sec. 268. G.S. 14-399.2(c) reads as rewritten:

"(c) Any person who sells or distributes for sale a yoke or ring type holding device in violation of this section shall be guilty of a Class 3 misdemeanor punishable by a fine of not less than fifty dollars (\$50.00) nor more than two hundred dollars (\$200.00). In lieu of a fine or any portion thereof or in addition to a fine, any violation of this section may also be punished by a term of community service."

#### —TATTOOING PROHIBITED

Sec. 269. G.S. 14-400 reads as rewritten:

#### "§ 14-400. Tattooing prohibited.

It shall be unlawful for any person or persons to tattoo the arm, limb, or any part of the body of any other person under 18 years of age. Anyone violating the provisions of this section shall be guilty of a ~~misdemeanor punishable by a fine not to exceed five hundred dollars (\$500.00), imprisonment for not more than six months, or both. Class 2 misdemeanor.~~

#### —PUTTING POISONOUS FOOD IN PUBLIC PLACES

Sec. 270. G.S. 14-401 reads as rewritten:

#### "§ 14-401. Putting poisonous foodstuffs, etc., in certain public places, prohibited.

It shall be unlawful for any person, firm or corporation to put or place any strychnine, other poisonous compounds or ground glass on any beef or other foodstuffs of any kind in any public square, street, lane, alley or on any lot in any village, town or city or on any public road, open field, woods or yard in the country. Any person, firm or corporation who violates the provisions of this section shall be liable in damages to the

person injured thereby and also shall be guilty of a ~~misdemeanor, and upon conviction shall be fined or imprisoned, at the discretion of the court.~~ Class 1 misdemeanor. This section shall not apply to the poisoning of insects or worms for the purpose of protecting crops or gardens by spraying plants, crops or trees nor to poisons used in rat extermination."

### **—MISDEMEANOR TO TAMPER WITH EXAMINATION QUESTIONS**

Sec. 271. G.S. 14-401.1 reads as rewritten:

#### **"§ 14-401.1. Misdemeanor to tamper with examination questions.**

Any person who, without authority of the entity who prepares or administers the examination, purloins, steals, buys, receives, or sells, gives or offers to buy, give, or sell any examination questions or copies thereof of any examination provided and prepared by law shall be guilty of a Class 2 misdemeanor."

### **—MISDEMEANOR FOR DETECTIVE TO COLLECT CLAIMS**

Sec. 272. G.S. 14-401.2 reads as rewritten:

#### **"§ 14-401.2. Misdemeanor for detective to collect claims, accounts, etc.**

It shall be unlawful for any person, firm, or corporation, who or which is engaged in business as a detective, detective agency, or what is ordinarily known as "secret service work," or conducts such business, to engage in the business of collecting claims, accounts, bills, notes, or other money obligations for others, or to engage in the business known as a collection agency. Violation of the provisions hereof shall be a ~~misdemeanor punishable by a fine not to exceed five hundred dollars (\$500.00), imprisonment for not more than six months, or both.~~ Class 2 misdemeanor."

### **—GRAVESTONE CHARGING COMMISSION OF CRIME**

Sec. 273. G.S. 14-401.3 reads as rewritten:

#### **"§ 14-401.3. Inscription on gravestone or monument charging commission of crime.**

It shall be illegal for any person to erect or cause to be erected any gravestone or monument bearing any inscription charging any person with the commission of a crime, and it shall be illegal for any person owning, controlling or operating any cemetery to permit such gravestone to be erected and maintained therein. If such gravestone has been erected in any graveyard, cemetery or burial plot, it shall be the duty of the person having charge thereof to remove and obliterate such inscription. Any person violating the provisions of this section shall be guilty of a ~~misdemeanor punishable by a fine not to exceed five hundred dollars (\$500.00), imprisonment for not more than six months, or both.~~ Class 2 misdemeanor."

### **—IDENTIFYING MARKS ON MACHINES AND APPARATUS**

Sec. 274. G.S. 14-401.4(d) reads as rewritten:

"(d) Any person, firm or corporation who shall violate any part of this section shall be guilty of a ~~misdemeanor and upon plea of guilty or conviction shall be punished in the discretion of the court.~~ Class 1 misdemeanor."

### **—FORTUNE-TELLING PROHIBITED**

Sec. 275. G.S. 14-401.5 reads as rewritten:

#### **"§ 14-401.5. Practice of phrenology, palmistry, fortune-telling or clairvoyance prohibited.**

It shall be unlawful for any person to practice the arts of phrenology, palmistry, clairvoyance, fortune-telling and other crafts of a similar kind in the counties named herein. Any person violating any provision of this section shall be guilty of a ~~misdemeanor and upon conviction shall be punished by a fine of not more than five hundred dollars (\$500.00) or imprisonment for not more than six months or both such fine and imprisonment in the discretion of the court. Class 2 misdemeanor.~~

This section shall not prohibit the amateur practice of phrenology, palmistry, fortune-telling or clairvoyance in connection with school or church socials, provided such socials are held in school or church buildings.

Provided that the provisions of this section shall apply only to the Counties of Alexander, Ashe, Avery, Bertie, Bladen, Brunswick, Buncombe, Burke, Caldwell, Camden, Carteret, Caswell, Chatham, Chowan, Clay, Columbus, Craven, Cumberland, Currituck, Dare, Davidson, Davie, Duplin, Durham, Franklin, Gates, Graham, Granville, Greene, Guilford, Halifax, Harnett, Haywood, Henderson, Hertford, Hoke, Iredell, Johnston, Lee, Lenoir, Madison, Martin, McDowell, Mecklenburg, Moore, Nash, New Hanover, Northampton, Onslow, Pasquotank, Pender, Perquimans, Person, Polk, Richmond, Robeson, Rockingham, Rutherford, Sampson, Scotland, Surry, Transylvania, Union, Vance, Wake and Warren."

#### **—UNLAWFUL TO POSSESS TEAR GAS EXCEPT FOR CERTAIN PURPOSES**

Sec. 276. G.S. 14-401.6(b) reads as rewritten:

"(b) Violation of this section is a ~~misdemeanor punishable by a fine of not more than five hundred dollars (\$500.00), imprisonment for not more than six months, or both. Class 2 misdemeanor.~~"

#### **—SECURITIES ON COMMISSION TAXED AS A PRIVATE BANKER**

Sec. 277. G.S. 14-401.7 reads as rewritten:

#### **"§ 14-401.7. Persons, firms, banks and corporations dealing in securities on commission taxed as a private banker.**

No person, bank, or corporation, without a license authorized by law, shall act as a stockbroker or private banker. Any person, bank, or corporation that deals in foreign or domestic exchange certificates of debt, shares in any corporation or charter companies, bank or other notes, for the purpose of selling the same or any other thing for commission or other compensation, or who negotiates loans upon real estate securities, shall be deemed a security broker. Any person, bank, or corporation engaged in the business of negotiating loans on any class of security or in discounting, buying or selling negotiable or other papers or credits, whether in an office for the purpose or elsewhere shall be deemed to be a private banker. Any person, firm, or corporation violating this section shall be guilty of a Class 3 misdemeanor and pay a fine of not less than one hundred (\$100.00) nor more than five hundred dollars (\$500.00) for each offense."

#### **—PARTY TELEPHONE LINE IN EMERGENCY**

Sec. 278. G.S. 14-401.8 reads as rewritten:

#### **"§ 14-401.8. Refusing to relinquish party telephone line in emergency; false statement of emergency.**

Any person who shall willfully refuse to immediately relinquish a party telephone line when informed that such line is needed for an emergency call to a fire department or police department, or for medical aid or ambulance service, or any person who shall secure the use of a party telephone line by falsely stating that such line is needed for an emergency call, shall be guilty of a ~~misdemeanor, and, upon conviction shall be fined or imprisoned in the discretion of the court.~~ Class 1 misdemeanor.

The term 'party line' as used in this section is defined as a subscriber's line telephone circuit, consisting of two or more main telephone stations connected therewith, each station with a distinctive ring or telephone number. The term 'emergency' as used in this section is defined as a situation in which property or human life are in jeopardy and the prompt summoning of aid is essential."

#### **—PARKING VEHICLE IN PRIVATE PARKING SPACE WITHOUT PERMISSION**

Sec. 279. G.S. 14-401.9 reads as rewritten:

#### **"§ 14-401.9. Parking vehicle in private parking space without permission.**

It shall be unlawful for any person other than the owner or lessee of a privately owned or leased parking space to park a motor or other vehicle in such private parking space without the express permission of the owner or lessee of such space; provided, that such private parking lot be clearly designated as such by a sign no smaller than 24 inches by 24 inches prominently displayed at the entrance thereto, and provided further, that the parking spaces within the lot be clearly marked by signs setting forth the name of each individual lessee or owner.

Any person violating any of the provisions of this section shall be guilty of a Class 3 misdemeanor and upon conviction shall be fined not more than ten dollars (\$10.00) in the discretion of the court."

#### **—SOLICITING ADS FOR PUBLICATIONS OF LAW-ENFORCEMENT ASSOCIATIONS**

Sec. 280. G.S. 14-401.10 reads as rewritten:

#### **"§ 14-401.10. Soliciting advertisements for official publications of law-enforcement officers' associations.**

Every person, firm or corporation who solicits any advertisement to be published in any law-enforcement officers' association's official magazine, yearbook, or other official publication, shall disclose to the person so solicited, whether so requested or not, the name of the law-enforcement association for which such advertisement is solicited, together with written authority from the president or secretary of such association to solicit such advertising on its behalf.

Any person, firm or corporation violating the provisions of this section shall be guilty of a ~~misdemeanor punishable by a fine not to exceed five hundred dollars (\$500.00), imprisonment for not more than six months, or both.~~ Class 2 misdemeanor."

#### **—SOLICITING CHARITABLE CONTRIBUTIONS BY TELEPHONE**

Sec. 281. G.S. 14-401.12(a) reads as rewritten:

"(a) Any professional solicitor who solicits by telephone contributions for charitable purposes or in any way compensates another person to solicit by telephone contributions for charitable purposes shall be guilty of a Class 1 misdemeanor. Any

person compensated by a professional solicitor to solicit by telephone contributions for charitable purposes shall be guilty of a Class 1 misdemeanor."

**—FAILURE TO GIVE RIGHT TO CANCEL IN OFF-PREMISES SALES**

Sec. 282. G.S. 14-401.13 reads as rewritten:

**"§ 14-401.13 Failure to give right to cancel in off-premises sales.**

(a) It shall be a ~~misdemeanor, punishable by 30 days imprisonment and a one hundred dollar (\$100.00) fine~~ Class 3 misdemeanor for any sellers, as defined hereinafter, in connection with an off-premises sale, as defined hereinafter, willfully to:

(1) Fail to furnish the buyer with a fully completed receipt or copy of any contract pertaining to such sale at the time of its execution, which is in the same language, e.g., Spanish, as that principally used in the oral sales presentation and which shows the date of the transaction and contains the name and address of the seller, and in immediate proximity to the space reserved in the contract for the signature of the buyer or on the front page of the receipt if a contract is not used and in boldface type of a minimum size of 10 points, a statement in substantially the following form: 'You, the buyer, may cancel this transaction at any time prior to midnight of the third business day after the date of this transaction. See the attached notice of cancellation form for an explanation of this right.'

(2) Fail to furnish each buyer, at the time he signs the off- premises sales contract or otherwise agrees to buy consumer goods or services from the seller, a completed form in duplicate, captioned 'NOTICE OF CANCELLATION', which shall be attached to the contract or receipt and easily detachable, and which shall contain in boldface type in a minimum size of 10 points, the following information and statements in the same language, e.g., Spanish, as that used in the contract:

**'NOTICE OF CANCELLATION**

(enter date of transaction)

(date)

You may cancel this transaction, without any penalty or obligation, within three business days from the above date.

If you cancel, any property traded in, any payments made by you under the contract or sale, and any negotiable instrument executed by you will be returned within 10 business days following receipt by the seller of your cancellation notice and any security interest arising out of the transaction will be canceled.

If you cancel, you must make available to the seller at your residence, in substantially as good condition as when received, any goods delivered to you under this contract or sale; or you may, if you wish, comply with the instructions of the seller regarding the return shipment of the goods at the seller's expense and risk. In the event you purchased antiques at an antique show and cancel, and your residence is out-of-state, you must deliver the purchased goods to the seller.

If you do make the goods available to the seller and the seller does not pick them up within 20 days of the date of your notice of cancellation, you may retain or dispose of the goods without any further obligation. If you fail to make the goods available to the seller, or if you agree to return the goods to the seller and fail to do so, then you remain liable for performance of all obligations under the contract.

To cancel this transaction, mail or deliver a signed and dated copy of this cancellation notice, or any other written notice, or send a telegram, to

name of seller)

at

(address of seller's place of business)

not later than midnight of

(date)

I hereby cancel this transaction.

(date)

'  
(buyer's signature)

(3) Fail, before furnishing copies of the 'Notice of Cancellation' to the buyer, to complete both copies by entering the name of the seller, the address of the seller's place of business, the date of the transaction, and the date, not earlier than the third business day following the date of the transaction, by which the buyer may give notice of cancellation.

(4) Fail to inform each buyer orally, at the time he signs the contract or purchases the goods or services, of his right to cancel.

(5) Misrepresent in any manner the buyer's right to cancel.

(b) Regardless of the seller's compliance or noncompliance with the requirements of the preceding subsection, it shall be a Class 3 misdemeanor for any seller, as defined hereinafter, to willfully fail or refuse to honor any valid notice of cancellation by a buyer and within 10 business days after the receipt of such notice, to (i) refund all payments made under the contract or sale; (ii) return any goods or property traded in, in substantially as good condition as when received by the seller; (iii) cancel and return any negotiable instrument executed by the buyer in connection with the contract or sale and take any action necessary or appropriate to terminate promptly any security interest created in the transaction. If the seller failed to provide a form Notice of Cancellation to the buyer, then oral notice of cancellation by the buyer is sufficient for purposes of this subsection.

(c) For the purposes of this section, the following definitions shall apply:

(1) Off-Premises Sale. – A sale, lease, or rental of consumer goods or services with a purchase price of twenty-five dollars (\$25.00) or more, whether under single or multiple contracts, in which the seller or his representative personally solicits the sale, including those in response

to or following an invitation by the buyer, and the buyer's agreement or offer to purchase is made at a place other than the place of business of the seller. The term 'off-premises sale' does not include a transaction:

- a. Made pursuant to prior negotiations in the course of a visit by the buyer to a retail business establishment having a fixed permanent location where the goods are exhibited or the services are offered for sale on a continuing basis; or
- b. In which the consumer is accorded the right of rescission by the provisions of the Consumer Credit Protection Act (15 U.S.C. 1635) or regulations issued pursuant thereto; or
- c. In which the buyer has initiated the contact and the goods or services are needed to meet a bona fide immediate personal emergency of the buyer, and the buyer furnishes the seller with a separate dated and signed personal statement in the buyer's handwriting describing the situation requiring immediate remedy and expressly acknowledging and waiving the right to cancel the sale within three business days; or
- d. Conducted and consummated entirely by mail or telephone; and without any other contact between the buyer and the seller or its representative prior to delivery of the goods or performance of the services; or
- e. In which the buyer has initiated the contact and specifically requested the seller to visit his home for the purpose of repairing or performing maintenance upon the buyer's property. If in the course of such a visit, the seller sells the buyer the right to receive additional services or goods other than replacement parts necessarily used in performing the maintenance or in making the repairs, the sale of those additional goods or services would not fall within this exclusion; or
- f. Pertaining to the sale or rental of real property, to the sale of insurance or to the sale of securities or commodities by a broker-dealer registered with the Securities and Exchange Commission; or
- g. Executed at an auction.

(2) Consumer Goods or Services. – Goods or services purchased, leased, or rented primarily for personal, family, or household purposes, including courses of instruction or training regardless of the purpose for which they are taken.

(3) Seller. – Any person, partnership, corporation, or association engaged in the off-premises sale of consumer goods or services. However, a nonprofit corporation or association, or member or employee thereof acting on behalf of such an association or corporation, shall not be a seller within the meaning of this section.

- (4) Place of Business. – The main or permanent branch office or local address of a seller.
- (5) Purchase Price. – The total price paid or to be paid for the consumer goods or services, including all interest and service charges.
- (6) Business Day. – Any calendar day except Sunday, or the following business holidays: New Year's Day, Washington's Birthday, Memorial Day, Independence Day, Labor Day, Columbus Day, Veterans' Day, Thanksgiving Day, Christmas Day, and Easter Monday."

#### —ETHNIC INTIMIDATION

Sec. 283. G.S. 14-401.14 reads as rewritten:

#### "§ 14-401.14. Ethnic intimidation.

If a person shall, because of race, color, religion, nationality, or country of origin, assault another person, or damage or deface the property of another person, or threaten to do any such act, he shall be guilty of a ~~misdemeanor punishable by imprisonment up to two years, or a fine, or both. Class 1 misdemeanor.~~"

#### —SALE OF CERTAIN WEAPONS WITHOUT PERMIT FORBIDDEN

Sec. 284. G.S. 14-402 reads as rewritten:

#### "§ 14-402. Sale of certain weapons without permit forbidden.

It shall be unlawful for any person, firm, or corporation in this State to sell, give away, or transfer, or to purchase or receive, at any place within this State from any other place within or without the State any pistol unless a license or permit therefor has first been obtained by the purchaser or receiver from the sheriff of the county in which that purchaser or receiver resides.

It shall be unlawful for any person or persons to receive from any postmaster, postal clerk, employee in the parcel post department, rural mail carrier, express agent or employee, railroad agent or employee within the State of North Carolina any pistol without having in his or their possession and without exhibiting at the time of the delivery of the same and to the person delivering the same the permit from the sheriff as provided in G.S. 14-403. Any person violating the provisions of this section shall be guilty of a ~~misdemeanor, and upon conviction thereof shall be fined not less than fifty dollars (\$50.00) nor more than two hundred dollars (\$200.00), or imprisoned not less than 30 days nor more than six months, or both, in the discretion of the court. Class 2 misdemeanor.~~"

'Antique firearm' as defined by G.S. 14-409.11, and 'historic edged weapon' as defined by G.S. 14-409.12, are hereby excepted from the provisions of this section."

#### —WEAPONS DEALERS RECORD OF SALE

Sec. 285. G.S. 14-408 reads as rewritten:

#### "§ 14-408. Violation of § 14-406 or 14-407 a misdemeanor.

Any person, firm, or corporation violating any of the provisions of G.S. 14-406 or 14-407 shall be guilty of a ~~misdemeanor punishable by a fine not to exceed five hundred dollars (\$500.00), imprisonment for not more than six months, or both. Class 2 misdemeanor.~~"

#### —SALE OF CERTAIN WEAPONS WITHOUT PERMIT FORBIDDEN

Sec. 286. G.S. 14-409.1 reads as rewritten:

**"§ 14-409.1. Sale of certain weapons without permit forbidden.**

It shall be unlawful for any person, firm, or corporation in this State to sell, give away, or transfer, or to purchase or receive, at any place within this State from any other place within or without the State any pistol unless a license or permit therefor has first been obtained by the purchaser or receiver from the clerk of the superior court of the county in which that purchaser or receiver resides.

It shall be unlawful for any person or persons to receive from any postmaster, postal clerk, employee in the parcel post department, rural mail carrier, express agent or employee, railroad agent or employee within the State of North Carolina any pistol without having in his or their possession and without exhibiting at the time of the delivery of the same and to the person delivering the same, the permit from the clerk of superior court as provided in G.S. 14-409.2. Any person violating the provisions of this section shall be guilty of a ~~misdemeanor, and upon conviction thereof shall be fined not less than fifty dollars (\$50.00) nor more than two hundred dollars (\$200.00), or imprisoned not less than 30 days nor more than six months, or both, in the discretion of the court.~~ Class 2 misdemeanor.

'Antique firearm' as defined by G.S. 14-409.11, and 'historic edged weapon' as defined by G.S. 14-409.12, are hereby excepted from the provisions of this section."

**—DEALERS OF PISTOLS**

Sec. 287. G.S. 14-409.8 reads as rewritten:

**"§ 14-409.8. Violation of § 14-409.5 or 14-409.6 a misdemeanor.**

Any person, firm, or corporation violating any of the provisions of G.S. 14-409.5 or 14-409.6 shall be guilty of a ~~misdemeanor punishable by a fine not to exceed five hundred dollars (\$500.00), imprisonment for not more than six months, or both.~~ Class 2 misdemeanor.

**—SALE OF PYROTECHNICS**

Sec. 288. G.S. 14-415 reads as rewritten:

**"§ 14-415. Violation made misdemeanor.**

Any person violating any of the provisions of this Article, except as otherwise specified in said Article, shall be guilty of a ~~misdemeanor punishable by a fine not to exceed five hundred dollars (\$500.00), imprisonment for not more than six months, or both.~~ Class 2 misdemeanor.

**—HANDLING OF POISONOUS REPTILES**

Sec. 289. G.S. 14-422 reads as rewritten:

**"§ 14-422. Violation made misdemeanor.**

Any person violating any of the provisions of this Article shall be guilty of a ~~Class 2 misdemeanor, punishable by a fine not to exceed five hundred dollars (\$500.00), imprisonment for not more than six months, or both.~~

**—ENGAGING, ETC., IN BUSINESS OF DEBT ADJUSTING A MISDEMEANOR**

Sec. 290. G.S. 14-424 reads as rewritten:

**"§ 14-424. Engaging, etc., in business of debt adjusting a misdemeanor.**

If any person shall engage in, or offer to or attempt to, engage in the business or practice of debt adjusting, or if any person shall hereafter act, offer to act, or attempt to

act as a debt adjuster, he shall be guilty of a Class 2 misdemeanor, ~~misdemeanor punishable by a fine not to exceed five hundred dollars (\$500.00), imprisonment for not more than six months, or both."~~

### —RECORDS, TAPES AND OTHER RECORDED DEVICES

Sec. 291. G.S. 14-437 reads as rewritten:

#### "§ 14-437. Violation of Article; penalties.

(a) Every individual act in contravention of the provisions of this Article shall constitute:

- (1) A Class I felony, punishable by imprisonment for not more than five years, a fine of not more than one hundred fifty thousand dollars (\$150,000), or both, if the offense involves at least 1,000 unauthorized sound recordings or at least 100 unauthorized audio visual recordings during any 180-day period or is a second or subsequent conviction under either subdivision (1) or (2) of this section;
- (2) A ~~misdemeanor, punishable by imprisonment of not more than two years, a fine of not more than twenty five thousand dollars (\$25,000), or both, Class 1 misdemeanor~~ if the offense involves more than 100 but less than 1,000 unauthorized sound recordings or more than 10 but less than 100 unauthorized audio visual recordings during any 180-day period; or
- (3) A ~~misdemeanor, punishable by not more than six months in jail, a fine of not more than one thousand dollars (\$1,000), or both, Class 2 misdemeanor~~, for any other violation of these sections.

(b) If a person is convicted of any violation under this Article, the court, in its judgment of conviction, shall order the forfeiture and destruction or other disposition of:

- (1) All infringing articles; and
- (2) All implements, devices and equipment used or intended to be used in the manufacture of the infringing articles."

### —INTOXICATED AND DISRUPTIVE IN PUBLIC

Sec. 292. G.S. 14-444(b) reads as rewritten:

"(b) Any person who violates this section shall be guilty of a Class 3 misdemeanor, ~~misdemeanor punishable by a fine of not more than fifty dollars (\$50.00) or imprisonment for not more than 30 days.~~ Notwithstanding the provisions of G.S. 7A-273(1), a magistrate is not empowered to accept a guilty plea and enter judgment for this offense."

### —ACCESSING COMPUTERS

Sec. 293. G.S. 14-454(b) reads as rewritten:

"(b) Any person who willfully and without authorization, directly or indirectly, accesses or causes to be accessed any computer, computer system, computer network, or any part thereof, for any purpose other than those set forth in subsection (a) above, is guilty of a Class 1 misdemeanor."

### —DAMAGING COMPUTERS AND RELATED MATERIALS

Sec. 294. G.S. 14-455(b) reads as rewritten:

"(b) A person is guilty of a Class 1 misdemeanor if he willfully and without authorization alters, damages, or destroys any computer software, program or data residing or existing internal or external to a computer, computer system or computer network."

#### **—DENIAL OF COMPUTER SERVICES TO AN AUTHORIZED USER**

Sec. 295. G.S. 14-456 reads as rewritten:

#### **"§ 14-456. Denial of computer services to an authorized user.**

Any person who willfully and without authorization denies or causes the denial of computer system services to an authorized user of such computer system services, is guilty of a Class 1 misdemeanor."

#### **—PRISONER NOT TO BE TRIED IN PRISON UNIFORM**

Sec. 296. G.S. 15-176 reads as rewritten:

#### **"§ 15-176. Prisoner not to be tried in prison uniform.**

It shall be unlawful for any sheriff, jailer or other officer to require any person imprisoned in jail to appear in any court for trial dressed in the uniform or dress of a prisoner or convict, or in any uniform or apparel other than ordinary civilian's dress, or with shaven or clipped head. And no person charged with a criminal offense shall be tried in any court while dressed in the uniform or dress of a prisoner or convict, or in any uniform or apparel other than ordinary civilian's dress, or with head shaven or clipped by or under the direction and requirement of any sheriff, jailer or other officer, unless the head was shaven or clipped while such person was serving a term of imprisonment for the commission of a crime.

Any sheriff, jailer or other officer who violates the provisions of this section shall be guilty of a Class 1 misdemeanor."

#### **—PEN REGISTERS; TRAP AND TRACE DEVICES**

Sec. 297. G.S. 15A-261(c) reads as rewritten:

"(c) Penalty. – A person who willfully and knowingly violates subsection (a) of this section is guilty of a ~~misdemeanor punishable by a fine, imprisonment of not more than one year, or both.~~ Class 1 misdemeanor."

#### **—PHOTOGRAPHS AND FINGERPRINTS**

Sec. 298. G.S. 15A-502(b) reads as rewritten:

"(b) This section does not authorize the taking of photographs or fingerprints when the offense charged is a Class 2 or 3 misdemeanor under Chapter 20 of the General Statutes, "Motor Vehicles," ~~for which the penalty authorized does not exceed a fine of five hundred dollars (\$500.00), imprisonment for six months, or both.~~ 'Motor Vehicles.'"

#### **—PERSONS PROHIBITED FROM BECOMING SURETY**

Sec. 299. G.S. 15A-541(b) reads as rewritten:

"(b) A violation of this section is a ~~misdemeanor punishable by a fine not to exceed five hundred dollars (\$500.00), imprisonment for not more than six months, or both.~~ Class 2 misdemeanor."

#### **—FALSE QUALIFICATION BY SURETY**

Sec. 300. G.S. 15A-542(b) reads as rewritten:

"(b) A violation of this section is a ~~misdemeanor punishable by a fine not to exceed five hundred dollars (\$500.00), imprisonment for not more than six months, or both. Class 2 misdemeanor.~~"

#### —PENALTIES FOR FAILURE TO APPEAR

Sec. 301. G.S. 15A-543(c) reads as rewritten:

"(c) If, except as provided in subsection (b) above, a violator was released in connection with a misdemeanor charge against him, a violation of this section is a ~~misdemeanor punishable by a fine not to exceed five hundred dollars (\$500.00), imprisonment not to exceed six months, or both. Class 2 misdemeanor.~~"

#### —RIGHTS OF AN ACCUSED PERSON

Sec. 302. G.S. 15A-731 reads as rewritten:

#### "§ 15A-731. Penalty for noncompliance with § 15A-730.

Any officer who shall deliver to the agent for extradition of the demanding state a person in his custody under the Governor's warrant, in willful disobedience to G.S. 15A-730, shall be guilty of a ~~misdemeanor and, on conviction, shall be fined not more than one thousand dollars (\$1,000) or be imprisoned not more than six months, or both. Class 2 misdemeanor.~~"

#### —FILING OF APPLICATION FOR COMPENSATION AWARD; CONTENTS

Sec. 303. G.S. 15B-7(b) reads as rewritten:

"(b) A person who knowingly and willfully presents or attempts to present a false or fraudulent application, or a State officer or employee who knowingly and willfully participates or assists in the preparation or presentation of a false or fraudulent application is guilty of a Class 1 misdemeanor if the application is for a claim of not more than four hundred dollars (\$400.00). If the application is for a claim of more than four hundred dollars (\$400.00), the person is guilty of a Class I felony."

#### —ENTERING INTO OR AIDING CONTRACT FOR

#### "FUTURES" MISDEMEANOR

Sec. 304. G.S. 16-4 reads as rewritten:

#### "§ 16-4. Entering into or aiding contract for 'futures' misdemeanor.

If any person shall become a party to any contract declared void in this Article; or if any person shall be the agent, directly or indirectly, of any party in making or furthering or effectuating the same; or if any agent or officer of a corporation shall in any manner knowingly aid in making or furthering any such contract to which the corporation is a party, he shall be guilty of a ~~misdemeanor, and on conviction shall be fined not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00), and may be imprisoned in the discretion of the court. Class 1 misdemeanor.~~

If any person shall, while in this State, consent to become a party to any such contract made in another state, and if any person shall, as agent of any person or corporation, become a party to any such contract made in another state, or in this State do any act or in any way aid in the making or furthering of any such contract so made in another state, he shall be guilty of a ~~misdemeanor, and on conviction shall be fined not less than fifty (\$50.00) nor more than two hundred dollars (\$200.00), and may be imprisoned in the discretion of the court. Class 1 misdemeanor.~~"

#### —OPENING OFFICE FOR SALES OF "FUTURES" MISDEMEANOR

Sec. 305. G.S. 16-5 reads as rewritten:

**"§ 16-5. Opening office for sales of 'futures' misdemeanor.**

If any person, corporation or other association of persons, either as principal or agent, shall establish or open an office or place of business in this State for the purpose of carrying on or engaging in making such contracts as are forbidden in this Article, he shall be guilty of a Class 1 misdemeanor, ~~misdemeanor, and shall on conviction be fined and imprisoned in the discretion of the court.~~"

**—RECOMMittal AFTER DISCHARGE; PENALTY**

Sec. 306. G.S. 17-25 reads as rewritten:

**"§ 17-25. Recommittal after discharge; penalty.**

If any person shall knowingly again imprison or detain one who has been set at large upon any writ of habeas corpus, for the same cause, other than by the legal process or order of the court wherein he is bound by recognizance to appear, or of any other court having jurisdiction in the case, he shall be guilty of a Class 1 misdemeanor."

**—PENALTY FOR FALSE RETURN TO A WRIT OF HABEAS CORPUS**

Sec. 307. G.S. 17-27 reads as rewritten:

**"§ 17-27. Penalty for false return.**

If any person shall make a false return to a writ of habeas corpus, he shall be guilty of a Class 1 misdemeanor."

**—PENALTY FOR CONCEALING PARTY ENTITLED TO WRIT**

Sec. 308. G.S. 17-28 reads as rewritten:

**"§ 17-28. Penalty for concealing party entitled to writ.**

If anyone having in his custody, or under his power, any party who, by law, would be entitled to a writ of habeas corpus, or for whose relief such writ shall have been issued, shall, with intent to elude the service of such writ, or to avoid the effect thereof, transfer the party to the custody, or put him under the power or control, of another, or shall conceal or change the place of his confinement, or shall knowingly aid or abet another in so doing, he shall be guilty of a Class 1 misdemeanor."

**—APPLICATION OF MOTOR VEHICLES LAWS AT THE JUSTICE ACADEMY**

Sec. 309. G.S. 17D-4(f) reads as rewritten:

"(f) Violation of an ordinance adopted under any portion of this section is a ~~misdemeanor punishable by a fine of not more than fifty dollars (\$50.00) or imprisonment for not more than 30 days, in the discretion of the court.~~ Class 3 misdemeanor. An ordinance may provide that certain acts prohibited thereby shall not be enforced by criminal sanctions, and in such cases a person committing any such act shall not be guilty of a misdemeanor."

**—MANUFACTURE, SALE, ETC., FORBIDDEN EXCEPT AS AUTHORIZED**

Sec. 310. G.S. 18B-102(b) reads as rewritten:

"(b) Violation a Misdemeanor. – Unless a different punishment is otherwise expressly stated, any person who violates any provision of this Chapter shall be guilty of a ~~misdemeanor and upon conviction shall be punished by a fine, by imprisonment for not more than two years, or both.~~ Class 1 misdemeanor. In addition the court may impose the provisions of G.S. 18B-202 and of G.S. 18B-503, 18B-504, and 18B-505."

## —SALE TO OR PURCHASE BY UNDERAGE PERSONS

Sec. 311. G.S. 18B-302(c) reads as rewritten:

- "(c) Aider and Abettor.
  - (1) By Underage Person. – Any person who is under the lawful age to purchase and who aids or abets another in violation of subsection (a) or (b) of this section shall be guilty of a ~~misdemeanor punishable by a fine up to five hundred dollars (\$500.00) or imprisonment for not more than six months, or both, in the discretion of the court. Class 2 misdemeanor.~~
  - (2) By Person over Lawful Age. – Any person who is over the lawful age to purchase and who aids or abets another in violation of subsection (a) or (b) of this section shall be guilty of a ~~misdemeanor punishable by a fine of up to two thousand dollars (\$2,000) or imprisonment for not more than two years, or both, in the discretion of the court. Class 1 misdemeanor.~~

## —MANNER OF TRANSPORTATION

Sec. 312. G.S. 18B-401(a) reads as rewritten:

- "(a) Opened Containers. – It shall be unlawful for a person to transport fortified wine or spirituous liquor in the passenger area of a motor vehicle in other than the manufacturer's unopened original container. It shall be unlawful for a person who is driving a motor vehicle on a highway or public vehicular area to consume in the passenger area of that vehicle any malt beverage or unfortified wine. Violation of this subsection shall constitute a ~~misdemeanor punishable by a fine of twenty five dollars (\$25.00) to five hundred dollars (\$500.00), imprisonment for not more than 30 days, or both. Class 3 misdemeanor.~~

## —INSPECTION OF LICENSED PREMISES

Sec. 313. G.S. 18B-502(b) reads as rewritten:

- "(b) Interference with Inspection. – Refusal by a permittee or by any employee of a permittee to permit officers to enter the premises to make an inspection authorized by subsection (a) shall be cause for revocation, suspension or other action against the permit of the permittee as provided in G.S. 18B-104. It shall be a ~~misdemeanor punishable by a fine of up to five hundred dollars (\$500.00), imprisonment for up to six months, or both. Class 2 misdemeanor.~~ for any person to resist or obstruct an officer attempting to make a lawful inspection under this section."

## —PROTECTION OF BLACK BEARS

Sec. 314. G.S. 19A-13 reads as rewritten:

### “§ 19A-13. Violation of Article.

Violation of the provisions of this Article shall constitute a ~~misdemeanor punishable by a fine of not less than five hundred dollars (\$500.00) or by imprisonment for not less than 90 days. Class 2 misdemeanor.~~

## —OPERATION OF PET SHOP, KENNEL OR AUCTION WITHOUT LICENSE

Sec. 315. G.S. 19A-33 reads as rewritten:

### “§ 19A-33. Penalty for operation of pet shop, kennel or auction without license.

Operation of a pet shop, kennel, or public auction without a currently valid license shall constitute a Class 3 misdemeanor subject only to a penalty of not less than five dollars (\$5.00) nor more than twenty-five dollars (\$25.00), and each day of operation shall constitute a separate offense."

#### **—ACTING AS DEALER WITHOUT LICENSE; DISPOSITION OF ANIMALS**

Sec. 316. G.S. 19A-34 reads as rewritten:

#### **"§ 19A-34. Penalty for acting as dealer without license; disposition of animals in custody of unlicensed dealer.**

Acting as a dealer in animals as defined in this Article without a currently valid dealer's license shall constitute a ~~misdemeanor subject to a penalty of not less than five dollars (\$5.00) nor more than twenty-five dollars (\$25.00), or imprisonment for a period not to exceed six months, or both fine and imprisonment. Class 2 misdemeanor.~~ Continued illegal operation after conviction shall constitute a separate offense. Animals found in possession or custody of an unlicensed dealer shall be subject to immediate seizure and impoundment and upon conviction of such unlicensed dealer shall become subject to sale or euthanasia in the discretion of the Director."

#### **—PENALTY FOR VIOLATION OF ARTICLE BY DOG WARDEN**

Sec. 317. G.S. 19A-36 reads as rewritten:

#### **"§ 19A-36. Penalty for violation of Article by dog warden.**

Violation of any provision of this Article which relates to the seizing, impoundment, and custody of an animal by a dog warden shall constitute a Class 3 misdemeanor and the person convicted thereof shall be subject to a fine of not less than fifty dollars (\$50.00) and not more than one hundred dollars (\$100.00), and each animal handled in violation shall constitute a separate offense."

#### **—ANIMAL CRUELTY INVESTIGATORS**

Sec. 318. G.S. 19A-48 reads as rewritten:

#### **"§ 19A-48. Interference unlawful.**

It shall be a ~~misdemeanor punishable by a fine of up to two hundred dollars (\$200.00) or not more than ninety days imprisonment, or both. Class 1 misdemeanor,~~ to interfere with an animal cruelty investigator in the performance of his official duties."

#### **—APPLICATION OF MINORS**

Sec. 319. G.S. 20-11(a) reads as rewritten:

"(a) The Division shall not grant the application of any minor between the ages of 16 and 18 years for a driver's license or a learner's permit unless such application is signed both by the applicant and by the parent, guardian, husband, wife or employer of the applicant, or, if the applicant has no parent, guardian, husband, wife or employer residing in this State, by some other responsible adult person. It shall be unlawful for any person to sign the application of a minor under the provisions of this section when such application misstates the age of the minor and any person knowingly violating this provision shall be guilty of a Class 2 misdemeanor.

The Division shall not grant the application of any minor between the ages of 16 and 18 years for a driver's license unless such minor presents evidence of having satisfactorily completed the driver training and safety education courses offered at the public high schools as provided in G.S. 20-88.1 or upon having satisfactorily completed

a course of driving instruction offered at a licensed commercial driver training school or an approved nonpublic secondary school, provided instruction offered in such schools shall be approved by the State Commissioner of Motor Vehicles and the State Superintendent of Public Instruction and all expenses for such instruction shall be paid by the persons enrolling in such courses and/or by the schools offering them."

**—UNLAWFUL TO DRIVE WHILE LICENSE REVOKED**

Sec. 320. G.S. 20-28(a) reads as rewritten:

"(a) Driving While License Revoked. – Any person whose drivers license has been revoked, other than permanently, who drives any motor vehicle upon the highways of the State while the license is revoked is guilty of a Class 1 misdemeanor. Upon conviction, the person's license shall be revoked for an additional period of one year for the first offense, two years for the second offense, and permanently for a third or subsequent offense.

~~Upon conviction, a violator of this subsection shall be punished by a fine of not less than two hundred dollars (\$200.00), imprisonment in the discretion of the court not to exceed two years, or both.~~ The restorer of a revoked drivers license who operates a motor vehicle upon the highways of the State without maintaining financial responsibility as provided by law shall be punished as for operating without a drivers license."

Sec. 321. G.S. 20-28(b) reads as rewritten:

"(b) Driving While License Permanently Revoked. – Any person whose license has been permanently revoked who drives any motor vehicle upon the highways of this State while the license is permanently revoked is guilty of a ~~misdemeanor and shall be imprisoned for not less than 30 days nor more than two years and fined not more than one thousand dollars (\$1,000) in the discretion of the court.~~ Class 1 misdemeanor. The first 30 days of imprisonment for a violation of this offense shall not be subject to suspension or parole. This subsection shall not apply to any license revocations under G.S. 20-17.1; penalty for violation of G.S. 20-17.1 shall be applied as prescribed under subsection (a)."

Sec. 322. G.S. 20-28(d) reads as rewritten:

"(d) Driving While Disqualified. – A person who was convicted of a violation that disqualified the person and required the person's drivers license to be revoked who drives a motor vehicle during the revocation period is punishable as provided in the other subsections of this section. A person who has been disqualified who drives a commercial motor vehicle during the disqualification period is guilty of a Class 1 misdemeanor and is disqualified for an additional period as follows:

- (1) For a first offense of driving while disqualified, a person is disqualified for a period equal to the period for which the person was disqualified when the offense occurred.
- (2) For a second offense of driving while disqualified, a person is disqualified for a period equal to two times the period for which the person was disqualified when the offense occurred.
- (3) For a third offense of driving while disqualified, a person is disqualified for life.

The Division may reduce a disqualification for life under this subsection to 10 years in accordance with the guidelines adopted under G.S. 20-17.4(b). A person who drives a commercial motor vehicle while the person is disqualified and the person's drivers license is revoked is punishable for both driving while the person's license was revoked and driving while disqualified."

#### —**SURRENDER OF LICENSE**

Sec. 323. G.S. 20-29 reads as rewritten:

##### **"§ 20-29. Surrender of license.**

Any person operating or in charge of a motor vehicle, when requested by an officer in uniform, or, in the event of accident in which the vehicle which he is operating or in charge of shall be involved, when requested by any other person, who shall refuse to write his name for the purpose of identification or to give his name and address and the name and address of the owner of such vehicle, or who shall give a false name or address, or who shall refuse, on demand of such officer or such other person, to produce his license and exhibit same to such officer or such other person for the purpose of examination, or who shall refuse to surrender his license on demand of the Division, or fail to produce same when requested by a court of this State, shall be guilty of a ~~misdemeanor and upon conviction shall be punished as provided in this Article.~~ Class 2 misdemeanor. Pickup notices for drivers' licenses or revocation or suspension of license notices and orders or demands issued by the Division for the surrender of such licenses may be served and executed by patrolmen or other peace officers or may be served in accordance with G.S. 20-48. Patrolmen and peace officers, while serving and executing such notices, orders and demands, shall have all the power and authority possessed by peace officers when serving the executing warrants charging violations of the criminal laws of the State."

#### —**UNIFORM DRIVERS LICENSE ACT**

Sec. 324. G.S. 20-35 reads as rewritten:

##### **"§ 20-35. Penalties for misdemeanor.**

(a) It shall be a Class 2 misdemeanor to violate any of the provisions of this Article unless such violation is by this Article or other law of this State declared to be a felony.

(b) Unless another penalty is in this Article or by the laws of this State provided, every person convicted of a ~~misdemeanor for the violation of any provision of this Article shall be punished by a fine of not more than five hundred dollars (\$500.00) or by imprisonment for not more than six months.~~ Class 2 misdemeanor.

(c) A person may not be convicted of failing to carry a regular drivers license if, when tried for that offense, the person produces in court a regular drivers license issued to the person that was valid when the person was charged with the offense. A person may not be convicted of driving a motor vehicle without a regular drivers license if, when tried for that offense, the person shows all the following:

- (1) That, at the time of the offense, the person had an expired license.
- (2) The person renewed the expired license within 30 days after it expired and now has a drivers license.

(3) The person could not have been charged with driving without a license if the person had the renewed license when charged with the offense."

### **—SPECIAL IDENTIFICATION CARD**

Sec. 325. G.S. 20-37.7(e) reads as rewritten:

"(e) Any fraud or misrepresentation in the application for or use of a special identification card issued under this section is a ~~misdemeanor, punishable by a fine of not more than five hundred dollars (\$500.00) or by imprisonment of 90 days, or both. Class 2 misdemeanor.~~"

### **—FRAUDULENT USE OF A FICTITIOUS NAME FOR A SPECIAL IDENTIFICATION CARD**

Sec. 326. G.S. 20-37.8(b) reads as rewritten:

"(b) A violation of this section shall constitute a Class 2 misdemeanor."

### **—COMMERCIAL DRIVERS LICENSE**

Sec. 327. G.S. 20-37.21(a) reads as rewritten:

"(a) Any person who drives a commercial motor vehicle in violation of G.S. 20-37.12 shall be guilty of a Class 3 misdemeanor and, upon conviction, shall be fined not less than two hundred fifty dollars (\$250.00) for a first offense and not less than five hundred dollars (\$500.00) for a second or subsequent offense."

### **—LICENSES AND PLATES FOR UNDERCOVER OFFICERS**

Sec. 328. G.S. 20-39(h) reads as rewritten:

"(h) The Commissioner, notwithstanding any other provision of this Chapter, may lawfully and to the extent necessary, provide local, State or federal law-enforcement officers on special undercover assignments with motor vehicle drivers licenses and motor vehicle registration plates under assumed names using false or fictitious addresses. Such registration plates shall only be used on publicly owned or leased vehicles. Requests for these licenses and registration plates shall be made to the Commissioner by the head of the local, State or federal law-enforcement agency and be accompanied by approval in writing from the Director of the State Bureau of Investigation upon a specific finding by the Director that the request is justified and necessary. The Director shall keep a record of all such licenses, registration plates, assumed names, false or fictitious addresses, and law-enforcement officers using the licenses or registration plates, and shall request the immediate return of any license or registration plate that is no longer necessary. Licenses and registration plates provided under this subsection shall expire six months after initial issuance or subsequent validation after the request for extension has been approved in writing by the Director of the State Bureau of Investigation. The head of the local, State or federal law-enforcement agency shall be responsible for the use of the licenses and registration plates and shall return them immediately to the Commissioner for cancellation upon either (i) their expiration, (ii) request of the Director of the State Bureau of Investigation, or (iii) request of the Commissioner. Failure to return a license or registration plates issued pursuant to this subsection shall be punished as a general Class 2 misdemeanor. At no time shall the number of valid licenses and registration plates issued under this act exceed one hundred, and those issued shall be strictly monitored by the Director. All of the private registration plates issued to special agents

of the State Bureau of Investigation under the Department of Justice and to alcohol law enforcement agents under the Department of Crime Control and Public Safety, pursuant to G.S. 14-250, may be fictitious plates and shall not be counted in the total number of fictitious plates authorized by this subsection."

#### **—SEIZURE OF DOCUMENTS AND PLATES**

Sec. 329. G.S. 20-45(b) reads as rewritten:

"(b) Nothing contained herein or elsewhere shall be construed to require the Division to take possession of any certificate of title, registration card permit, license, or registration plate which has expired, been revoked, canceled or suspended or which is fictitious or which has been unlawfully or erroneously issued, or which has been unlawfully used. The Division may give notice to the owner, licensee or lessee of its authority to take possession of any ownership document, operator's license, or plate and require that person to surrender it to the Commissioner or his officers or agents. Any person who fails to surrender the ownership document, operator's license, or plate, or any duplicate thereof upon personal service of notice or within 10 days after receipt of notice by mail, as provided in G.S. 20-48, shall be guilty of a Class 2 misdemeanor."

#### **—DIVISION MAY SUMMON WITNESSES AND TAKE TESTIMONY**

Sec. 330. G.S. 20-47(b) reads as rewritten:

"(b) Every such summons shall be served at least five days before the return date, either by personal service made by any person over 18 years of age or by registered mail, but return acknowledgment is required to prove such latter service. Failure to obey such a summons so served shall constitute a Class 2 misdemeanor. The fees for the attendance and travel of witnesses shall be the same as for witnesses before the superior court."

#### **—SALE OF NEW VEHICLE**

Sec. 331. G.S. 20-52.1(c) reads as rewritten:

"(c) Upon sale of a new vehicle by a dealer to a consumer- purchaser, the dealer shall execute in the presence of a person authorized to administer oaths an assignment of the manufacturer's certificate of origin for the vehicle, including in such assignment the name and address of the transferee and no title to a new motor vehicle acquired by a dealer under the provisions of subsections (a) and (b) of this section shall pass or vest until such assignment is executed and the motor vehicle delivered to the transferee.

Any dealer transferring title to, or an interest in, a new vehicle shall deliver the manufacturer's certificate of origin duly assigned in accordance with the foregoing provision to the transferee at the time of delivering the vehicle, except that where a security interest is obtained in the motor vehicle from the transferee in payment of the purchase price or otherwise, the transferor shall deliver the manufacturer's certificate of origin to the lienholder and the lienholder shall forthwith forward the manufacturer's certificate of origin together with the transferee's application for certificate of title and necessary fees to the Division. Any person who delivers or accepts a manufacturer's certificate of origin assigned in blank shall be guilty of a Class 2 misdemeanor."

#### **—LIENOR HOLDING TITLE TO SURRENDER WHEN LIEN SATISFIED**

Sec. 332. G.S. 20-59 reads as rewritten:

**"§ 20-59. Unlawful for lienor who holds certificate of title not to surrender same when lien satisfied.**

It shall be unlawful and constitute a Class 3 misdemeanor for a lienor who holds a certificate of title as provided in this Article to refuse or fail to surrender such certificate of title to the person legally entitled thereto, when called upon by such person, within 10 days after his lien shall have been paid and ~~satisfied, and any person convicted under this section shall be fined not more than fifty dollars (\$50.00) or imprisoned not more than 30 days.~~ satisfied."

**--REGISTRATION PLATES**

Sec. 333. G.S. 20-63(a) reads as rewritten:

"(a) The Division upon registering a vehicle shall issue to the owner one registration plate for a motorcycle, trailer or semitrailer and for every other motor vehicle. Registration plates issued by the Division under this Article shall be and remain the property of the State, and it shall be lawful for the Commissioner or his duly authorized agents to summarily take possession of any plate or plates which he has reason to believe is being illegally used, and to keep in his possession such plate or plates pending investigation and legal disposition of the same. Whenever the Commissioner finds that any registration plate issued for any vehicle pursuant to the provisions of this Article has become illegible or is in such a condition that the numbers thereon may not be readily distinguished, he may require that such registration plate, and its companion when there are two registration plates, be surrendered to the Division. When said registration plate or plates are so surrendered to the Division, a new registration plate or plates shall be issued in lieu thereof without charge. The owner of any vehicle who receives notice to surrender illegible plate or plates on which the numbers are not readily distinguishable and who willfully refuses to surrender said plates to the Division shall be guilty of a Class 2 misdemeanor."

Sec. 334. G.S. 20-63(e) reads as rewritten:

"(e) Preservation and Cleaning of Registration Plates. – It shall be the duty of each and every registered owner of a motor vehicle to keep the registration plates assigned to such motor vehicle reasonably clean and free from dust and dirt, and such registered owner, or any person in his employ, or who operates such motor vehicle by his authority, shall, upon the request of any proper officer, immediately clean such registration plates so that the numbers thereon may be readily distinguished, and any person who shall neglect or refuse to so clean a registration plate, after having been requested to do so, shall be guilty of a ~~misdemeanor, and fined not exceeding fifty dollars (\$50.00) or imprisoned not exceeding 30 days.~~ Class 3 misdemeanor."

Sec. 335. G.S. 20-63(f) reads as rewritten:

"(f) Operating with False Numbers. – Any person who shall willfully operate a motor vehicle with a registration plate which has been repainted or altered or forged shall be guilty of a Class 2 misdemeanor."

Sec. 336. G.S. 20-63(g) reads as rewritten:

"(g) Alteration, Disguise, or Concealment of Numbers. – Any operator of a motor vehicle who shall willfully mutilate, bend, twist, cover or cause to be covered or partially covered by any bumper, light, spare tire, tire rack, strap, or other device, or

who shall paint, enamel, emboss, stamp, print, perforate, or alter or add to or cut off any part or portion of a registration plate or the figures or letters thereon, or who shall place or deposit or cause to be placed or deposited any oil, grease, or other substance upon such registration plates for the purpose of making dust adhere thereto, or who shall deface, disfigure, change, or attempt to change any letter or figure thereon, or who shall display a number plate in other than a horizontal upright position, shall be guilty of a Class 2 misdemeanor."

### **—FAILURE TO DISCLOSE DAMAGE TO A VEHICLE**

Sec. 337. G.S. 20-71.4 reads as rewritten:

#### **"§ 20-71.4. Failure to disclose damage to a vehicle shall be a misdemeanor.**

(a) It shall be unlawful and constitute a Class 2 misdemeanor for any transferor who knows or reasonably should know that a motor vehicle has been involved in a collision or other occurrence to the extent that the cost of repairing that vehicle exceeds twenty-five percent (25%) of its fair market retail value, or that the motor vehicle is, or was, a flood vehicle, a reconstructed vehicle, or a salvage motor vehicle, to fail to disclose that fact in writing to the transferee prior to transfer of any vehicle up to five model years old. Failure to disclose any of the above information will also result in civil liability under G.S. 20-348. The Commissioner may prepare forms to carry out the provisions of this section.

(b) It shall be unlawful for any person to remove the title or supporting documents to any motor vehicle from the State of North Carolina with the intent to conceal damage (or damage which has been repaired) occurring as a result of a collision or other occurrence. Violation of this statute shall constitute a Class 2 misdemeanor."

### **—TRANSFER BY OWNER**

Sec. 338. G.S. 20-72(b) reads as rewritten:

"(b) In order to assign or transfer title or interest in any motor vehicle registered under the provisions of this Article, the owner shall execute in the presence of a person authorized to administer oaths an assignment and warranty of title on the reverse of the certificate of title in form approved by the Division, including in such assignment the name and address of the transferee; and no title to any motor vehicle shall pass or vest until such assignment is executed and the motor vehicle delivered to the transferee. The provisions of this section shall not apply to any foreclosure or repossession under a chattel mortgage or conditional sales contract or any judicial sale.

Any person transferring title or interest in a motor vehicle shall deliver the certificate of title duly assigned in accordance with the foregoing provision to the transferee at the time of delivering the vehicle, except that where a security interest is obtained in the motor vehicle from the transferee in payment of the purchase price or otherwise, the transferor shall deliver the certificate of title to the lienholder and the lienholder shall forward the certificate of title together with the transferee's application for new title and necessary fees to the Division within 20 days. Any person who delivers or accepts a certificate of title assigned in blank shall be guilty of a Class 2 misdemeanor.

The title to a salvage vehicle shall be forwarded to the Division as provided in G.S. 20-109.1."

### **—NEW OWNER MUST GET NEW CERTIFICATE OF TITLE**

Sec. 339. G.S. 20-73(c) reads as rewritten:

"(c) Penalties. – A person to whom a vehicle is transferred who fails to apply for a certificate of title within the required time is subject to a civil penalty of ten dollars (\$10.00) and is guilty of a Class 2 misdemeanor. A person who undertakes to apply for a certificate of title on behalf of another person and who fails to apply for a title within the required time is subject to a civil penalty of ten dollars (\$10.00). When a person to whom a vehicle is transferred fails to obtain a title within the required time because a person who undertook to apply for the certificate of title did not do so within the required time, the Division may impose a civil penalty only on the person who undertook to apply for the title. Civil penalties collected under this subsection shall be credited to the Highway Fund."

**—FALSE STATEMENT ABOUT TRANSFER OF VEHICLE**

Sec. 340. G.S. 20-74 reads as rewritten:

**"§ 20-74. Penalty for making false statement about transfer of vehicle.**

A dealer or another person who, in an application required by this Division, knowingly makes a false statement about the date a vehicle was sold or acquired shall be guilty of a ~~misdemeanor, and upon conviction shall be fined not more than fifty dollars (\$50.00) or imprisoned not more than 30 days.~~ Class 3 misdemeanor."

**—WHEN TRANSFeree IS DEALER OR INSURANCE COMPANY**

Sec. 341. G.S. 20-75 reads as rewritten:

**"§ 20-75. When transferee is dealer or insurance company.**

When the transferee of any vehicle registered under the foregoing provision of this Article is a licensed dealer who holds the same for resale and operates the same only for purpose of demonstration under a dealer's number plate, or a duly licensed insurance company taking such vehicle for sale or disposal for salvage purposes where such title is taken as a part of a bona fide claim settlement transaction and only for the purpose of resale, such transferee shall not be required to register such vehicle nor forward the certificate of title to the Division as provided in G.S. 20-73. To assign or transfer title or interest in such vehicle, the dealer or insurance company shall execute in the presence of a person authorized to administer oaths a reassignment and warranty of title on the reverse of the certificate of title in form approved by the Division, including in such reassignment the name and address of the transferee, and title to such vehicle shall not pass or vest until such reassignment is executed and the motor vehicle delivered to the transferee.

The dealer transferring title or interest in a motor vehicle shall deliver the certificate of title duly assigned in accordance with the foregoing provision to the transferee at the time of delivering the vehicle, except that where a security interest in the motor vehicle is obtained from the transferee in payment of the purchase price or otherwise, the dealer shall deliver the certificate of title to the lienholder and the lienholder shall forward the certificate of title together with the transferee's application for new certificate of title and necessary fees to the Division within 20 days. Any person who delivers or accepts a certificate of title assigned in blank shall be guilty of a Class 2 misdemeanor.

The title to a salvage vehicle shall be forwarded to the Division as provided in G.S. 20-109.1."

## —UNCLAIMED VEHICLES

Sec. 342. G.S. 20-77(d) reads as rewritten:

"(d) An operator of a place of business for garaging, repairing, parking or storing vehicles for the public in which a vehicle remains unclaimed for 30 days, or the landowners upon whose property a motor vehicle has been abandoned for more than 60 days, shall, within five days after the expiration of that period, report the vehicle as unclaimed to the Division. Failure to make such report shall constitute a ~~misdemeanor punishable by fine not to exceed fifty dollars (\$50.00) or imprisonment not to exceed 30 days, or both, in the discretion of the court.~~ Class 3 misdemeanor.

Any vehicle which remains unclaimed after report is made to the Division may be sold by such operator or landowner in accordance with the provisions relating to the enforcement of liens and the application of proceeds of sale of Article 1 of Chapter 44A."

## —REGISTRATION BY MANUFACTURERS AND DEALERS

Sec. 343. G.S. 20-79(a) reads as rewritten:

"(a) Every manufacturer of or dealer in motor vehicles, trailers or semitrailers shall apply to the Motor Vehicle Division for a license as such upon official forms and shall in his application give the name of the manufacturer or dealer and his bona fide address of each partner; if a corporation, the name of the corporation and the state of incorporation; the bona fide address of the place of business; whether a dealer in new vehicles or in used vehicles and shall state how long in business. Upon receipt of said application the Division shall upon the payment of fees as required by law issue a license to such applicant, together with number plates, which plates shall bear thereon a distinctive number, the name of this State, which may be abbreviated, the year for which issued, together with the word dealer or a distinguishing symbol indicating that such plate or plates are issued to a dealer. The plates so issued may during the year for which issued be transferred from one vehicle to another owned and operated by such manufacturer or dealer.

Dealer and manufacturer plates shall after June 30, 1980, be issued on a fiscal year basis beginning July 1, and plates issued for fiscal year beginning July 1 shall expire on June 30 following the date of issuance.

Any person to whom license and number plates are issued under the provisions of this subsection upon discontinuing business as a dealer or manufacturer shall forthwith surrender to the Division license and all number plates so issued to him.

No person, firm, or corporation shall engage in the business of buying, selling, distributing or exchanging motor vehicles, trailers or semitrailers in this State unless he or it qualifies for and obtains the license required by this section.

Any person, firm, or corporation violating any provision of this subsection shall be guilty of a ~~misdemeanor and for each offense shall be fined not less than one hundred dollars (\$100.00) nor more than one thousand dollars (\$1,000) and may be imprisoned for not more than 60 days, or both such fine and imprisonment.~~ Class 2 misdemeanor."

## —PARTIAL PAYMENTS OF LICENSE FEES

Sec. 344. G.S. 20-94 reads as rewritten:

### “§ 20-94. Partial payments.

In the purchase of licenses, where the gross amount of the license fee to any one owner amounts to more than four hundred dollars (\$400.00), half of such payment may, if the Commissioner is satisfied of the financial responsibility of such owner, be deferred until June 1 in any calendar year upon the execution to the Commissioner of a draft upon any bank or trust company upon forms to be provided by the Commissioner in an amount equivalent to one half of such fee, plus a carrying charge of three percent (3%) of the deferred portion of the license fee: Provided, that any person using any tag so purchased after the first day of June in any such year without having first provided for the payment of such draft, shall be guilty of a Class 2 misdemeanor. No further license plates shall be issued to any person executing such a draft after the due date of any such draft so long as such draft or any portion thereof remains unpaid. Any such draft being dishonored and not paid shall be subject to the penalties prescribed in G.S. 20-178 and shall be immediately turned over by the Commissioner to his duly authorized agents and/or the State Highway Patrol, to the end that this provision may be enforced. When the owner of the vehicles for which a draft has been given sells or transfers ownership to all vehicles covered by the draft, such draft shall become payable immediately, and such vehicles shall not be transferred by the Division until the draft has been paid. Any one owner whose gross license fee amounts to more than two hundred dollars (\$200.00) but not more than four hundred dollars (\$400.00) may also be permitted to sign a draft in accordance with the foregoing provisions of this section provided such owner makes application for the draft on or before February 1 during the license renewal period."

## **—OVERLOADING OF A MOTOR VEHICLE**

Sec. 345. G.S. 20-96 reads as rewritten:

### **"§ 20-96. Overloading.**

It is the intent of this section that every owner of a motor vehicle shall procure license in advance to cover the empty weight and maximum load which may be carried. Any owner failing to do so, and whose vehicle shall be found in operation on the highway over the weight for which such vehicle is licensed, shall pay the penalties prescribed in G.S. 20-118(e)(3). Nonresidents operating under the provisions of G.S. 20-83 shall be subject to the additional tax provided in this section when their vehicles are operated in excess of the licensed weight or, regardless of the licensed weight, in excess of the maximum weight provided for in G.S. 20-118. Any resident or nonresident owner of a vehicle that is found in operation on a highway designated by the Board of Transportation as a light traffic highway, and along which signs are posted showing the maximum legal weight on said highway with a load in excess of the weight posted for said highway, shall be subject to the penalties provided in G.S. 20-118(e)(1). Any person who shall willfully violate the provisions of this section shall be guilty of a Class 2 misdemeanor in addition to being liable for the additional tax herein prescribed.

Any peace officer who discovers a property-hauling vehicle being operated on the highways with an overload as described in this section or which is equipped with improper registration plates, or the owner of which is liable for any overload penalties or assessments applicable to the vehicle and due and unpaid for more than 30 days, is hereby authorized to seize said property-hauling vehicle and hold the same until the

overload has been removed or proper registration plates therefor have been secured and attached thereto and the penalties owed under this section and G.S. 20-118.3 have been paid. Any peace officer seizing a property-hauling vehicle under this provision, may, when necessary, store said vehicle and the owner thereof shall be responsible for all reasonable storage charges thereon. When any property-hauling vehicle is seized, held, unloaded or partially unloaded under this provision, the load or any part thereof shall be cared for by the owner or operator of the vehicle without any liability on the part of the officer or of the State or any municipality because of damage to or loss of such load or any part thereof."

#### **—FALSE REPORT OF THEFT OR CONVERSION A MOTOR VEHICLE**

Sec. 346. G.S. 20-102.1 reads as rewritten:

##### **"§ 20-102.1. False report of theft or conversion a misdemeanor.**

A person who knowingly makes to a peace officer or to the Division a false report of the theft or conversion of a motor vehicle shall be guilty of a ~~misdemeanor, punishable within discretion of the court.~~ Class 2 misdemeanor."

#### **—SUBLEASE AND LOAN ASSUMPTION OF A MOTOR VEHICLE**

Sec. 347. G.S. 20-106.2(e) reads as rewritten:

"(e) All other offenses under subsection (b) of this section are ~~misdemeanors under G.S. 14-3(a).~~ Class 1 misdemeanors. Each failure to disclose the location of the vehicle under subdivision (b)(3) shall constitute a separate offense."

#### **—INJURING OR TAMPERING WITH VEHICLE**

Sec. 348. G.S. 20-107 reads as rewritten:

##### **"§ 20-107. Injuring or tampering with vehicle.**

(a) Any person who either individually or in association with one or more other persons willfully injures or tampers with any vehicles or breaks or removes any part or parts of or from a vehicle without the consent of the owner is guilty of a ~~misdemeanor, and upon conviction shall be punished by a fine or imprisonment, or both, in the discretion of the court.~~ Class 2 misdemeanor."

(b) Any person who with intent to steal, commit any malicious mischief, injury or other crime, climbs into or upon a vehicle, whether it is in motion or at rest, or with like intent attempts to manipulate any of the levers, starting mechanism, brakes, or other mechanism or device of a vehicle while the same is at rest and unattended or with like intent sets in motion any vehicle while the same is at rest and unattended, is guilty of a ~~misdemeanor, and upon conviction shall be punished by a fine or imprisonment, or both, in the discretion of the court.~~ Class 2 misdemeanor."

#### **—VEHICLES OR COMPONENT PARTS WITHOUT MANUFACTURER'S NUMBERS**

Sec. 349. G.S. 20-108(a) reads as rewritten:

"(a) Any person who knowingly buys, receives, disposes of, sells, offers for sale, conceals, or has in his possession any motor vehicle, or engine or transmission or component part which has been stolen or removed from a motor vehicle and from which the manufacturer's serial or engine number or other distinguishing number or identification mark or number placed thereon under assignment from the Division has been removed, defaced, covered, altered, or destroyed for the purpose of concealing or

misrepresenting the identity of said motor vehicle or engine or transmission or component part is guilty of a ~~misdemeanor, and upon conviction shall be punished by a fine of not more than one thousand dollars (\$1,000) or up to six months imprisonment, or both, in the discretion of the court.~~ Class 2 misdemeanor."

#### **—SURRENDER OF TITLES TO SALVAGE VEHICLES**

Sec. 350. G.S. 20-109.1(d) reads as rewritten:

"(d) A violation of any provision of this section shall constitute a ~~misdemeanor punishable by a fine of not more than one hundred dollars (\$100.00) or imprisonment for not more than two years, or both, in the discretion of the court.~~ Class 1 misdemeanor. In addition to these criminal penalties, any person who violates this section is subject to a civil penalty of up to one hundred dollars (\$100.00), to be imposed in the discretion of the Commissioner."

#### **—VIOLATION OF MOTOR VEHICLE REGISTRATION PROVISIONS**

Sec. 351. G.S. 20-111(3) reads as rewritten:

"(3) The giving, lending, or borrowing of a license plate for the purpose of using same on some motor vehicle other than that for which issued shall make the giver, lender, or borrower guilty of a ~~misdemeanor, and upon conviction he shall be fined not more than fifty dollars (\$50.00), or imprisoned not more than 30 days.~~ Class 3 misdemeanor. Where license plate is found being improperly used, such plate or plates shall be revoked or canceled, and new license plates must be purchased before further operation of the motor vehicle."

Sec. 352. G.S. 20-111(5) reads as rewritten:

"(5) To use a false or fictitious name or address in any application for the registration of any vehicle or for a certificate of title or for any renewal or duplicate thereof, or knowingly to make a false statement or knowingly to conceal a material fact or otherwise commit a fraud in any such application. A violation of this subdivision shall constitute a ~~misdemeanor punishable in the discretion of the court not to exceed two years~~ Class 1 misdemeanor."

Sec. 353. G.S. 20-111(6) reads as rewritten:

"(6) To give, lend, sell or obtain a certificate of title for the purpose of such certificate being used for any purpose other than the registration, sale, or other use in connection with the vehicle for which the certificate was issued. Any person violating the provisions of this subdivision shall be guilty of a Class 2 misdemeanor."

#### **—LIMITATIONS ON TANDEM TRAILERS**

Sec. 354. G.S. 20-115.1(i) reads as rewritten:

"(i) Any driver of a vehicle with a semitrailer less than 50 feet in length violating subsections (a) or (b) of this section is guilty of a Class 3 misdemeanor punishable only by a fine of one hundred dollars (\$100.00). Any driver of a vehicle with a semitrailer 50 feet or more in length violating subsection (b) of this section is guilty of a Class 3 misdemeanor punishable only by a fine of two hundred dollars (\$200.00)."

#### **—SIZE OF VEHICLES AND LOADS**

Sec. 355. G.S. 20-116(h) reads as rewritten:

"(h) Whenever there exist two highways of the State highway system of approximately the same distance between two or more points, the Department of Transportation may, when in the opinion of the Department of Transportation, based upon engineering and traffic investigation, safety will be promoted or the public interest will be served, designate one of the highways the "truck route" between those points, and to prohibit the use of the other highway by heavy trucks or other vehicles of a gross vehicle weight or axle load limit in excess of a designated maximum. In such instances the highways selected for heavy vehicle traffic shall be designated as 'truck routes' by signs conspicuously posted, and the highways upon which heavy vehicle traffic is prohibited shall likewise be designated by signs conspicuously posted showing the maximum gross vehicle weight or axle load limits authorized for those highways. The operation of any vehicle whose gross vehicle weight or axle load exceeds the maximum limits shown on signs over the posted highway shall constitute a Class 2 misdemeanor: Provided, that nothing in this subsection shall prohibit a truck or other motor vehicle whose gross vehicle weight or axle load exceeds that prescribed for those highways from using them when its destination is located solely upon that highway, road or street: Provided, further, that nothing in this subsection shall prohibit passenger vehicles or other light vehicles from using any highways designated for heavy truck traffic."

#### **—REFUSAL TO PERMIT WEIGHING**

Sec. 356. G.S. 20-118.1 reads as rewritten:

#### **"§ 20-118.1. Peace officer may weigh vehicle and require removal of excess load; refusal to permit weighing.**

Any peace officer having reason to believe that the weight of a vehicle and load is unlawful is authorized to weigh the same either by means of North Carolina Department of Transportation portable or stationary scales, and may require that such vehicle be driven to the nearest North Carolina Department of Transportation stationary scales or stationary scales approved by the North Carolina Department of Agriculture in the event such scales are within five miles. The officer may then require the driver to unload immediately such portion of the load as may be necessary to decrease the gross weight of such vehicle to the maximum therefor specified in this Article. All material so unloaded shall be cared for by the owner or operator of such vehicle at the risk of such owner or operator. Any person who refuses to permit a vehicle being operated by him to be weighed as in this section provided or who refuses to drive said vehicle upon the scales provided for weighing for the purpose of being weighed, shall be guilty of a Class 2 misdemeanor. No vehicle more than two miles from a North Carolina Department of Transportation stationary scales may be required to be driven to such scales unless the peace officer knows or reasonably suspects the vehicle has driven so as to avoid being weighed at the scales."

#### **—SPECIAL PERMITS FOR VEHICLES OF EXCESSIVE SIZE, ETC**

Sec. 357. G.S. 20-119(d) reads as rewritten:

"(d) Violation of any of the terms or conditions of a special permit issued under this section shall be a Class 3 misdemeanor. A person convicted of a Class 3

misdemeanor under this section shall be subject to a fine of not more than five hundred dollars (\$500.00)."

#### **—SECURELY FASTENING LOAD**

Sec. 358. G.S. 20-120 reads as rewritten:

#### **"§ 20-120. Operation of flat trucks on State highways regulated; trucks hauling leaf tobacco in barrels or hogsheads.**

It shall be unlawful for any person, firm or corporation to operate, or have operated on any public highway in the State any open, flat truck loaded with logs, cotton bales, boxes or other load piled on said truck, without having the said load securely fastened on said truck.

It shall be unlawful for any firm, person or corporation to operate or permit to be operated on any highway of this State a truck or trucks on which leaf tobacco in barrels or hogsheads is carried unless each section or tier of such barrels or hogsheads are reasonably securely fastened to such truck or trucks by metal chains or wire cables, or manila or hemp ropes of not less than five-eighths inch in diameter, to hold said barrels or hogsheads in place under any ordinary traffic or road condition: Provided that the provisions of this paragraph shall not apply to any truck or trucks on which the hogsheads or barrels of tobacco are arranged in a single layer, tier, or plane, it being the intent of this paragraph to require the use of metal chains or wire cables only when barrels or hogsheads of tobacco are stacked or piled one upon the other on a truck or trucks. Nothing in this paragraph shall apply to trucks engaged in transporting hogsheads or barrels of tobacco between factories and storage houses of the same company unless such hogsheads or barrels are placed upon the truck in tiers. In the event the hogsheads or barrels of tobacco are placed upon the truck in tiers same shall be securely fastened to the said truck as hereinbefore provided in this paragraph.

Any person violating the provisions of this section shall be guilty of a ~~misdemeanor and upon conviction shall be fined or imprisoned in the discretion of the court.~~ Class 2 misdemeanor."

#### **—BRAKES**

Sec. 359. G.S. 20-124(h) reads as rewritten:

"(h) From and after July 1, 1955, no person shall sell or offer for sale for use in motor vehicle brake systems in this State any hydraulic brake fluid of a type and brand other than those approved by the Commissioner of Motor Vehicles. From and after January 1, 1970, no person shall sell or offer for sale in motor vehicle brake systems any brake lining of a type or brand other than those approved by the Commissioner of Motor Vehicles. Violation of the provisions of this subsection shall constitute a Class 2 misdemeanor."

#### **—WINDSHIELDS MUST BE UNOBSTRUCTED**

Sec. 360. G.S. 20-127(g) reads as rewritten:

"(g) With any delivery of tinted film for installation in vehicles, where approved film is required, the manufacturer shall provide the required labels with written instructions and materials for permanent installation. The use of any label that is not registered, or the misuse of any registered label to mislead motor vehicle safety

inspectors, law enforcement officers, or other officials shall constitute a Class 2 misdemeanor."

#### **—USE OF RED OR BLUE LIGHTS ON VEHICLES PROHIBITED**

Sec. 361. G.S. 20-130.1(e) reads as rewritten:

"(e) Violation of subsection (a) or (c) of this section is a ~~misdemeanor punishable under G.S. 14-3(a)~~ Class 1 misdemeanor."

#### **—OPERATION OF VEHICLES RESEMBLING LAW-ENFORCEMENT VEHICLES**

Sec. 362. G.S. 20-137.2(b) reads as rewritten:

"(b) Violation of subsection (a) of this section is a ~~misdemeanor punishable under G.S. 14-3~~ Class 1 misdemeanor."

#### **—IMPAIRED DRIVING IN COMMERCIAL VEHICLE**

Sec. 363. G.S. 20-138.2(e) reads as rewritten:

"(e) Punishment; Effect When Impaired Driving Offense Also Charged. – The offense in this section is a ~~misdemeanor punishable by a fine of not less than one hundred dollars (\$100.00), up to two years imprisonment, or both~~ Class 1 misdemeanor. This offense is not a lesser included offense of impaired driving under G.S. 20-138.1, but if a person is convicted under this section and of an offense involving impaired driving under G.S. 20-138.1 arising out of the same transaction, the aggregate punishment imposed by the Court may not exceed the maximum punishment applicable to the offense involving impaired driving under G.S. 20-138.1."

#### **—PROVISIONAL LICENSEE CONSUMING ALCOHOL OR DRUGS**

Sec. 364. G.S. 20-138.3(c) reads as rewritten:

"(c) Punishment; Effect When Impaired Driving Offense Also Charged. – The offense in this section is a ~~misdemeanor punishable under G.S. 20-176(e)~~ Class 2 misdemeanor. It is not, in any circumstances, a lesser included offense of impaired driving under G.S. 20-138.1, but if a person is convicted under this section and of an offense involving impaired driving arising out of the same transaction, the aggregate punishment imposed by the court may not exceed the maximum applicable to the offense involving impaired driving, and any minimum punishment applicable must be imposed."

#### **—RECKLESS DRIVING**

Sec. 365. G.S. 20-140(d) reads as rewritten:

"(d) Reckless driving as defined in subsections (a) and (b) is a ~~misdemeanor, punishable by imprisonment not to exceed six months or a fine not to exceed five hundred dollars (\$500.00), or both a fine and imprisonment~~ Class 2 misdemeanor."

#### **—SPEED RESTRICTIONS**

Sec. 366. G.S. 20-141(j) reads as rewritten:

"(j) Any person convicted of violating this section by operating a vehicle on a street or highway in excess of 55 miles per hour and at least 15 miles per hour over the legal limit while fleeing or attempting to elude arrest or apprehension by a law-enforcement officer with authority to enforce the motor vehicle laws is guilty of a ~~misdemeanor and shall be punished by a fine of not less than one hundred dollars~~

~~(\$100.00) nor more than one thousand dollars (\$1,000) or imprisonment for not more than two years, or both, in the discretion of the court. Class 1 misdemeanor."~~

Sec. 367. G.S. 20-141(j1) reads as rewritten:

"(j1) A person who drives a vehicle on a highway at a speed that is more than 15 miles per hour more than the speed limit established by law for the highway where the offense occurred is guilty of a ~~misdemeanor punishable by imprisonment for up to 60 days, a fine up to two hundred dollars (\$200.00), or both. Class 2 misdemeanor."~~

## —UNLAWFUL RACING ON STREETS AND HIGHWAYS

Sec. 368. G.S. 20-141.3(a) reads as rewritten:

"(a) It shall be unlawful for any person to operate a motor vehicle on a street or highway willfully in prearranged speed competition with another motor vehicle. Any person violating the provisions of this subsection shall be guilty of a ~~misdemeanor and, upon conviction, shall be punished by a fine of not less than five hundred dollars (\$500.00) or imprisonment for not less than 60 days, or both, in the discretion of the court. Class 2 misdemeanor."~~

Sec. 369. G.S. 20-141.3(b) reads as rewritten:

"(b) It shall be unlawful for any person to operate a motor vehicle on a street or highway willfully in speed competition with another motor vehicle. Any person willfully violating the provisions of this subsection shall be guilty of a ~~misdemeanor and, upon conviction, shall be punished by a fine of not less than fifty dollars (\$50.00), or imprisonment of not more than two years, or by both such fine and imprisonment in the discretion of the court. Class 1 misdemeanor."~~

Sec. 370. G.S. 20-141.3(c) reads as rewritten:

"(c) It shall be unlawful for any person to authorize or knowingly permit a motor vehicle owned by him or under his control to be operated on a public street, highway, or thoroughfare in prearranged speed competition with another motor vehicle, or to place or receive any bet, wager, or other thing of value from the outcome of any prearranged speed competition on any public street, highway, or thoroughfare. Any person violating the provisions of this subsection shall be guilty of a ~~Class 1 misdemeanor. and, upon conviction, shall be punished by a fine or imprisonment not to exceed two years, or both, in the discretion of the court.~~

## —FELONY AND MISDEMEANOR DEATH BY VEHICLE

Sec. 371. G.S. 20-141.4(b) reads as rewritten:

"(b) Punishments. — Felony death by vehicle is a Class I felony. Misdemeanor death by vehicle is a ~~misdemeanor punishable by a fine of not more than five hundred dollars (\$500.00), imprisonment for not more than two years, or both, in the discretion of the court. Class 1 misdemeanor."~~

## —PULLING OVER FOR EMERGENCY VEHICLE

Sec. 372. G.S. 20-157(a) reads as rewritten:

"(a) Upon the approach of any police or fire department vehicle or public or private ambulance or rescue squad emergency service vehicle giving warning signal by appropriate light and by audible bell, siren or exhaust whistle, audible under normal conditions from a distance not less than 1000 feet, the driver of every other vehicle shall immediately drive the same to a position as near as possible and parallel to the right-

hand edge or curb, clear of any intersection of streets or highways, and shall stop and remain in such position unless otherwise directed by a police or traffic officer until police or fire department vehicle or public or private ambulance or rescue squad emergency service vehicle shall have passed. Provided, however, this subsection shall not apply to vehicles traveling in the opposite direction of the vehicles herein enumerated when traveling on a four-lane limited access highway with a median divider dividing the highway for vehicles traveling in opposite directions, and provided further that the violation of this subsection shall not be negligence per se. Violation of this subsection is a ~~misdemeanor punishable as provided by G.S. 20-176. Class 2 misdemeanor.~~

#### **—DUTY TO STOP IN EVENT OF ACCIDENT OR COLLISION**

Sec. 373. G.S. 20-166(b) reads as rewritten:

"(b) In addition to complying with the requirement of (a), the driver as set forth in (a) shall give his name, address, driver's license number and the license plate number of his vehicle to the person struck or the driver or occupants of any vehicle collided with, provided that such person or persons are physically and mentally capable of receiving such information, and shall render to any person injured in such accident or collision reasonable assistance, including the calling for medical assistance if it is apparent that such assistance is necessary or is requested by the injured person. A violation of this subsection is a ~~misdemeanor punishable by a fine or by imprisonment for not more than two years, or both, in the discretion of the court. Class 1 misdemeanor.~~

Sec. 374. G.S. 20-166(c) reads as rewritten:

"(c) The driver of any vehicle, when he knows or reasonably should know that the vehicle which he is operating is involved in an accident or collision, which accident or collision, results:

- (1) Only in damage to property; or
- (2) In injury or death to any person, but only if the operator of the vehicle did not know and did not have reason to know of the death or injury; shall immediately stop his vehicle at the scene of the accident or collision. A violation of this subsection is a ~~misdemeanor punishable by a fine or by imprisonment for not more than two years, or both, in the discretion of the court. Class 1 misdemeanor.~~

Sec. 375. G.S. 20-166(c1) reads as rewritten:

"(c1) In addition to complying with the requirement of (c), the driver as set forth in (c) shall give his name, address, driver's license number and the license plate number of his vehicle to the driver or occupants of any other vehicle involved in the accident or collision or to any person whose property is damaged in the accident or collision. If the damaged property is a parked and unattended vehicle and the name and location of the owner is not known to or readily ascertainable by the driver of the responsible vehicle, the said driver shall furnish the information required by this subsection to the nearest available peace officer, or, in the alternative, and provided he thereafter within 48 hours fully complies with G.S. 20-166.1(c), shall immediately place a paper-writing containing said information in a conspicuous place upon or in the damaged vehicle. If the damaged property is a guardrail, utility pole, or other fixed object owned by the Department of Transportation, a public utility, or other public service corporation to

which report cannot readily be made at the scene, it shall be sufficient if the responsible driver shall furnish the information required to the nearest peace officer or make written report thereof containing said information by U.S. certified mail, return receipt requested, to the North Carolina Division of Motor Vehicles within five days following said collision. A violation of this subsection is a ~~misdemeanor punishable by a fine or by imprisonment for not more than two years, or both, in the discretion of the court. Class 1 misdemeanor.~~

## **—REPORTS AND INVESTIGATIONS REQUIRED IN EVENT OF COLLISION**

Sec. 376. G.S. 20-166.1(c) reads as rewritten:

"(c) Notwithstanding any other provisions of this section, the driver of any motor vehicle which collides with another motor vehicle left parked or unattended on any street or highway of this State shall within 48 hours report the collision to the owner of such parked or unattended motor vehicle. Such report shall include the time, date and place of the collision, the driver's name, address, driver's license number and the registration number of the vehicle being operated by the driver at the time of the collision, and such report may be oral or in writing. Such written report must be transmitted to the current address of the owner of the parked or unattended vehicle by United States certified mail, return receipt requested, and a copy of such report shall be transmitted to the North Carolina Division of Motor Vehicles.

No report, oral or written, made pursuant to this Article shall be competent in any civil action except to establish identity of the person operating the moving vehicle at the time of the collision referred to therein.

Any person who violates this subsection is guilty of a ~~misdemeanor and shall be punishable by fine or imprisonment, or both, in the discretion of the court. Class 1 misdemeanor.~~

Sec. 377. G.S. 20-166.1(k) reads as rewritten:

"(k) A violation of any provision of this section is a ~~misdemeanor punishable as provided in G.S. 20-176. Class 2 misdemeanor.~~

## **—TRANSPORTATION OF SPENT NUCLEAR FUEL**

Sec. 378. G.S. 20-167.1(d) reads as rewritten:

"(d) Any person, firm or corporation violating any provision of this section is guilty of a Class 3 misdemeanor and shall be punished only by a fine of not less than five hundred dollars (\$500.00), and each unauthorized shipment shall constitute a separate offense."

## **—PENALTY FOR MISDEMEANOR OR INFRACTION**

Sec. 379. G.S. 20-176(c) reads as rewritten:

"(c) Unless a specific penalty is otherwise provided by law, a person convicted of a misdemeanor contained in this Article ~~may be imprisoned for not more than 60 days or fined not more than one hundred dollars (\$100.00), or both such fine and imprisonment. is guilty of a Class 2 misdemeanor.~~ A punishment is specific for purposes of this subsection if it contains a quantitative limit on the term of imprisonment or the amount of fine a judge can impose."

## **—REFUSAL OF OPERATOR TO COOPERATE IN WEIGHING**

Sec. 380. G.S. 20-183.11 reads as rewritten:

**"§ 20-183.11. Refusal of operator to cooperate in weighing vehicle; removal of excess portion of load.**

When a permanent weighing station is established under the provisions of this section, it shall constitute a Class 2 misdemeanor for the operator of any vehicle to refuse to permit his vehicle to be weighed at such station or to refuse to drive his vehicle upon the scales so that the same may be weighed. Any vehicle and its load found to be above the weight authorized in Chapter 20 of the General Statutes shall have immediately removed by the operator such portion of its load as may be necessary to decrease the gross weight of the vehicle to the maximum therefor specified in Chapter 20 of the General Statutes: Provided, that the Division may allow any vehicle transporting refrigerated or iced perishable foods for human consumption to proceed without removing all or a portion of its load when the owner or operator has paid the taxes and penalties due because of the overload or has made satisfactory arrangements with the Commissioner of Motor Vehicles to pay said taxes and penalties. The material so unloaded shall be cared for by the owner or operator of such vehicle at the risk of the owner or operator of such vehicle."

**—CARRIERS OF MIGRATORY FARM WORKERS**

Sec. 381. G.S. 20-215.4 reads as rewritten:

**"§ 20-215.4. Violation of regulations a misdemeanor.**

The violation of any rule or regulation promulgated by the Division hereunder by any person, firm or corporation shall be a ~~misdemeanor, punishable by a fine of not more than fifty dollars (\$50.00) or by imprisonment for a period of not more than 30 days, or by both such fine and imprisonment.~~ Class 3 misdemeanor."

**—STOP FOR PROPERLY MARKED AND DESIGNATED SCHOOL BUSES**

Sec. 382. G.S. 20-217(e) reads as rewritten:

"(e) Any person violating the provisions of this section shall be guilty of a ~~misdemeanor, and upon conviction shall be fined not to exceed two hundred dollars (\$200.00), or imprisoned not to exceed 90 days, or both.~~ Class 2 misdemeanor."

**—REMOVAL OF UNAUTHORIZED VEHICLES FROM PRIVATE LOTS**

Sec. 383. G.S. 20-219.2(b) reads as rewritten:

"(b) Any person violating any of the provisions of this section shall be guilty of a Class 3 misdemeanor and upon conviction shall be only fined not more than ten dollars (\$10.00) in the discretion of the court."

**—ACCIDENT REPORTS**

Sec. 384. G.S. 20-279.31 reads as rewritten:

**"§ 20-279.31. Other violations; penalties.**

(a) Failure to report an accident as required in G.S. 20-279.4 ~~shall be punished is a Class 3 misdemeanor punishable only~~ by a fine not in excess of twenty-five dollars (\$25.00) and in the event of injury or damage to the person or property of another in such accident, the Commissioner shall suspend the license of the person failing to make such report, or the nonresident's operating privilege of such person, until such report has been filed and for such further period not to exceed 30 days as the Commissioner may fix.

(b) Any person who gives information required in a report or otherwise as provided for in G.S. 20-279.4 knowing or having reason to believe that such information is false, or who shall forge or, without authority, sign any evidence of proof of financial responsibility, or who files or offers for filing any such evidence of proof knowing or having reason to believe that it is forged or signed without authority, ~~shall be fined not more than one thousand dollars (\$1,000) or imprisoned for not more than one year, or both.~~ is guilty of a Class 1 misdemeanor.

(c) Any person willfully failing to return license as required in G.S. 20-279.30 ~~shall be fined not more than five hundred dollars (\$500.00) or imprisoned not to exceed 30 days, or both.~~ is guilty of a Class 3 misdemeanor.

(c1) Any person who makes a false affidavit or knowingly swears or affirms falsely to any matter under G.S. 20-279.5, 20-279.6, or 20-279.7 is guilty of perjury and shall be punished as provided in G.S. 14-209.

(d) Any person who shall violate any provision of this Article for which no penalty is otherwise provided ~~shall be fined not more than five hundred dollars (\$500.00) or imprisoned not more than 90 days, or both.~~ is guilty of a Class 2 misdemeanor."

#### **—MANDATORY LIABILITY INSURANCE**

Sec. 385. G.S. 20-284 reads as rewritten:

#### **"§ 20-284. Violation a misdemeanor.**

Any person, firm or corporation violating the provisions of this Article shall be guilty of a ~~misdemeanor and shall be punished by fine or imprisonment, or both, in the discretion of the court.~~ Class 1 misdemeanor."

#### **—MOTOR VEHICLE MANUFACTURERS LICENSING**

Sec. 386. G.S. 20-308 reads as rewritten:

#### **"§ 20-308. Penalties.**

Any person violating any of the provisions of this Article shall be guilty of a ~~misdemeanor and upon conviction thereof shall be fined or imprisoned in the discretion of the court.~~ Class 1 misdemeanor."

#### **—SURRENDER OF PLATES AFTER REVOCATION**

Sec. 387. G.S. 20-312 reads as rewritten:

#### **"§ 20-312. Failure of owner to deliver certificate of registration and plates after revocation; notice of revocation.**

Failure of an owner to deliver the certificate of registration and registration plates issued by the Division of Motor Vehicles, after revocation thereof as provided in this Article, shall constitute a Class 1 misdemeanor. Notice of revocation of the certificate of registration or registration plates shall be issued in accordance with G.S. 20-48."

#### **—FINANCIAL RESPONSIBILITY**

Sec. 388. G.S. 20-313(a) reads as rewritten:

"(a) On or after July 1, 1963, any owner of a motor vehicle registered or required to be registered in this State who shall operate or permit such motor vehicle to be operated in this State without having in full force and effect the financial responsibility required by this Article shall be guilty of a ~~misdemeanor and upon conviction shall be fined or imprisoned in the discretion of the court.~~ Class 1 misdemeanor."

## —MAKING FALSE CERTIFICATION

Sec. 389. G.S. 20-313.1 reads as rewritten:

### "§ 20-313.1. Making false certification or giving false information a misdemeanor.

(a) Any owner of a motor vehicle registered or required to be registered in this State who shall make a false certification concerning his financial responsibility for the operation of such motor vehicle shall be guilty of a ~~misdemeanor and upon conviction shall be fined or imprisoned in the discretion of the court.~~ Class 1 misdemeanor.

(b) Any person, firm, or corporation giving false information to the Division concerning another's financial responsibility for the operation of a motor vehicle registered or required to be registered in this State, knowing or having reason to believe that such information is false, shall be guilty of a ~~misdemeanor and upon conviction shall be fined or imprisoned in the discretion of the court.~~ Class 1 misdemeanor."

## —DRIVER TRAINING SCHOOLS

Sec. 390. G.S. 20-327 reads as rewritten:

### "§ 20-327. Penalties for violating Article or regulations.

Violation of any provision of this Article or any regulation promulgated pursuant hereto, shall constitute a ~~misdemeanor, and any person, firm, or corporation upon conviction thereof shall be punished by a fine of not more than one hundred dollars (\$100.00) or by imprisonment for not more than 30 days, or by both such fine and imprisonment.~~ Class 3 misdemeanor."

## —VEHICLE MILEAGE ACT

Sec. 391. G.S. 20-350 reads as rewritten:

### "§ 20-350. Criminal offense.

Any person, firm or corporation violating G.S. 20-343 shall be guilty of a Class J felony. A violation of any remaining provision of this Article shall be a Class 1 misdemeanor."

## —HOUSEMOVING

Sec. 392. G.S. 20-371(a) reads as rewritten:

"(a) Any person violating the provisions of this Article or the regulations of the Department governing housemoving shall be guilty of a ~~Class 3 misdemeanor and, upon conviction, shall be punished by which may include~~ a fine of not more than five hundred dollars (\$500.00) ~~, or imprisonment for not more than 30 days or both.~~"

## —MOTOR CARRIERS

Sec. 393. G.S. 20-390 reads as rewritten:

### "§ 20-390. Refusal to permit Division to inspect records made misdemeanor.

Any motor carrier, its officers or agents in charge thereof, that fails or refuses upon the written demand of the Division to permit its authorized representatives or employees to examine and inspect its books, records, accounts and documents, or its plant, property, or facilities, as provided for by law, shall be guilty of a Class 3 misdemeanor. Each day of such failure or refusal shall constitute a separate offense and each such offense shall be punishable only by a fine of not less than five hundred dollars (\$500.00) and not more than five thousand dollars (\$5,000)."

## —WILLFUL INJURY TO PROPERTY OF MOTOR CARRIER

Sec. 394. G.S. 20-395 reads as rewritten:

**"§ 20-395. Willful injury to property of motor carrier a misdemeanor.**

If any person shall willfully do or cause to be done any act or acts whatever whereby any building, construction or work of any motor carrier, or any engine, machine or structure of any matter or thing appertaining to the same shall be stopped, obstructed, impaired, weakened, injured or destroyed, he shall be guilty of a Class 1 misdemeanor."

**—UNLAWFUL MOTOR CARRIER OPERATIONS**

Sec. 395. G.S. 20-396 reads as rewritten:

**"§ 20-396. Unlawful motor carrier operations.**

(a) Any person, whether carrier, shipper, consignee, or any officer, employee, agent, or representative thereof, who by means of any false statement or representation, or by the use of any false or fictitious bill, bill of lading, receipt, voucher, roll, account, claim, certificate, affidavit, deposition, lease, or bill of sale, or by any other means or device, shall knowingly and willfully seek to evade or defeat regulations as in this Article provided for motor carriers, shall be deemed guilty of a Class 3 misdemeanor and ~~upon conviction thereof be fined only punished by a fine of~~ not more than five hundred dollars (\$500.00) for the first offense and not more than two thousand dollars (\$2,000) for any subsequent offense.

(b) Any motor carrier, or other person, or any officer, agent, employee, or representative thereof, who shall willfully fail or refuse to make a report to the Division as required by this Article, or other applicable law, or to make specific and full, true, and correct answer to any question within 30 days from the time it is lawfully required by the Division so to do, or to keep accounts, records, and memoranda in the form and manner prescribed by the Division or shall knowingly and willfully falsify, destroy, mutilate, or alter any such report, account, record, or memorandum, or shall knowingly and willfully neglect or fail to make true and correct entries in such accounts, records, or memoranda of all facts and transactions appertaining to the business of the carrier, or person required under this Article to keep the same, or shall knowingly and willfully keep any accounts, records, or memoranda contrary to the rules, regulations, or orders of the Division with respect thereto, shall be deemed guilty of a Class 3 misdemeanor and ~~upon conviction thereof be subject be punished for each offense to only by a fine of~~ not more than five thousand dollars (\$5,000). As used in this subsection the words 'kept' and 'keep' shall be construed to mean made, prepared or compiled as well as retained."

**—MOTOR CARRIERS FURNISHING FALSE INFORMATION**

Sec. 396. G.S. 20-397 reads as rewritten:

**"§ 20-397. Furnishing false information to the Division; withholding information from the Division.**

(a) Every person, firm or corporation operating under the jurisdiction of the Division or who is required by law to file reports with the Division who shall knowingly or willfully file or give false information to the Division in any report, reply, response, or other statement or document furnished to the Division shall be guilty of a ~~misdemeanor and shall be fined or imprisoned in the discretion of the court. Class 1~~ misdemeanor.

(b) Every person, firm, or corporation operating under the jurisdiction of the Division or who is required by law to file reports with the Division who shall willfully

withhold clearly specified and reasonably obtainable information from the Division in any report, response, reply or statement filed with the Division in the performance of the duties of the Division or who shall fail or refuse to file any report, response, reply or statement required by the Division in the performance of the duties of the Division shall be guilty of a ~~misdemeanor and shall be fined or imprisoned in the discretion of the court. Class 1 misdemeanor.~~"

#### **—CREDITORS TO FILE VERIFIED CLAIMS WITH CLERK**

Sec. 397. G.S. 23-9 reads as rewritten:

#### **"§ 23-9. Creditors to file verified claims with clerk; false swearing misdemeanor.**

All creditors of the maker of such deed of trust shall, before receiving payment of any amount from the said trustee, file with the clerk of the superior court a statement under oath that the amount claimed by him is justly due, after allowing all credits and offsets, to the best of his knowledge and belief. Any creditor who shall knowingly swear falsely in such statement shall be guilty of a Class 1 misdemeanor."

#### **—TRUSTEE VIOLATING DUTIES GUILTY OF MISDEMEANOR**

Sec. 398. G.S. 23-12 reads as rewritten:

#### **"§ 23-12. Trustee violating duties guilty of misdemeanor.**

If any trustee in a deed of trust for the benefit of creditors shall fail to file his inventory as required by law, or shall knowingly make any false statement in such inventory, or shall knowingly fail to include any property therein, or shall sell any part of the property described in the deed of trust within ten days unless such property so sold be perishable, or shall fail to file either of the quarterly accounts or the final accounts as required by law, or shall knowingly make any false statement in such quarterly or final account, or shall knowingly fail to include any property, money or disbursement in such quarterly or final account, he shall, in either case, be guilty of a Class 1 misdemeanor."

#### **—SOLICITING CLAIMS OF CREDITORS**

Sec. 399. G.S. 23-47 reads as rewritten:

#### **"§ 23-47. Violation of preceding section a misdemeanor.**

Any individual, corporation, or firm or other association of persons violating any provision of G.S. 23-46 shall be guilty of a Class 1 misdemeanor."

#### **—SECOND MORTGAGES**

Sec. 400. G.S. 24-17 reads as rewritten:

#### **"§ 24-17. Misdemeanors.**

A wilful or knowing violation of G.S. 24-12 through G.S. 24-16 is hereby made a ~~misdemeanor punishable by fine or imprisonment, or both, in the discretion of the court. Class 1 misdemeanor.~~"

#### **—INVESTMENT OF FUNDS BY GUARDIAN**

Sec. 401. G.S. 34-13 reads as rewritten:

#### **"§ 34-13. Investment of funds.**

Every guardian shall invest the funds of the estate in any of the following securities:

- (1) United States government bonds.
- (2) State of North Carolina bonds issued since the year 1872.

(3) By loaning the same upon real estate securities in which the guardian has no interest, such loans not to exceed fifty percent (50%) of the actual appraised or assessed value, whichever may be lower, and said loans when made to be evidenced by a note, or notes, or bond, or bonds, under the seal of the borrower and secured by first mortgage or first deed of trust. Said guardian before making such investment on real estate mortgages shall secure a certificate of title from some reputable attorney certifying that the same is first lien on real estate and also setting forth the tax valuation thereof for the current year: Provided, said guardian may purchase with said funds a home or farm for the sole use of said ward or his dependents upon petition and order of the clerk of superior court, said order to be approved by the resident or presiding judge of the superior court, and provided further that copy of said petition shall be forwarded to said Bureau before consideration thereof by said court. Any guardian may encumber the home or farm so purchased for the entire purchase price or balance thereof to enable the ward to obtain benefits provided in Title 38, U.S. Code, Chapter 37, upon petition to and order of the clerk of superior court of the county of appointment of said guardian and approved by the resident or presiding judge of the superior court. Notice of hearing on such petition, together with copy of the petition, shall be given to the United States Veterans Administration and the Department of Military and Veterans Affairs by mail not less than 15 days prior to the date fixed for the hearing.

(4) Any form of investment allowed by law to the State Treasurer under G.S. 147-69.1.

(5) Repealed by Session Laws 1979, c. 467, s. 22.

It shall be the duty of guardians who shall have funds invested other than as provided for in this section to liquidate same within one year from the passage of this law: Provided, however, that upon the approval of the judge of the superior court, either residing in or presiding over the courts of the district, the clerk of the superior court may authorize the guardian to extend from time to time, the time for sale or collection of any such investments; that no extension shall be made to cover a period of more than one year from the time the extension is made.

The clerk of the superior court of any county in the State or any guardian who shall violate any of the provisions of this section shall be guilty of a ~~misdemeanor, punishable by fine or imprisonment or both in the discretion of the court.~~ Class 1 misdemeanor."

#### **—WILLFUL DESTRUCTION BY TENANT MISDEMEANOR**

Sec. 402. G.S. 42-11 reads as rewritten:

#### **"§ 42-11. Willful destruction by tenant misdemeanor.**

If any tenant shall, during his term or after its expiration, willfully and unlawfully demolish, destroy, deface, injure or damage any tenement house, uninhabited house or other outhouse, belonging to his landlord or upon his premises by removing parts thereof or by burning, or in any other manner, or shall unlawfully and willfully burn,

destroy, pull down, injure or remove any fence, wall or other inclosure or any part thereof, built or standing upon the premises of such landlord, or shall willfully and unlawfully cut down or destroy any timber, fruit, shade or ornamental tree belonging to said landlord, he shall be guilty of a Class 1 misdemeanor."

#### **—WRONGFUL SURRENDER TO OTHER THAN LANDLORD**

Sec. 403. G.S. 42-13 reads as rewritten:

#### **"§ 42-13. Wrongful surrender to other than landlord misdemeanor.**

Any tenant or lessee of lands who shall willfully, wrongfully and with intent to defraud the landlord or lessor, give up the possession of the rented or leased premises to any person other than his landlord or lessor, shall be guilty of a Class 1 misdemeanor."

#### **—UNLAWFUL SEIZURE BY LANDLORD OR REMOVAL BY TENANT**

Sec. 404. G.S. 42-22 reads as rewritten:

#### **"§ 42-22. Unlawful seizure by landlord or removal by tenant misdemeanor.**

If any landlord shall unlawfully, willfully, knowingly and without process of law, and unjustly seize the crop of his tenant when there is nothing due him, he shall be guilty of a Class 1 misdemeanor. If any lessee or cropper, or the assigns of either, or any other person, shall remove a crop, or any part thereof, from land without the consent of the lessor or his assigns, and without giving him or his agent five days' notice of such intended removal, and before satisfying all the liens held by the lessor or his assigns, on said crop, he shall be guilty of a Class 1 misdemeanor."

#### **—TENANT TO ACCOUNT FOR SALES OF TOBACCO**

Sec. 405. G.S. 42-22.1 reads as rewritten:

#### **"§ 42-22.1. Failure of tenant to account for sales under tobacco marketing cards.**

Any tenant or share cropper having possession of a tobacco marketing card issued by any agency of the State or federal government who sells tobacco authorized to be sold thereby and fails to account to his landlord, to the extent of the net proceeds of such sale or sales, for all liens, rents, advances, or other claims held by his landlord against the tobacco or the proceeds of the sale of such tobacco, shall be guilty of a ~~misdemeanor and, upon conviction, shall be punished by a fine or imprisonment in the discretion of the court.~~ Class 1 misdemeanor."

#### **—FALSE STATEMENT/STATUTORY LIENS**

Sec. 406. G.S. 44A-24 reads as rewritten:

#### **"§ 44A-24. False statement a misdemeanor.**

If any contractor or other person receiving payment from an obligor for an improvement to real property or from a purchaser for a conveyance of real property with improvements shall knowingly furnish to such obligor, purchaser, or to a lender who obtains a security interest in said real property, or to a title insurance company insuring title to such real property, a false written statement of the sums due or claimed to be due for labor or material furnished at the site of improvements to such real property, then such contractor, subcontractor or other person shall be guilty of a ~~misdemeanor and upon conviction shall be punished by a fine not exceeding one thousand dollars (\$1,000) or by imprisonment not to exceed two years or by both such fine and imprisonment in the discretion of the court.~~ Class 1 misdemeanor. Upon conviction and in the event the court shall grant any defendant a suspended sentence,

the court may in its discretion include as a condition of such suspension a provision that the defendant shall reimburse the party who suffered loss on such conditions as the court shall determine are proper.

The elements of the offense herein stated are the furnishing of the false written statement with knowledge that it is false and the subsequent or simultaneous receipt of payment from an obligor or purchaser, and in any prosecution hereunder it shall not be necessary for the State to prove that the obligor, purchaser, lender or title insurance company relied upon the false statement or that any person was injured thereby."

#### **—PAYMENT AND PERFORMANCE BONDS REQUIRED**

Sec. 407. G.S. 44A-32 reads as rewritten:

#### **"§ 44A-32. Designation of official; violation a misdemeanor.**

Each contracting body shall designate an official thereof to require the bonds described by this Article. If the official so designated shall fail to require said bond, he shall be guilty of a Class 1 misdemeanor."

#### **—RECORDING OF PLATS AND MAPS**

Sec. 408. G.S. 47-32.2 reads as rewritten:

#### **"§ 47-32.2. Violation of §47-30 or 47-32 a misdemeanor.**

Any person, firm or corporation willfully violating the provisions of G.S. 47-30 or G.S. 47-32 shall be guilty of a Class 3 misdemeanor and upon conviction shall be subject only to a fine of not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00).

The provisions of this section shall not apply to the following counties: Alexander, Alleghany, Ashe, Beaufort, Camden, Clay, Franklin, Granville, Greene, Harnett, Hertford, Hoke, Hyde, Jackson, Jones, Lee, Lincoln, Madison, Martin, Northampton, Pamlico, Pasquotank, Pender, Person, Pitt, Richmond, Robeson, Rockingham, Sampson, Scotland, Surry, Swain, Vance, Warren, Washington, Watauga and Yadkin."

#### **—FORGERY OR ALTERATION OF DISCHARGE OR CERTIFICATE**

Sec. 409. G.S. 47-112 reads as rewritten:

#### **"§ 47-112. Forgery or alteration of discharge or certificate; punishment.**

Any person who shall forge, or in any manner alter any discharge or certificate of lost discharge issued by the government of the United States, and offer the same for registration or secure the registration of the same under the provisions of this Article shall be guilty of a ~~misdemeanor, and upon conviction shall be fined or imprisoned in the discretion of the court.~~ Class 1 misdemeanor."

#### **—WHAT MINOR CHILDREN MAY BE ADOPTED**

Sec. 410. G.S. 48-3(b) reads as rewritten:

"(b) No less than 72 hours before any child less than 12 years old may be placed with any person in anticipation of an adoption, the director of social services of the county in which the parent or guardian resides or the county in which the child was born or will be born shall be notified in writing of the proposed placement. The written notification shall be sent by the prospective adoptive parents and shall contain:

- (1) The names and addresses of each parent or guardian of the child and of each person with whom the child is to be placed for adoption,

- (2) The signatures of a parent or guardian of the child and of each person with whom the child is to be placed for adoption,
- (3) The birth date or expected birth date and county of birth or expected county of birth of the child, and
- (4) The intention of the parties as to adoption of the child.

The notification may also contain any request for counseling that any of the parties to the placement wish to make.

The requirement of notification does not apply to placements with a child's relative listed in G.S. 48-21.

Any person who willfully and knowingly violates this subsection shall be guilty of a Class 1 misdemeanor."

#### **—RECORD AND INFORMATION NOT TO BE MADE PUBLIC**

Sec. 411. G.S. 48-25(b) reads as rewritten:

"(b) With the exception of the information contained in the final order, it shall be a Class 1 misdemeanor for any person having charge of the file or the record to disclose, except as provided in subsection (d) of this section, G.S. 48-26, and as may be required under the provisions of G.S. 48-27, any information concerning the contents of any papers in the proceeding."

#### **—COMPENSATION FOR PLACING OF CHILD**

Sec. 412. G.S. 48-37 reads as rewritten:

#### **"§ 48-37. Compensation for placing or arranging placement of child for adoption prohibited.**

No person, agency, association, corporation, institution, society or other organization, except a licensed child-placing agency as defined by G.S. 48-2(4), or a county department of social services, shall offer or give, charge or accept any fee, compensation, consideration or thing of value for receiving or placing, arranging the placement of, or assisting in placing or arranging the placement of, any child for adoption. Provided, that the adoptive parents may pay the reasonable and actual medical expenses incurred by the biological mother incident to the birth of the child, and provided that in the petition for adoption the adoptive parents must disclose the amount of these payments and must represent that there were no gifts or payments of, or promises to give or pay, any other fee, compensation, consideration, or thing of value such as is prohibited by this section. The act of preparing and filing the adoption proceeding before the court shall not be construed as receiving or placing, arranging the placement of, or assisting in placing or arranging the placement of, any child for adoption. Any person who violates any provision of this section shall be guilty of a misdemeanor, and upon conviction or plea of guilty shall be fined or imprisoned or both at the discretion of the court. Class 1 misdemeanor. Any person who is convicted of or pleads guilty to a second or subsequent violation of this section shall be guilty of a felony and shall be imprisoned for not more than three years or fined not more than ten thousand dollars (\$10,000) or both at the discretion of the court."

#### **—ADVERTISEMENTS SOLICITING CHILDREN FOR ADOPTION**

Sec. 413. G.S. 48-38 reads as rewritten:

#### **"§ 48-38. Advertisements soliciting children for adoption prohibited.**

No person, agency, association, corporation, society or other organization, except a licensed child-placing agency as defined in G.S. 48-2, a county department of social services, or the Department of Human Resources, shall publish, transmit, broadcast, or otherwise distribute any advertisement of any type whatsoever which solicits the receiving or placing of children for adoption, or which solicits the custody of children. Any person who violates any provision of this section shall be guilty of a ~~misdemeanor and upon conviction or plea of guilty shall be fined or imprisoned or both at the discretion of the court.~~ Class 1 misdemeanor."

#### **—NONSUPPORT OF ILLEGITIMATE CHILD BY PARENTS**

Sec. 414. G.S. 49-2 reads as rewritten:

#### **"§ 49-2. Nonsupport of illegitimate child by parents made misdemeanor.**

Any parent who willfully neglects or who refuses to provide adequate support and maintain his or her illegitimate child shall be guilty of a ~~misdemeanor and subject to such penalties as are hereinafter provided.~~ Class 2 misdemeanor. A child within the meaning of this Article shall be any person less than 18 years of age and any person whom either parent might be required under the laws of North Carolina to support and maintain if such child were the legitimate child of such parent."

#### **—PENALTY FOR SOLEMNIZING WITHOUT LICENSE**

Sec. 415. G.S. 51-7 reads as rewritten:

#### **"§ 51-7. Penalty for solemnizing without license.**

Every minister or officer who marries any couple without a license being first delivered to him, as required by law, or after the expiration of such license, or who fails to return such license to the register of deeds within 10 days after any marriage celebrated by virtue thereof, with the certificate appended thereto duly filled up and signed, shall forfeit and pay two hundred dollars (\$200.00) to any person who sues therefor, and he shall also be guilty of a Class 1 misdemeanor."

#### **—MARRIAGE LICENSE HEALTH EXAM**

Sec. 416. G.S. 51-13 reads as rewritten:

#### **"§ 51-13. Penalty for violation of §§ 51-9 to 51-12.**

Any violation of G.S. 51-9 to 51-12, or any part thereof, by any person charged herein with the responsibility of its enforcement shall be declared a ~~misdemeanor and shall be punishable by a fine of fifty dollars (\$50.00) or imprisonment for 30 days, or both.~~ Class 3 misdemeanor."

#### **—OBTAINING MARRIAGE LICENSE BY FALSE REPRESENTATION**

Sec. 417. G.S. 51-15 reads as rewritten:

#### **"§ 51-15. Obtaining license by false representation misdemeanor.**

If any person shall obtain a marriage license by misrepresentation or false pretenses, he shall be guilty of a ~~misdemeanor, and upon conviction shall be fined not exceeding fifty dollars (\$50.00), or imprisoned not exceeding 30 days, or both, at the discretion of the court.~~ Class 3 misdemeanor."

#### **—UNLAWFUL ISSUING OF CERTIFICATE OF DEPOSIT**

Sec. 418. G.S. 53-63 reads as rewritten:

#### **"§ 53-63. Unlawful issuing of certificate of deposit.**

It shall be unlawful for any bank to issue any certificate of deposit or other negotiable instrument of its indebtedness to the holder thereof except for lawful money of the United States, checks, drafts, or bills of exchange which are the actual equivalent of such money; nor shall such moneys, checks, drafts, or bills of exchange be the proceeds of any note given in payment of the purchase price of any stock. Any officer or employee of any bank violating the provisions of this section shall be guilty of a ~~misdemeanor, and upon conviction thereof shall be fined or imprisoned, or both, in the discretion of the court.~~ Class 1 misdemeanor."

#### **—BANK OFFICIALS ACCEPTING FEES**

Sec. 419. G.S. 53-86 reads as rewritten:

#### **"§ 53-86. Directors, officers, etc., accepting fees, etc.**

No gift, fee, commission, or brokerage charge shall be received, directly or indirectly, by any officer, director, or employee of any bank doing business under this Chapter, on account of any transaction to which the bank is a party. Any officer, director, employee, or agent who shall violate the provisions of this section shall be guilty of a Class 3 misdemeanor, and shall be and thereafter remain ineligible as an officer, director, or employee of any bank doing business under this Chapter. Nothing in this section shall be construed to prevent the payment of necessary and proper fees to any licensed attorney or licensed real estate broker or salesman, who is a director but not an officer or employee of the bank for professional services rendered, and nothing in this section shall be construed to apply to commissions on insurance and surety bond premiums."

#### **—BANK EXAMINERS DISCLOSING CONFIDENTIAL INFORMATION**

Sec. 420. G.S. 53-125 reads as rewritten:

#### **"§ 53-125. Examiners disclosing confidential information.**

If any bank examiner or other employee of the Commissioner of Banks fails to keep secret the facts and information obtained in the course of an examination of a bank, except when the public duty of such examiner or employee requires him to report upon or take official action regarding the affairs of such bank, he shall be guilty of a ~~misdemeanor, and upon conviction thereof shall be fined not more than five hundred dollars (\$500.00) or imprisoned not more than 12 months, or both, in the discretion of the court.~~ Class 1 misdemeanor. Nothing in this section shall prevent the proper exchange of information with the representatives of the banking departments of other states, with the federal reserve bank or national bank examiners, or other authorities, with the creditors of such bank or others with whom a proper exchange of information is wise or necessary, or with the clearinghouse officials and examiners."

#### **—LOANS OR GRATUITIES FORBIDDEN**

Sec. 421. G.S. 53-126 reads as rewritten:

#### **"§ 53-126. Loans or gratuities forbidden.**

No State bank, or any officer, director or employee thereof shall hereafter make any loan or grant any gratuity to the Commissioner of Banks, any bank examiner or assistant bank examiner of the Commissioner of Banks of North Carolina. Any such officer, director or employee violating this provision shall be guilty of a Class 1 misdemeanor ~~and imprisoned not exceeding one year or fined not more than one thousand dollars~~

~~(\$1,000), or both; and they may be fined a further sum equal to the money so loaned or gratuity given. If the Commissioner of Banks, or any bank examiner, or assistant bank examiner of the Commissioner of Banks of North Carolina shall accept a loan or gratuity from any State bank, or from any officer, director or employee thereof, he shall be guilty of a Class 1 misdemeanor and imprisoned not exceeding one year, or fined not more than one thousand dollars (\$1,000), or both, and may be fined a further sum equal to the money so loaned or gratuity given."~~

#### **—USE OF TERMS INDICATING THAT BUSINESS IS BANK**

Sec. 422. G.S. 53-127(d) reads as rewritten:

"(d) Penalty. Violation of this section is a Class 3 misdemeanor, punishable only by a fine of up to five hundred dollars (\$500.00)."

#### **—WILLFULLY AND MALICIOUSLY MAKING DEROGATORY REPORTS**

Sec. 423. G.S. 53-128 reads as rewritten:

#### **"§ 53-128. Willfully and maliciously making derogatory reports.**

Any person who shall willfully and maliciously make, circulate, or transmit to another or others any statement, rumor, or suggestion, written, printed, or by word of mouth, which is directly or by inference false and derogatory to the financial condition, or affects the solvency or financial standing of any bank, or who shall counsel, aid, procure, or induce another to state, transmit, or circulate any such statement or rumor shall be guilty of a Class 1 misdemeanor, ~~and upon conviction thereof shall be fined or imprisoned, or both, in the discretion of the court.~~"

#### **—BANKING OFFENSES**

Sec. 424. G.S. 53-134 reads as rewritten:

#### **"§ 53-134. Offenses declared misdemeanors; prosecution; employment of counsel; punishment.**

Any offense against the banking laws of the State of North Carolina which is not elsewhere specifically declared to be a crime, or for which elsewhere a penalty is not specifically provided, is ~~hereby declared to be a~~ Class 1 misdemeanor, ~~and shall be punishable at the discretion of the court.~~ The Commissioner of Banks is authorized and directed to prosecute all offenses against the banking laws of the State, and to that end is expressly authorized to employ counsel to prosecute in the inferior courts and to aid the district attorney in the superior courts. The Auditor of the State shall, upon the certificate of the Commissioner of Banks, accompanied by an itemized statement of the account, draw his warrant upon the State Treasurer to compensate the counsel so employed, and the State Treasurer shall pay the same out of the funds in the treasury and not otherwise appropriated."

#### **—NORTH CAROLINA CONSUMER FINANCE ACT**

Sec. 425. G.S. 53-166(c) reads as rewritten:

"(c) Penalties; Commissioner to Provide and Testify as to Facts in His Possession.  
— Any person not exempt from this Article, or any officer, agent, employee or representative thereof, who fails to comply with or who otherwise violates any of the provisions of this Article, or any regulation of the Banking Commission adopted pursuant to this Article, shall be guilty of a ~~misdemeanor and upon conviction shall be fined not less than five hundred dollars (\$500.00) nor more than twenty five hundred~~

~~dollars (\$2,500) or imprisoned not less than four months nor more than two years, or both, in the discretion of the court. Class 1 misdemeanor.~~ Each such violation shall be considered a separate offense. It shall be the duty of the Commissioner of Banks to provide the district attorney of the court having jurisdiction of any such offense with all facts and evidence in his actual or constructive possession, and to testify as to such facts upon the trial of any person for any such offense."

#### —SALE OF CHECKS ACT

Sec. 426. G.S. 53-208 reads as rewritten:

#### "§ 53-208. Violation a misdemeanor.

If any person to whom or to which this Article applies or any agent, subagent or representative of such person violates any of the provisions of this Article or attempts to sell or issue checks without having first obtained a license from the Commissioner pursuant to the provisions of this Article, or issues any check at a time when the bond or security required by this Article is not in full force and effect, such person or such agent, subagent or representative shall be deemed guilty ~~of a~~ Class 1 misdemeanor, ~~and upon conviction shall be fined or imprisoned within the discretion of the court~~ and each violation shall constitute a separate offense."

#### —REGISTRATION REQUIREMENT

Sec. 427. G.S. 53-247(b) reads as rewritten:

"(b) Criminal Penalty. Violation of this section is a Class 2 misdemeanor, ~~punishable by imprisonment up to 60 days, which may include a fine of up to two thousand dollars (\$2,000), or both.~~"

#### —USE OF NAME "CREDIT UNION"EXCLUSIVE

Sec. 428. G.S. 54-109.5 reads as rewritten:

#### "§ 54-109.5. Use of name exclusive.

With the exception of a credit union organized under the provisions of Articles 14A to 14L of this Chapter or of any other credit union act, or an association of credit unions or a recognized chapter thereof, any person, corporation, copartnership or association using a name or title containing the words 'credit union' or any derivation thereof or representing themselves in their advertising or otherwise as conducting business as a credit union shall be guilty of a Class 1 misdemeanor ~~punishable by fine of not more than five hundred dollars (\$500.00) or imprisoned not more than one year, or both,~~ and may be permanently enjoined from using such words in its name."

#### —CREDIT UNION INFORMATION DEEMED CONFIDENTIAL

Sec. 429. G.S. 54-109.105(f) reads as rewritten:

"(f) The willful or knowing violation of the provisions of this Article by any employee of the credit union division shall be a Class 1 misdemeanor."

#### —BREACH OF MARKETING CONTRACT OF COOPERATIVE

Sec. 430. G.S. 54-157 reads as rewritten:

#### "§ 54-157. Breach of marketing contract of cooperative association; spreading false reports about the finances or management thereof; misdemeanor.

Any person or persons, or any corporation whose officers or employees knowingly induces or attempts to induce any member or stockholder of an association organized hereunder to breach his marketing contract with the association, or who maliciously and

knowingly spreads false reports about the finances or management thereof shall be guilty of a Class 2 misdemeanor and subject only to a fine of not less than one hundred dollars (\$100.00), and not more than one thousand dollars (\$1,000), for such offense and shall be liable to the association aggrieved in a civil suit in the penal sum of five hundred dollars (\$500.00) for each such offense: Provided, that this section shall not apply to a bona fide creditor of any member or stockholder of such association, or the agents or attorney of any such bona fide creditor, endeavoring to make collection of the indebtedness, or to any communication, written or oral, between a business company or concern and persons with whom it has an existing contractual relationship which communication relates to the performance of that contractual relationship and duties and responsibilities arising therefrom."

**—EXAMINATIONS BY SAVINGS INSTITUTION ADMINISTRATOR;  
REPORT**

Sec. 431. G.S. 54B-56(c) reads as rewritten:

"(c) No association may willfully delay or willfully obstruct an examination in any fashion. Any person failing to comply with this subsection shall be guilty of a Class 1 misdemeanor."

Sec. 432. G.S. 54B-56(d) reads as rewritten:

"(d) No person having in his possession or control any books, accounts or papers of any State association shall refuse to exhibit same to the Administrator or his agents on demand, or shall knowingly or willingly make any false statement in regard to the same. Any person failing to comply with this subsection shall be guilty of a Class 1 misdemeanor."

**—SAVINGS AND LOAN ASSOCIATIONS**

Sec. 433. G.S. 54B-66 reads as rewritten:

**"§ 54B-66. Criminal penalties.**

(a) The provisions of this section shall in no event extend to persons who are found to have acted only with gross negligence, simple negligence, recklessness or incompetence.

(b) In addition to any of the other penalties or remedies provided by this Article, the following shall be deemed to be Class 1 misdemeanors ~~and shall be punishable as provided in Chapter 14 of the North Carolina General Statutes~~:

- (1) The willful or knowing violation of the provisions of this Article by any employee of the Savings Institutions Division.
- (2) The willful or knowing violation of a cease and desist order which has become final in that no further administrative or judicial appeal is available.

(c) In addition to any of the other penalties or remedies provided by this Article, the willful omission, making, or concurrence in making or publishing a written report, exhibit, or entry in a financial statement on the books of the association, which contains a material statement known to be false shall be deemed to be a Class 1 misdemeanor ~~and shall be punishable as provided in Chapter 14 of the North Carolina General Statutes~~. For purposes of this section, 'material' shall mean 'so substantial and important as to influence a reasonable and prudent businessman or investor.'

(d) The Administrator is authorized to enforce this section in a court of competent jurisdiction."

## —SAVINGS AND LOAN ASSOCIATIONS

Sec. 434. G.S. 54B-78 reads as rewritten:

### "§ 54B-78. Prohibited practices.

Any person or association who shall engage in any of the following acts or practices shall be guilty of a Class 1 misdemeanor, ~~and upon conviction thereof shall be fined or imprisoned, or both, in the discretion of the court:~~

- (1) Defamation: Making, publishing, disseminating, or circulating, directly or indirectly, or aiding, abetting, or encouraging the making, publishing, disseminating, or circulating of any oral, written, or printed statement which is false regarding the financial condition of any association.
- (2) False information and advertising: Making, publishing, disseminating, or circulating or causing, directly or indirectly, to be made published, disseminated, circulated, or otherwise placed before the public in any publication, media, notice, pamphlet, letter, poster, or any other way, an advertisement, announcement, or statement containing any assertion, representation, or statement with respect to the savings and loan business or with respect to any person in the conduct of the savings and loan business which is untrue, deceptive, or misleading."

## —EXAMINATIONS BY ADMINISTRATOR; REPORT

Sec. 435. G.S. 54C-54(c) reads as rewritten:

"(c) No savings bank may willfully delay or willfully obstruct an examination in any fashion. A person failing to comply with this subsection is guilty of a Class 1 misdemeanor."

Sec. 436. G.S. 54C-54(d) reads as rewritten:

"(d) No person who possesses or controls any books, accounts, or papers of any State savings bank shall refuse to exhibit same to the Administrator or the Administrator's agent on demand, or shall knowingly or willingly make any false statement in regard to the same. A person failing to comply with this subsection is guilty of a Class 1 misdemeanor."

## —DEFAMATION AND FALSE/MISLEADING ADVERTISING/BANKS

Sec. 437. G.S. 54C-64 reads as rewritten:

### "§ 54C-64. Prohibited practices.

A person who engages in any of the following acts or practices is guilty of a Class 1 misdemeanor, and upon conviction thereof shall be fined or imprisoned, or both, in the discretion of the court:

- (1) Defamation: Making, publishing, disseminating, or circulating, directly or indirectly, or aiding, abetting, or encouraging the making, publishing, disseminating, or circulating of any oral, written, or printed statement that is false regarding the financial condition of any savings bank.

- (2) False information and advertising: Making, publishing, disseminating, circulating, or otherwise placing before the public in any publication, media, notice, pamphlet, letter, poster, or any other way, an advertisement, announcement, or statement containing any assertion, representation, or statement with respect to the savings bank business or with respect to any person in the conduct of the savings bank business that is untrue, deceptive, or misleading.
- (3) Misleading advertising: Use of a name or designation by a savings bank in advertisements, announcements, or statements concerning the savings bank that does not include the words 'savings bank' and the designation 'SSB' in type that is equally prominent with the other terms in the name or designation of the savings bank."

## —CRIMINAL PENALTIES WITH REGARD TO SAVINGS BANKS

Sec. 438. G.S. 54C-79 reads as rewritten:

### "§ 54C-79. Criminal penalties.

- (a) This section shall in no event extend to persons who are found to have acted only with gross negligence, simple negligence, recklessness, or incompetence.
- (b) In addition to any of the other penalties or remedies provided by this Article, the following are deemed to be Class 1 misdemeanors and are punishable as provided in Chapter 14 of the General Statutes:
  - (1) The willful or knowing violation of this Article by any employee of the Division.
  - (2) The willful or knowing violation of a cease and desist order that has become final in that no further administrative or judicial appeal is available.
- (c) In addition to any of the other penalties or remedies provided by this Article, the willful omission, making, or concurrence in making or publishing a written report, exhibit, or entry in a financial statement on the books of the association, which contains a material statement known to be false is deemed to be a Class 1 misdemeanor and is punishable as provided in Chapter 14 of the General Statutes. For purposes of this section, 'material' shall mean 'so substantial and important as to influence a reasonable and prudent businessman or investor.'
- (d) The Administrator may enforce this section in a court of competent jurisdiction."

## —PENALTY FOR SIGNING FALSE DOCUMENT

Sec. 439. G.S. 55-1-29(b) reads as rewritten:

- "(b) An offense under this section is a Class 1 misdemeanor."

## —CORPORATIONS, OFFICERS/ANSWER INTERROGATORIES

Sec. 440. G.S. 55-1-32(b) reads as rewritten:

- "(b) Each officer and director of a corporation, domestic or foreign, who fails or refuses within the time prescribed by this Chapter to answer truthfully and fully interrogatories propounded to him by the Secretary of State in accordance with the provisions of this Chapter shall be guilty of a Class 1 misdemeanor."

## —CORPORATIONS, OFFICERS/ANSWER INTERROGATORIES

Sec. 441. G.S. 55A-80 reads as rewritten:

**"§ 55A-80. Penalties imposed upon corporations, officers and directors for failure to answer interrogatories.**

(a) Each corporation, foreign or domestic, that fails or refuses to answer truthfully and fully within the time prescribed by this Chapter interrogatories propounded by the Secretary of State, in accordance with the provisions of this Chapter, shall be deemed to be guilty of a Class 1 misdemeanor.

(b) Each officer and director of a corporation, domestic or foreign who fails or refuses within the time prescribed by this Chapter to answer truthfully and fully interrogatories propounded to him by the Secretary of State in accordance with the provisions of this Chapter, or who signs any articles, statement, report, application or other document filed with the Secretary of State which is known to such officer or director to be false in any material respect, shall be guilty of a Class 1 misdemeanor."

**—MOTOR VEHICLE SERVICE AGREEMENTS**

Sec. 442. G.S. 58-1-25(e) reads as rewritten:

"(e) Every motor vehicle service agreement company shall complete a registration form and file it with the Commissioner as provided in G.S. 58-1-40. The company shall include a nonrefundable registration fee of five hundred dollars (\$500.00) with its application. It is a Class 1 misdemeanor offense for any company knowingly to make a fraudulent statement or representation in its registration. The registration shall be renewed annually by payment of a nonrefundable renewal fee of two hundred dollars (\$200.00)."

**—HOME APPLIANCE SERVICE AGREEMENT COMPANIES**

Sec. 443. G.S. 58-1-30(e) reads as rewritten:

"(e) Every home appliance service agreement company shall complete a registration form and file it with the Commissioner as provided in G.S. 58-1-40. The company shall include a nonrefundable registration fee of five hundred dollars (\$500.00) with its application. It is a Class 1 misdemeanor offense for any service agreement company knowingly to make a fraudulent statement or representation in its registration. The registration shall be renewed annually by payment of a nonrefundable renewal fee of two hundred dollars (\$200.00)."

**—SERVICE AGREEMENTS**

Sec. 444. G.S. 58-1-35(j) reads as rewritten:

"(j) Any person who knowingly offers for sale or sells a service agreement for a company that has failed to comply with the provisions of this section is guilty of a Class 1 misdemeanor. All service agreement companies and individuals selling service agreements are subject to Article 63 of this Chapter and G.S. 75-1 through G.S. 75-19. It is unlawful for any person to operate, maintain, or establish a service agreement company unless the company has a valid registration issued by the Commissioner. Any service agreement company operating in this State without a valid registration is an unauthorized insurer."

**—BOOKS AND PAPERS REQUIRED TO BE EXHIBITED**

Sec. 445. G.S. 58-2-200 reads as rewritten:

**"§ 58-2-200. Books and papers required to be exhibited.**

It is the duty of any person having in his possession or control any books, accounts, or papers of any company licensed under Articles 1 through 64 of this Chapter, to exhibit the same to the Commissioner or to any deputy, actuary, accountant, or persons acting with or for the Commissioner. Any person who shall refuse, on demand, to exhibit the books, accounts, or papers, as above provided, or who shall knowingly or willfully make any false statement in regard to the same, shall be subject to suspension or revocation of his license under Articles 1 through 64 of this Chapter; and shall be deemed guilty of a Class 1 misdemeanor, ~~misdemeanor, and upon conviction thereof shall be fined or imprisoned, or both, at the discretion of the court.~~

#### **—PUBLICATION OF ASSETS AND LIABILITIES; PENALTY FOR FAILURE**

Sec. 446. G.S. 58-3-60 reads as rewritten:

#### **"§ 58-3-60. Publication of assets and liabilities; penalty for failure.**

When any company publishes its assets, it must in the same connection and with equal conspicuousness publish its liabilities computed on the basis allowed for its annual statements; and any publications purporting to show its capital must exhibit only the amount of such capital as has been actually paid in cash. Any company or agent thereof who violates this section shall be guilty of a Class 3 misdemeanor and, upon conviction, shall be punished only by a fine of not less than five hundred dollars (\$500.00) nor more than one thousand dollars (\$1,000)."

#### **—CORPORATION MAINTAINING OFFICE IN STATE TO SECURE LICENSE**

Sec. 447. G.S. 58-3-85 reads as rewritten:

#### **"§ 58-3-85. Corporation or association maintaining office in State required to qualify and secure license.**

Any corporation or voluntary association, other than an association of companies, the members of which are licensed in this State, issuing contracts of insurance and maintaining a principal, branch, or other office within this State, whether soliciting business in this State or in foreign states, shall qualify under the insurance laws of this State applicable to the type of insurance written by such corporation or association and secure license from the Commissioner as provided under Articles 1 through 64 of this Chapter on insurance, as amended, and the officers and agents of any such corporation or association maintaining offices within this State and failing to qualify and secure license as herein provided shall be deemed guilty of a Class 1 misdemeanor, ~~and upon conviction thereof shall be fined or imprisoned, or both, at the discretion of the court.~~"

#### **—AGENT, ETC., VIOLATING INSURANCE LAW**

Sec. 448. G.S. 58-3-130 reads as rewritten:

#### **"§ 58-3-130. Agent, adjuster, etc., acting without a license or violating insurance law.**

If any person shall assume to act either as principal, agent, broker, limited representative, adjuster or motor vehicle damage appraiser without license as is required by law or, pretending to be a principal, agent, broker, limited representative, adjuster or licensed motor vehicle damage appraiser, shall solicit, examine or inspect any risk, or shall examine into, adjust, or aid in adjusting any loss, investigate or advise relative to the nature and amount of damages to motor vehicles or the amount necessary to effect

repairs thereto, or shall receive, collect, or transmit any premium of insurance, or shall do any other act in the soliciting, making or executing any contract of insurance of any kind otherwise than the law permits, or as principal or agent shall violate any provision of law contained in Articles 1 through 64 of this Chapter, the punishment for which is not elsewhere provided for, he shall be deemed guilty of a Class 1 misdemeanor, and on conviction shall pay a fine of not less than one thousand dollars (\$1,000) nor more than five thousand dollars (\$5,000), or be imprisoned for not less than one nor more than two years, or both, at the discretion of the court."

#### **—COMPANY CONTROLLED BY ALIEN GOVERNMENT PROHIBITED**

Sec. 449. G.S. 58-16-20(c) reads as rewritten:

"(c) Any insurance company or other insurance entity which is financially owned or financially controlled by any alien or foreign government outside the continental limits of the United States or the territories of the United States, or any representative or agent of any such company or entity which violates the provisions of this section, shall be guilty of a Class 3 misdemeanor and, upon conviction, shall be fined in the discretion of the court."

#### **—SURPLUS LINES LICENSEE**

Sec. 450. G.S. 58-21-105(a) reads as rewritten:

"(a) Any surplus lines licensee who in this State represents or aids a nonadmitted insurer in violation of this Article shall be guilty of a Class 1 misdemeanor and subject to imprisonment or a fine, or both."

#### **—FALSE STATEMENT IN APPLICATION FOR MEMBERSHIP IN FRATERNAL BENEFIT SOCIETY**

Sec. 451. G.S. 58-24-180 reads as rewritten:

##### **"§ 58-24-180. Penalties.**

(a) Any person, officer, member, or examining physician of any society authorized to do business under this Article who shall knowingly or willfully make any false or fraudulent statement or representation in or with reference to any application for membership, or for the purpose of obtaining money from or benefit in any society transacting business under this Article, shall be guilty of a Class 1 misdemeanor, and upon conviction thereof shall be punished by a fine of not less than one thousand dollars (\$1,000) nor more than five thousand dollars (\$5,000), or imprisoned for not less than 30 days nor more than one year, or both, in the discretion of the court.

(b) Any person who shall solicit membership for, or in any manner assist in procuring membership in any fraternal benefit society not licensed to do business in this State, or who shall solicit membership for, or in any manner assist in procuring membership in any such society not authorized as herein provided to do business as herein defined in this State, shall be guilty of a Class 3 misdemeanor and upon conviction thereof shall be punished only by a fine of not less than one thousand dollars (\$1,000) nor more than five thousand dollars (\$5,000).

(c) Any society, or any officer, agent, or employee thereof, neglecting or refusing to comply with, or violating, any of the provisions of this Article, the penalty for which neglect, refusal, or violation is not specified in this section, shall be guilty of a Class 3

misdemeanor, and upon conviction shall be punished only by a fine not to exceed five thousand dollars (\$5,000).

(d) Any person violating the provisions of G.S. 58-24-65 shall be guilty of a felony, and upon conviction shall be liable to a fine of not more than fifteen thousand dollars (\$15,000), or to imprisonment for not more than five years, or to both fine and imprisonment.

(e) Any person who willfully makes any false statement under oath in any verified report or declaration that is required by law from fraternal benefit societies, is guilty of perjury under G.S. 14-209."

#### **—UNAUTHORIZED WEARING OF BADGES, ETC.**

Sec. 452. G.S. 58-25-70 reads as rewritten:

#### **"§ 58-25-70. Unauthorized wearing of badges, etc.**

Any person who fraudulently and willfully wears the badge or button of any fraternal organization or society, either in the identical form or in such near resemblance thereto as to be a colorable imitation thereof, or who fraudulently and willfully uses the name of any such order, society or organization, the titles of its officers, or its insignia, ritual, or ceremonies, unless entitled to wear or use the same under the constitution and bylaws, rules and regulations of such fraternal organization, society, or order, shall be deemed guilty of a Class 3 misdemeanor, ~~and shall upon conviction, be punished by a fine of not more than five hundred dollars (\$500.00) or imprisonment for not more than 30 days, in the discretion of the court.~~"

#### **—PROHIBITION AGAINST TITLE INSURANCE KICKBACKS**

Sec. 453. G.S. 58-27-5(b) reads as rewritten:

"(b) Any person or entity violating the provisions of Articles 1 through 64 of this Chapter shall be guilty of a Class 2 misdemeanor ~~and subject to which may include~~ a fine of not more than five thousand dollars (\$5,000), ~~or imprisonment for not more than six months, or both, in the discretion of the court.~~"

#### **—UNIFORM UNAUTHORIZED INSURERS ACT**

Sec. 454. G.S. 58-28-45(h) reads as rewritten:

"(h) Any person, corporation, association or partnership violating any of the provisions of this section shall be guilty of a Class 3 misdemeanor and shall only be fined not less than one thousand dollars (\$1,000) nor more than five thousand dollars (\$5,000)."

#### **—DUTY TO REPORT INSURER IMPAIRMENT; VIOLATIONS; PENALTIES**

Sec. 455. G.S. 58-30-12(b) reads as rewritten:

"(b) Whenever an insurer is impaired, its chief executive officer shall, as soon as is reasonably possible, notify the Commissioner in writing of the impairment and shall at the same time notify in writing all of the members of the board of directors or trustees of the insurer, if the chief executive officer knows or has reason to know of the impairment. An officer, director, or trustee of an insurer shall notify the chief executive officer of the impairment of the insurer if the officer, director, or trustee knows or has reason to know that the insurer is impaired. Any person who knowingly violates this subsection shall, upon conviction, be guilty of a ~~misdemeanor and fined not more than~~

~~fifty thousand dollars (\$50,000) or imprisoned for not more than two years, or both. Class 1 misdemeanor."~~

## **—SELECTION OF PAYROLL DEDUCTION INSURANCE PRODUCTS BY STATE EMPLOYEES**

Sec. 456. G.S. 58-31-60(d) reads as rewritten:

~~"(d) Criminal Penalty. – It shall be a Class 3 misdemeanor punishable by a fine not to exceed five hundred dollars (\$500.00), imprisonment for not more than 30 days, or both for any State employee, who has supervisory authority over any member of the Employee Insurance Committee, to attempt to influence the autonomy of any Employee Insurance Committee either in the appointment of members to such Committee or in the operation of such Committee; or for anyone to open a sealed insurance product proposal or disclose or exhibit the contents of a sealed insurance product proposal, prior to the public opening of the proposal. The Commissioner of Insurance shall have the authority to investigate complaints alleging acts subject to the criminal penalty and shall report his findings to the Attorney General of North Carolina."~~

## **—AGENTS PERSONALLY LIABLE; REPRESENTING UNLICENSED COMPANY PROHIBITED; PENALTY**

Sec. 457. G.S. 58-33-95 reads as rewritten:

**"§ 58-33-95. Agents personally liable; representing unlicensed company prohibited; penalty.**

Any person representing an insurer is personally liable on all contracts of insurance unlawfully made by or through him, directly or indirectly, for any company not authorized to do business in the State. A person or citizen of the State who fills up or signs any open policy, certificate, blank or coupon of, or furnished by, an unlicensed company, agent, broker or limited representative, the effect of which is to bind any insurance in an unlicensed company on property in this State, is the representative of such company, and personally liable for all licenses and taxes due on account of such transaction. If any person shall unlawfully solicit, negotiate for, collect or transmit a premium for a contract of insurance or act in any way in the negotiation or transaction of any unlawful insurance with an insurance company not licensed to do an insurance business in North Carolina, he shall be guilty of a ~~misdemeanor and upon conviction shall pay a fine of not less than one thousand dollars (\$1,000) nor more than two thousand dollars (\$2,000) or be imprisoned for not less than one nor more than two years, or both, at the discretion of the court.~~ Class 1 misdemeanor."

## **—PAYMENT OF PREMIUM TO AGENT VALID; OBTAINING BY FRAUD A CRIME**

Sec. 458. G.S. 58-33-100 reads as rewritten:

**"§ 58-33-100. Payment of premium to agent valid; obtaining by fraud a crime.**

Any agent, broker or limited representative who acts for a person other than himself negotiating a contract of insurance is, for the purpose of receiving the premium therefor, the company's agent, whatever conditions or stipulations may be contained in the policy or contract. Such agent, broker or limited representative knowingly procuring by fraudulent representations payment, or the obligation for the payment, of a premium of insurance, shall be guilty of a ~~misdemeanor and upon conviction shall be punished by a~~

~~fine of not less than one thousand dollars (\$1,000) nor more than five thousand dollars (\$5,000) or by imprisonment for not more than one year, or both, in the discretion of the court. Class 1 misdemeanor."~~

#### —FALSE STATEMENTS IN APPLICATIONS FOR INSURANCE

Sec. 459. G.S. 58-33-105 reads as rewritten:

#### "**§ 58-33-105. False statements in applications for insurance.**

If any agent, examining physician, applicant, or other person shall knowingly or willfully make any false or fraudulent statement or representation in or with reference to any application for insurance, or shall make any such statement for the purpose of obtaining any fee, commission, money or benefit from any company engaged in the business of insurance in this State, he shall be guilty of a ~~misdemeanor, and upon conviction shall be punished by a fine of not less than one thousand dollars (\$1,000) nor more than five thousand dollars (\$5,000) or by imprisonment for not less than 30 days nor more than one year, or both, in the discretion of the court. Class 1 misdemeanor.~~ This section shall also apply to contracts and certificates issued under Articles 65 through 67 of this Chapter."

#### —AGENTS SIGNING CERTAIN BLANK POLICIES

Sec. 460. G.S. 58-33-110 reads as rewritten:

#### "**§ 58-33-110. Agents signing certain blank policies.**

Any agent or limited representative who signs any blank contract or policy of insurance is guilty of a Class 3 misdemeanor and, upon conviction, shall be punished only by a fine of not less than one thousand dollars (\$1,000) nor more than five thousand dollars (\$5,000); provided, however, that transportation ticket policies of accident insurance and baggage insurance policies may be countersigned in blank for issuance only through coin-operated machines, subject to regulations prescribed by the Commissioner."

#### —ADJUSTER ACTING FOR UNAUTHORIZED COMPANY

Sec. 461. G.S. 58-33-115 reads as rewritten:

#### "**§ 58-33-115. Adjuster acting for unauthorized company.**

If any person shall act as adjuster on a contract made otherwise than as authorized by the laws of this State, or by any insurance company or other person not regularly licensed to do business in this State, or shall adjust or aid in the adjustment, either directly or indirectly, of a claim arising under a contract of insurance not authorized by the laws of the State, he shall be deemed guilty of a ~~misdemeanor and shall, upon conviction, be fined not less than one thousand dollars (\$1,000) nor more than five thousand dollars (\$5,000), or imprisoned not less than six months nor more than two years, or both, in the discretion of the court. Class 1 misdemeanor.~~

#### —ACTING WITHOUT A LICENSE OR VIOLATING INSURANCE LAW

Sec. 462. G.S. 58-33-120 reads as rewritten:

#### "**§ 58-33-120. Agent, adjuster, etc., acting without a license or violating insurance law.**

If any person shall assume to act either as principal, agent, broker, limited representative, adjuster or motor vehicle damage appraiser without license as is required by law or pretending to be a principal, agent, broker, limited representative, adjuster or

licensed motor vehicle damage appraiser, shall solicit, examine or inspect any risk, or shall examine into, adjust, or aid in adjusting any loss, investigate or advise relative to the nature and amount of damages to motor vehicles or the amount necessary to effect repairs thereto, or shall receive, collect, or transmit any premium of insurance, or shall do any other act in the soliciting, making or executing any contract of insurance of any kind otherwise than the law permits, or as principal or agent shall violate any provision of law contained in Articles 1 through 64 of this Chapter, the punishment for which is not elsewhere provided for, he shall be deemed guilty of a ~~misdemeanor, and on conviction shall pay a fine of not less than one thousand dollars (\$1,000) nor more than five thousand dollars (\$5,000), or be imprisoned for not less than one nor more than two years, or both, at the discretion of the court.~~ Class 1 misdemeanor."

#### **—REFUSING TO EXHIBIT RECORDS; MAKING FALSE STATEMENTS**

Sec. 463. G.S. 58-35-30(b) reads as rewritten:

"(b) Any person who shall refuse, on demand, to exhibit to the Commissioner or to any deputy, or person acting with or for the Commissioner, the books, accounts or records as above provided, or who shall knowingly or willfully make any false statement in regard to the same shall be deemed guilty of a ~~misdemeanor, and upon conviction thereof shall be fined or imprisoned, or both, at the discretion of the court.~~ Class 1 misdemeanor."

#### **—ENGAGE IN THE BUSINESS OF INSURANCE PREMIUM FINANCING WITHOUT FIRST RECEIVING A LICENSE**

Sec. 464. G.S. 58-35-90 reads as rewritten:

##### **"§ 58-35-90. Violations; penalties.**

Any person who shall engage in the business referred to in this Article without first receiving a license, or who shall fail to secure a renewal of his license upon the expiration of the license year, or shall engage in the business herein referred to after the license has been suspended or revoked as herein provided, or who shall fail or refuse to furnish the information required of the Commissioner, or who shall willfully and knowingly enter false information on an insurance premium finance agreement, or who shall fail to observe the rules and regulations made by the Commissioner pursuant to this Article, shall be deemed guilty of a ~~misdemeanor and upon conviction shall pay a fine of not less than one thousand dollars (\$1,000) nor more than five thousand dollars (\$5,000), or be imprisoned, or both, at the discretion of the court.~~ Class 1 misdemeanor."

#### **—OBTAINING INFORMATION UNDER FALSE PRETENSES**

Sec. 465. G.S. 58-39-115 reads as rewritten:

##### **"§ 58-39-115. Obtaining information under false pretenses.**

Any person who knowingly and willfully obtains information about an individual from an insurance institution, agent, or insurance-support organization under false pretenses shall, upon conviction, be guilty of a ~~misdemeanor and be fined not more than ten thousand dollars (\$10,000) or imprisoned for not more than one year, or both.~~ Class 1 misdemeanor."

#### **—PUNISHMENT FOR ISSUING FIRE POLICIES CONTRARY TO LAW**

Sec. 466. G.S. 58-43-35 reads as rewritten:

**"§ 58-43-35. Punishment for issuing fire policies contrary to law.**

Any insurance company or agent who makes, issues, or delivers a policy of fire insurance in willful violation of the provisions of Articles 1 through 64 of this Chapter which prohibit a domestic insurance company from issuing policies before obtaining certificate and authority from the Commissioner of Insurance; or which prohibit the issuing of a fire insurance policy for more than the fair value of the property or for a longer term than seven years; or which prohibit stipulations in insurance contracts restricting the jurisdiction of courts, or limiting the time within which an action may be brought to less than one year after the cause of action accrues or to less than six months after a nonsuit by the plaintiff, shall be guilty of a Class 3 misdemeanor and shall, upon conviction, be punished only by a fine of not less than one thousand dollars (\$1,000) nor more than five thousand dollars (\$5,000); but the policy shall be binding upon the company issuing it."

**—ISSUANCE ANY PERSON IN THIS STATE ANY POLICY IN WILLFUL VIOLATION OF INSURANCE REGULATIONS**

Sec. 467. G.S. 58-50-70 reads as rewritten:

**"§ 58-50-70. Punishment for violation.**

Any company, association, society, or other insurer or any officer or agent thereof, which or who issues or delivers to any person in this State any policy in willful violation of Articles 50 through 55 of this Chapter, shall be guilty of a Class 3 misdemeanor and, upon conviction, shall be punished only by a fine of not more than five thousand dollars (\$5,000) for each offense; and the Commissioner may revoke the license of any company, corporation, association, society, or other insurer of another state or country, or of the agent thereof, which or who willfully violates any provision of Articles 50 through 55 of this Chapter."

**—VIOLATION OF AN ORDER OF THE INSURANCE COMMISSIONER**

Sec. 468. G.S. 58-57-80 reads as rewritten:

**"§ 58-57-80. Penalties.**

In addition to any other penalty provided by law, any person, firm or corporation which willfully violates an order of the Commissioner after it has become final, and while such order is in effect, shall, upon proof thereof to the satisfaction of the court, forfeit and pay to the State of North Carolina a sum not to exceed one thousand dollars (\$1,000) which may be recovered in a civil action, except that if such violation is found to be willful, the amount of such penalty shall be a sum not to exceed five thousand dollars (\$5,000). The Commissioner, in his discretion, may revoke or suspend the license or certificate of authority of the person, firm or corporation guilty of such willful violation. Such order for suspension or revocation shall be upon notice and hearing, and shall be subject to judicial review as provided in G.S. 58-57-75. Any creditor who requires credit life insurance or credit accident and health insurance, or both, in excess of the amounts set forth in G.S. 58-57-15 or who violates the provisions of G.S. 58-57-65 shall be guilty of a Class 3 misdemeanor, the penalty for which shall only be a fine of two thousand dollars (\$2,000) for each such occurrence or violation."

**—FINANCIAL MONITORING CONTINUING CARE FACILITIES**

Sec. 469. G.S. 58-64-75 reads as rewritten:

**"§ 58-64-75. Criminal penalties.**

Any person who willfully and knowingly violates any provision of this Article is guilty of a ~~misdemeanor and shall, upon conviction, be fined not more than ten thousand dollars (\$10,000) or imprisoned not more than one year, or both. Class 1 misdemeanor.~~ The Commissioner may refer such evidence as is available concerning violation of the Article or of any rule or order hereunder to the Attorney General or a district attorney who may, with or without such reference institute the appropriate criminal proceedings under this Article. Nothing in this Article limits the power of the State to punish any person for any conduct that constitutes a crime under any other statute."

**—HEALTH MAINTENANCE ORGANIZATION ACT**

Sec. 470. G.S. 58-67-165(b) reads as rewritten:

"(b) Any person who violates this Article shall be guilty of a ~~misdemeanor and on conviction may be punished by a fine not to exceed five hundred dollars (\$500.00) or by imprisonment for a period not exceeding two years or both, at the discretion of the court. Class 1 misdemeanor.~~"

**—MOTOR CLUBS AND ASSOCIATIONS**

Sec. 471. G.S. 58-69-35 reads as rewritten:

**"§ 58-69-35. Violations; penalty.**

Any person, firm, association or corporation who shall violate any of the provisions of this Article shall be guilty of a ~~misdemeanor, and upon conviction shall be punished in the discretion of the court. Class 1 misdemeanor.~~"

**—PERMIT FROM COMMISSIONER OF INSURANCE**

Sec. 472. G.S. 58-70-1 reads as rewritten:

**"§ 58-70-1. Permit from Commissioner of Insurance; penalty for violation; exception.**

No person, firm, corporation, or association shall conduct or operate a collection agency or do a collection agency business, as the same is hereinafter defined in this Article, until he or it shall have secured a permit therefor as provided in this Article. Any person, firm, corporation or association conducting or operating a collection agency or doing a collection agency business without the permit shall be guilty of a Class J felony. Any officer or agent of any person, firm, corporation or association, who shall personally and knowingly participate in any violation of the remaining provisions of this Part shall be guilty of a Class 1 misdemeanor. Provided, however, that nothing in this section shall be construed to require a regular employee of a duly licensed collection agency in this State to procure a collection agency permit."

**—BAIL BONDSEN AND RUNNERS**

Sec. 473. G.S. 58-71-185 reads as rewritten:

**"§ 58-71-185. Penalties for violations.**

Any person, firm, association or corporation violating any of the provisions of this Article is guilty of a ~~misdemeanor and shall upon conviction for each offense be fined not less than one thousand dollars (\$1,000) nor more than five thousand dollars (\$5,000) or imprisoned for not more than two years, or both. Class 1 misdemeanor.~~"

**—CARELESS OR NEGLIGENT SETTING OF FIRES**

Sec. 474. G.S. 58-81-5 reads as rewritten:

**"§ 58-81-5. Careless or negligent setting of fires.**

Any person who in any fashion or manner negligently or carelessly sets fire to any bedding, furniture, draperies, house or household furnishings or other equipment or appurtenances in or to any hotel or other building of like occupancy shall be guilty of a ~~misdemeanor and shall be subject to a fine of not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00) or to imprisonment or to both fine and imprisonment in the discretion of the court.~~ Class 1 misdemeanor."

**—COMPLY WITH HOTEL SAFETY PROVISIONS**

Sec. 475. G.S. 58-81-10 reads as rewritten:

**"§ 58-81-10. Penalty for noncompliance.**

Any owner, owners, proprietor or keeper of any hotel or other building of like occupancy who fails to comply with any of the foregoing provisions of this Article shall be guilty of a Class 3 misdemeanor and punished only by a fine of not less than ten dollars (\$10.00) nor more than fifty dollars (\$50.00). Each day of noncompliance herewith shall constitute a separate offense."

**—WILLFUL INTERFERENCE WITH FIREMEN**

Sec. 476. G.S. 58-82-1 reads as rewritten:

**"§ 58-82-1. Authority of firemen; penalty for willful interference with firemen.**

Members and employees of county, municipal corporation, fire protection district, sanitary district or privately incorporated fire departments shall have authority to do all acts reasonably necessary to extinguish fires and protect life and property from fire. Any person, including the owner of property which is burning, who shall willfully interfere in any manner with firemen engaged in the performance of their duties shall be guilty of a ~~misdemeanor and punishable in the discretion of the court.~~ Class 1 misdemeanor."

**—FREE TRANSPORTATION**

Sec. 477. G.S. 62-144(c) reads as rewritten:

"(c) Any person except those permitted by law accepting free transportation shall be guilty of a ~~misdemeanor, and on conviction shall be fined or imprisoned, or both, in the discretion of the court.~~ Class 1 misdemeanor."

**—TICKET MAY BE REFUSED INTOXICATED PERSON; PENALTY FOR PROHIBITED ENTRY**

Sec. 478. G.S. 62-150 reads as rewritten:

**"§ 62-150. Ticket may be refused intoxicated person; penalty for prohibited entry.**

The ticket agent of any common carrier of passengers shall at all times have power to refuse to sell a ticket to any person applying for the same who may at the time be intoxicated. The conductor, driver or other person in charge of any conveyance for the use of the traveling public shall at all times have power to prevent any intoxicated person from entering such conveyance. If any intoxicated person, after being forbidden by the conductor, driver or other person having charge of any such conveyance for the use of the traveling public, shall enter such conveyance, he shall be guilty of a Class 1 misdemeanor."

Sec. 479. G.S. 62-221(b) reads as rewritten:

**—ENGAGING IN UNAUTHORIZED BUSINESS**

**"§ 62-221. Engaging in unauthorized business.**

(a) It shall be unlawful for any railroad company incorporated under the laws of this State, or any railroad company incorporated under the laws of any other state and operating one or more railroads in this State, to engage in any business other than the business authorized by its or their charter.

"(b) Any railroad company violating the provisions of this section shall be guilty of a Class 3 misdemeanor, and upon conviction shall only be fined in the discretion of the court."

**—OBSTRUCTING HIGHWAYS; DEFECTIVE CROSSINGS; NOTICE; FAILURE TO REPAIR AFTER NOTICE MISDEMEANOR**

Sec. 480. G.S. 62-224(c) reads as rewritten:

"(c) If the railroad corporation shall fail to put such crossing in a safe condition for the passage of persons and property within 30 days from and after the service of the notice, it shall be guilty of a ~~misdemeanor and shall be punished in the discretion of the court.~~ Class 1 misdemeanor. Each calendar month which shall elapse after the giving of the notice and before the placing of such crossing in repair shall be a separate offense."

**—CATTLE GUARDS AND PRIVATE CROSSINGS; FAILURE TO ERECT AND MAINTAIN MISDEMEANOR**

Sec. 481. G.S. 62-226 reads as rewritten:

**"§ 62-226. Cattle guards and private crossings; failure to erect and maintain misdemeanor.**

Every company owning, operating or constructing any railroad passing through and over the enclosed land of any person shall, at its own expense, construct and constantly maintain, in good and safe condition, good and sufficient cattle guards at the points of entrance upon and exit from such enclosed land and shall also make and keep in constant repair crossings to any private road thereupon. Every railroad corporation which shall fail to erect and constantly maintain the cattle guards and crossings provided for by this section shall be liable to an action for damages to any party aggrieved, and shall be guilty of a Class 3 misdemeanor and only fined in the discretion of the court. Any cattle guard approved by the Commission shall be deemed a good and sufficient guard under this section."

**—SHELTER AT DIVISION POINTS REQUIRED; FAILURE TO PROVIDE A MISDEMEANOR**

Sec. 482. G.S. 62-229(b) reads as rewritten:

"(b) Any person failing to comply with the requirements of this section shall be guilty of a Class 3 misdemeanor, and for each offense shall only be fined not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00). Each day of such failure shall constitute a separate offense."

**—REFUSAL TO PERMIT COMMISSION TO INSPECT RECORDS MADE MISDEMEANOR**

Sec. 483. G.S. 62-313 reads as rewritten:

**"§ 62-313. Refusal to permit Commission to inspect records made misdemeanor.**

Any public utility, its officers or agents in charge thereof, that fails or refuses upon the written demand of the Commission, or a majority of said Commission, and under the seal of the Commission, to permit the Commission, its authorized representatives or

employees to examine and inspect its books, records, accounts and documents, or its plant, property, or facilities, as provided for by law, shall be guilty of a Class 3 misdemeanor. Each day of such failure or refusal shall constitute a separate offense and each such offense shall be punishable only by a fine of not less than five hundred dollars (\$500.00) and not more than five thousand dollars (\$5,000)."

#### —**ALLOWING OR ACCEPTING REBATES A MISDEMEANOR**

Sec. 484. G.S. 62-318 reads as rewritten:

#### **"§ 62-318. Allowing or accepting rebates a misdemeanor.**

If any person shall participate in illegally pooling freights or shall directly or indirectly allow or accept rebates on freights, he shall be guilty of a ~~misdemeanor and, upon conviction, shall be fined not less than one thousand dollars (\$1,000) or imprisoned not less than 12 months.~~ Class 1 misdemeanor."

#### —**RIDING ON TRAIN UNLAWFULLY; VENUE**

Sec. 485. G.S. 62-319 reads as rewritten:

#### **"§ 62-319. Riding on train unlawfully; venue.**

If any person, with the intention of being transported free in violation of law, rides or attempts to ride on top of any car, coach, engine or tender, on any railroad in this State, or on the drawheads between cars, or under cars, on truss rods, or trucks, or in any freight car, or on a platform of any baggage car, express car or mail car on any train, he shall be guilty of a ~~misdemeanor, and upon conviction thereof shall be fined not exceeding fifty dollars (\$50.00) or imprisoned not more than 30 days.~~ Class 3 misdemeanor. Any person charged with a violation of this section may be tried in any county in this State through which such train may pass carrying such person, or in any county in which such violation may have occurred or may be discovered."

#### —**FAILURE TO PLACE NAME ON PRODUCE A MISDEMEANOR**

Sec. 486. G.S. 62-320 reads as rewritten:

#### **"§ 62-320. Failure to place name on produce a misdemeanor.**

Any person, selling or offering for sale or consignment any barrel, crate, box, case, package or other receptacle containing any berries, fruit, melons, potatoes, vegetables, truck or other produce of any kind whatsoever, to be shipped to any point within or without this State, without the true name of the grower or packer either written, printed, stamped or otherwise placed thereon in distinct and legible characters, shall be guilty of a ~~Class 3 misdemeanor and shall be fined not exceeding fifty dollars (\$50.00) or imprisoned not exceeding 30 days.~~ Provided, that this section shall not apply to railroads, express companies and other carriers selling or offering for sale, for transportation or storage charges or any other charges accruing to such railroads, express companies or other carriers, any barrel, crate, box, case, package, or other receptacle containing berries, fruit, melons, potatoes, vegetables, truck or other produce."

#### —**UNAUTHORIZED MANUFACTURE OR SALE OF SWITCH-LOCK KEYS**

Sec. 487. G.S. 62-322 reads as rewritten:

#### **"§ 62-322. Unauthorized manufacture or sale of switch-lock keys a misdemeanor.**

It shall be unlawful for any person to make, manufacture, sell or give away to any other person any duplicate key to any lock used by any railroad company in this State

on its switches or switch tracks, except upon the written order of that officer of such railroad company whose duty it is to distribute and issue switch-lock keys to the employees of such railroad company. Any person violating the provisions of this section shall be guilty of a ~~misdemeanor and shall be fined or imprisoned, or both, in the discretion of the court.~~ Class 1 misdemeanor."

### **—WILLFUL INJURY TO PROPERTY OF PUBLIC UTILITY A MISDEMEANOR**

Sec. 488. G.S. 62-323 reads as rewritten:

#### **"§ 62-323. Willful injury to property of public utility a misdemeanor.**

If any person shall willfully do or cause to be done any act or acts whatever whereby any building, construction or work of any public utility, or any engine, machine or structure or any matter or thing appertaining to the same shall be stopped, obstructed, impaired, weakened, injured or destroyed, he shall be guilty of a Class 1 misdemeanor."

### **—UNLAWFUL MOTOR CARRIER OPERATIONS**

Sec. 489. G.S. 62-325 reads as rewritten:

#### **"§ 62-325. Unlawful motor carrier operations.**

(a) Any person, whether carrier, passenger, shipper, consignee, or any officer, employee, agent, or representative thereof, who shall knowingly offer, grant, or give or solicit, accept, or receive any rebate, concession, or discrimination in violation of any provision of this Chapter, or who by means of any false statement or representation, or by the use of any false or fictitious bill, bill of lading, receipt, voucher, roll, account, claim, certificate, affidavit, deposition, lease, or bill of sale, or by any other means or device, shall knowingly and willfully by any such means or otherwise fraudulently seek to evade or defeat regulations as in this Chapter provided for motor carriers, shall be deemed guilty of a Class 3 misdemeanor and upon conviction thereof only be fined not more than five hundred dollars (\$500.00) for the first offense and not more than two thousand dollars (\$2,000) for any subsequent offense.

(b) Any motor carrier, or other person, or any officer, agent, employee, or representative thereof, who shall willfully fail or refuse to make a report to the Commission as required by this Article, or other applicable law, or to make specific and full, true, and correct answer to any question within 30 days from the time it is lawfully required by the Commission so to do, or to keep accounts, records, and memoranda in the form and manner prescribed by the Commission, or shall knowingly and willfully falsify, destroy, mutilate, or alter any such report, account, record, or memorandum, or shall knowingly and willfully neglect or fail to make true and correct entries in such accounts, records, or memoranda of all facts and transactions appertaining to the business of the carrier, or person required under this Article to keep the same, or shall knowingly and willfully keep any accounts, records, or memoranda contrary to the rules, regulations, or orders of the Commission with respect thereto, shall be deemed guilty of a Class 3 misdemeanor and upon conviction thereof only be subject for each offense to a fine of not more than five thousand dollars (\$5,000). As used in this subsection the words 'kept' and 'keep' shall be construed to mean made, prepared, or compiled, as well as retained. It shall be the duty of the Commission to prescribe and enforce such general rules and regulations as it may deem necessary to compel all motor

carriers to keep accurate records of all revenue received by them to the end that any tax levied and assessed by the State of North Carolina upon revenues may be collected. Any agent or employee of a motor carrier who shall willfully and knowingly make a false report or record of fares, charges, or other revenue received by a carrier or collected in its behalf shall be guilty of a ~~misdemeanor and upon conviction shall be fined or imprisoned, or both, in the discretion of the court.~~ Class 1 misdemeanor.

(c) Any person who, at any bus terminal, solicits or otherwise attempts to induce any person to use some form of transportation for compensation other than that lawfully using said terminal premises by contract with the terminal operator or by valid order of the Commission shall be guilty of a ~~misdemeanor and upon conviction thereof shall be fined not more than fifty dollars (\$50.00) or imprisoned not to exceed 30 days, or both, in the discretion of the court.~~ Class 3 misdemeanor."

#### **—FURNISHING FALSE INFORMATION TO THE UTILITIES COMMISSION**

Sec. 490. G.S. 62-326 reads as rewritten:

##### **"§ 62-326. Furnishing false information to the Commission; withholding information from the Commission.**

(a) Every person, firm or corporation operating under the jurisdiction of the Utilities Commission or who is required by law to file reports with the Commission who shall knowingly or willfully file or give false information to the Utilities Commission in any report, reply, response, or other statement or document furnished to the Commission shall be guilty of a ~~misdemeanor and shall be fined or imprisoned in the discretion of the court.~~ Class 1 misdemeanor.

(b) Every person, firm, or corporation operating under the jurisdiction of the Utilities Commission or who is required by law to file reports with the Commission who shall willfully withhold clearly specified and reasonably obtainable information from the Commission in any report, response, reply or statement filed with the Commission in the performance of the duties of the Commission or who shall fail or refuse to file any report, response, reply or statement required by the Commission in the performance of the duties of the Commission shall be guilty of a ~~misdemeanor and shall be fined or imprisoned in the discretion of the court.~~ Class 1 misdemeanor."

#### **—GIFTS TO MEMBERS OF COMMISSION, COMMISSION EMPLOYEES, OR PUBLIC STAFF**

Sec. 491. G.S. 62-327 reads as rewritten:

##### **"§ 62-327. Gifts to members of Commission, Commission employees, or public staff.**

It shall be unlawful for any officer, agent, employee, or attorney of any public utility or any public utility holding company, subsidiary, or affiliated company, to knowingly offer or make to any member of the Commission, Commission staff, or public staff, any gift of money, property, or anything of value. It shall be unlawful for any member of the Commission, Commission staff, or public staff to knowingly accept any gift of money, property, or anything of value from any officer, agent, employee, or attorney of any public utility or any public utility holding company, subsidiary, or affiliated company; provided, however, that it shall not be unlawful for members of the Commission, Commission staff, or public staff to attend public breakfasts, lunches, dinners, or

banquets sponsored by such entities. Any person violating this section shall be guilty of a Class 3 misdemeanor and may only be fined in the discretion of the court; provided, further, that any member of the Commission staff, or member of the public staff violating this section shall also be subject to dismissal for cause."

#### **—MISUSE OF 911 SYSTEM; PENALTY**

Sec. 492. G.S. 62A-12 reads as rewritten:

#### **"§ 62A-12. Misuse of 911 system; penalty.**

Any person who intentionally calls the 911 number for other than purposes of obtaining public safety assistance commits a Class 1 misdemeanor."

#### **—DANGEROUS FLYING A MISDEMEANOR**

Sec. 493. G.S. 63-18 reads as rewritten:

#### **"§ 63-18. Dangerous flying a misdemeanor.**

Any airman or passenger who, while in flight over a thickly inhabited area or over a public gathering within this State, shall engage in trick or acrobatic flying, or in any acrobatic feat, or shall except while in landing or taking off, fly at such a low level as to disturb the public peace or the rights of private persons in the enjoyment of their homes, or injure the health, or endanger the persons or property on the surface beneath, or drop any object except loose water or loose sand ballast, shall be guilty of a misdemeanor and punishable by a fine of not more than five hundred dollars (\$500.00) or imprisonment for not more than one year, or both. Class 1 misdemeanor."

#### **—AIRCRAFT CONSTRUCTION, OPERATORS, AND LICENSES**

Sec. 494. G.S. 63-23 reads as rewritten:

#### **"§ 63-23. Penalties.**

A person who violates any provision of G.S. 63-20, 63-21 or 63-22 of this Article shall be guilty of a Class 2 misdemeanor ~~and punishable by a fine of not more than one hundred dollars (\$100.00), or by imprisonment for not more than 90 days, or both;~~ provided, however, that acts or omissions made unlawful by G.S. 63-20, 63-21 or 63-22 of this Article shall not be deemed to include any act or omission which violates the laws or lawful regulations of the United States."

#### **—TAMPERING WITH AIRCRAFT MADE CRIME**

Sec. 495. G.S. 63-26 reads as rewritten:

#### **"§ 63-26. Tampering with aircraft made crime.**

Any person who shall, without the consent of the owner, go upon or enter, tamper with or in any way damage or injure any airplane or other aircraft, or any personal property under the control of or being used by any public or private airport or aircraft landing facility shall be guilty of a Class 1 misdemeanor ~~and shall be punished by the imposition of a fine not to exceed five thousand dollars (\$5,000) or imprisonment of not more than two years, or both,~~ and the showing of willful or malicious intent shall not be necessary to sustain a conviction hereunder."

#### **—TRESPASS UPON AIRPORT PROPERTY MADE A CRIME**

Sec. 496. G.S. 63-26.1(b) reads as rewritten:

"(b) A person commits the offense of trespass upon airport property if, without authorization, he enters or remains on airport property that is so enclosed or posted or secured as to demonstrate clearly an intent to keep out intruders. Violation of this

section is a ~~misdemeanor and upon conviction a person shall be punished by imprisonment for up to six months, a fine of up to two thousand five hundred dollars (\$2,500), or both. Class 2 misdemeanor.~~"

### **—OPERATION OF AIRCRAFT WHILE IMPAIRED**

Sec. 497. G.S. 63-27(e) reads as rewritten:

~~"(e) Punishment. – A person violating this section shall be guilty of a misdemeanor and shall be punished by imprisonment of not more than two years or a fine not to exceed one thousand dollars (\$1,000) or both. Class 1 misdemeanor.~~ Provided, however, for a second and all subsequent convictions of this section, a person shall be guilty of a Class J felony."

### **—MODEL AIRPORT ZONING ACT**

Sec. 498. G.S. 63-35 reads as rewritten:

#### **"§ 63-35. Enforcement and remedies.**

Each violation of this Article or of any regulations, order, or ruling promulgated or made pursuant to this Article, shall constitute a ~~Class 3 misdemeanor and shall be punishable by a fine of not more than fifty dollars (\$50.00) or imprisonment for not more than 30 days or by both such fine and imprisonment~~, and each day a violation continues to exist shall constitute a separate offense. In addition, the political subdivision within which the property is located may institute in any court of competent jurisdiction, an action to prevent, restrain, correct or abate any violation of this Article, or of airport zoning regulations adopted under this Article, or of any order or ruling made in connection with their administration or enforcement, and the court shall adjudge to the plaintiff such relief, by way of injunction (which may be mandatory) or otherwise, as may be proper under all the facts and circumstances of the case, in order fully to effectuate the purposes of this Article and of the regulations adopted and orders and rulings made pursuant thereto."

### **—POLICE POWER**

Sec. 499. G.S. 63A-7(a) reads as rewritten:

~~"(a) The Authority has jurisdiction within a cargo airport complex site. The Board may adopt ordinances regulating traffic and parking within the cargo airport complex site and for the safety and welfare of those using the cargo airport complex. An ordinance adopted under this subsection shall be recorded in the minutes of the Board. A copy of the ordinance shall be filed in the office of the Attorney General of North Carolina and shall be posted at appropriate places in the cargo airport complex site. Any person who violates an ordinance of the Authority is guilty of a misdemeanor and is punishable by a fine of up to fifty dollars (\$50.00) or imprisonment for up to 30 days. Class 3 misdemeanor."~~

### **—LICENSES FOR CEMETERY SALES ORGANIZATIONS**

Sec. 500. G.S. 65-57(h) reads as rewritten:

~~"(h) Any person or any cemetery sales organization or any cemetery management organization or any cemetery broker violating the provisions of this section is guilty of a Class 1 misdemeanor, punishable as provided in G.S. 14-3 and shall be subject to revocation of the license to operate."~~

### **—NORTH CAROLINA CEMETERY ACT**

Sec. 501. G.S. 65-71(a) reads as rewritten:

"(a) Except as provided in this subsection, a person violating any provisions of this Article, of any order or rule promulgated under this Article, or of any license issued by the Commission is guilty of a ~~misdemeanor and shall be fined, imprisoned, or both, in the discretion of the court.~~ Class 1 misdemeanor. Each failure to deposit funds in a trust fund in accordance with this Article is a separate offense. A person who has failed to deposit funds in a trust fund in accordance with this Article and whose delinquent deposits equal or exceed twenty thousand dollars (\$20,000) is guilty of a Class J felony."

### **—BURIAL WITHOUT REGARD TO RACE OR COLOR**

Sec. 502. G.S. 65-72(b) reads as rewritten:

"(b) Any cemetery company or other legal entity violating the provisions of this section shall be guilty of a Class 1 misdemeanor, ~~punishable as provided in G.S. 14-3,~~ and each violation of this section shall constitute a separate offense."

### **—FALSELY ACTING AS INSPECTOR**

Sec. 503. G.S. 66-4 reads as rewritten:

#### **"§ 66-4. Falsely acting as inspector.**

If any person, who is not a legal or sworn inspector of lumber or other articles, presume to act as such, he shall forfeit and pay one hundred dollars (\$100.00), and be guilty of a Class 1 misdemeanor."

### **—JUNK DEALERS TO KEEP RECORD OF PURCHASES**

Sec. 504. G.S. 66-10 reads as rewritten:

#### **"§ 66-10. Failure of junk dealers to keep record of purchases misdemeanor.**

Every person, firm, or corporation buying brass or copper, or any other metal, or any rubber, or leather and rubber belts and belting, as junk, shall keep a register and shall keep therein a true and accurate record of each purchase, showing the description of the article purchased, the name from whom purchased, the amount paid for the same, the date thereof, and also any and all marks or brands upon said metal, rubber, or leather and rubber belts and belting. The said register and the metal and rubber, and leather and rubber belts and belting purchased shall be at all times open to the inspection of the public. A failure to comply with these requirements or the making of a false entry concerning such metals, rubber, or leather, or rubber belts, or belting shall constitute a Class 1 misdemeanor.

Every person, firm or corporation engaged in the business of buying or dealing in what is commonly known as "junk," including scrap metal of every kind, nature or description, glass, waste paper, burlap, cloth, cordage, rubber, leather, belting of every kind, or brass, in addition to the above requirements, shall make and keep a record of the name and address of the person from whom such junk is purchased and the license number, if any, and if there is no license, a description of the vehicle in which such junk is delivered. Any person, firm or corporation who or which fails to comply with the requirements of this paragraph shall be guilty of a Class 3 misdemeanor and upon conviction shall only be fined not in excess of fifty dollars (\$50.00) in the discretion of the court."

### **—DEALING IN CERTAIN METALS REGULATED**

Sec. 505. G.S. 66-11 reads as rewritten:

**"§ 66-11. Dealing in certain metals regulated; purchasing from minors; violations of section misdemeanor.**

Every person, firm, or corporation buying railroad brasses or any composition metal specially used in the operation of trains, or brasses, composition metals, or copper or aluminum of the kind or quality used by manufacturing or power plants or by the communication or electric utility industry, or any copper, brass or bronze of whatever kind or description, shall keep a register and shall insert therein a true and accurate record of each purchase, showing the name, address and driver's license number, the make and type of vehicle hauling said scrap, together with the license plate number thereon, of the person from whom purchased, the amount paid for the same, the date thereof, and also any and all marks or brands upon such metal. Such records shall be kept at the place of business of the person, firm or corporation and shall be open to inspection by any law officer. The register shall be at all times open to the inspection of the public. Any person or dealer buying or selling metals without complying with this section shall be guilty of a Class 1 misdemeanor; and any person making a false entry in such register shall be guilty of a Class 1 misdemeanor. Every person, firm, or corporation who shall buy or receive any such metals from persons under 18 years old, or who shall buy or receive any such metals after the same have been broken up and the marks or brands obliterated, shall be guilty of a Class 1 misdemeanor; and every person buying, receiving or selling, or offering for sale metals broken into small pieces, or so broken as to obliterate the marks or brands, shall be **prima facie** presumed to have received such metals knowing the same to have been stolen."

**—TRANSPORTATION OF COPPER**

Sec. 506. G.S. 66-11.1 reads as rewritten:

**"§ 66-11.1. Transportation of copper.**

It shall be unlawful for any person to transport or have in his possession on highways of this State, in any vehicle other than a vehicle used in the ordinary course of business for the purpose of transporting such copper, an amount of such copper of an aggregate weight of more than 25 pounds, unless such person shall have in his possession

- (1) A bill of sale pertaining to such copper signed by (i) a holder of a sales and use tax registration number from the North Carolina Department of Revenue; or (ii) an authorized wholesaler engaged in the sale of such copper; or (iii) a registered dealer in scrap metals; or (iv) a seller of antiques or objects of art; or
- (2) In the event the person from whom such copper was purchased was other than one of the above enumerated persons or firms, a certificate of origin signed by the sheriff, or his designated representative, of the county in which the purchase was made.

Such bill of sale or certificate of origin shall clearly identify the material to which it applies and show thereon the name and address of the seller, license plate of the vehicle in which such material is delivered to the purchaser, identified by license number, year

and state of issue, the name and address of the purchaser, the date of sale, and the type and amount of such copper purchased.

Any person violating the provisions of this ~~subsection~~section shall be deemed guilty of a ~~misdemeanor and upon conviction shall be fined not more than five hundred dollars (\$500.00) or be imprisoned for not more than six months.~~ Class 2 misdemeanor."

#### **—MANUFACTURE AND SALE OF MATCHES**

Sec. 507. G.S. 66-16 reads as rewritten:

#### **"§ 66-16. Violation of Article a misdemeanor.**

Any person, association, or corporation violating any of the provisions of this Article shall be guilty of a Class 3 misdemeanor and shall only be fined for the first offense not less than five dollars (\$5.00) nor more than twenty-five dollars (\$25.00), and for each subsequent violation not less than twenty-five dollars (\$25.00)."

#### **—CANDY AND SIMILAR PRODUCTS**

Sec. 508. G.S. 66-22 reads as rewritten:

#### **"§ 66-22. Violations made misdemeanor.**

Any person convicted for the violation of this Article shall be guilty of a ~~misdemeanor and subject to a fine of not exceeding one hundred dollars (\$100.00) or imprisonment for not exceeding 30 days or both fine and imprisonment in the discretion of the court.~~ Class 3 misdemeanor."

#### **—ELECTRICAL MATERIALS, DEVICES, APPLIANCES AND EQUIPMENT**

Sec. 509. G.S. 66-27 reads as rewritten:

#### **"§ 66-27. Violation made misdemeanor.**

Any person, firm or corporation who shall violate any of the provisions of this Article shall be guilty of a ~~misdemeanor and upon conviction thereof shall be punished by a fine of not more than five hundred dollars (\$500.00), imprisonment for not more than 90 days, or both, for each violation.~~ Class 2 misdemeanor."

#### **—SAFETY FEATURES OF HOT WATER HEATERS**

Sec. 510. G.S. 66-27.3 reads as follows:

#### **"§ 66-27.3. Violation of Article made misdemeanor.**

Violation of any provision of this Article is hereby made a ~~misdemeanor punishable by fine or imprisonment, or both, in the discretion of the court.~~ Class 1 misdemeanor."

#### **—HOUSE TRAILERS TO HAVE TWO DOORS**

Sec. 511. G.S. 66-27.5(b) reads as rewritten:

"(b) It shall be unlawful for any dealer to sell in this State any house trailer manufactured or assembled after January 1, 1970, having a body length exceeding 32 feet which does not conform to the specifications set forth in subsection (a). Any dealer who violates this section shall be guilty of a ~~misdemeanor and upon conviction fined not exceeding five hundred dollars (\$500.00) or imprisoned not exceeding 30 days.~~ Class 3 misdemeanor."

#### **—TAGGING SECONDHAND WATCHES**

Sec. 512. G.S. 66-34 reads as rewritten:

#### **"§ 66-34. Violation of Article made misdemeanor.**

Any person violating any of the provisions of this Article shall be guilty of a ~~misdemeanor, and upon conviction thereof shall be punished by a fine of not more than~~

~~fifty dollars (\$50.00), or by imprisonment for not more than 30 days, or both. Class 3 misdemeanor.~~

#### **—UMSTEAD ACT**

Sec. 513. G.S. 66-58(e) reads as rewritten:

"(e) Any person, whether employee of the State of North Carolina or not, who shall violate, or participate in the violation of this section, shall be guilty of a Class 1 misdemeanor."

#### **—COUPONS FOR PRODUCTS OF PHOTOGRAPHY**

Sec. 514. G.S. 66-64 reads as rewritten:

#### **"§ 66-64. Violation a misdemeanor.**

Any person violating the provisions of this Article, including the making of any false statement in the affidavit required under G.S. 66-62, shall be guilty of a ~~misdemeanor and, upon conviction, be fined or imprisoned, or both, in the discretion of the court. Class 1 misdemeanor.~~

#### **—ANTIFREEZE WITH INORGANIC SALTS OR PETROLEUM DISTILLATES**

Sec. 515. G.S. 66-66 reads as rewritten:

#### **"§ 66-66. Manufacture or sale of antifreeze solutions compounded with inorganic salts or petroleum distillates prohibited.**

The manufacture or sale of antifreeze solutions which are designated, intended, advertised, or recommended by the manufacturer or seller for use in the cooling systems of motor vehicles or gasoline combustion engines, and which are compounded with calcium chloride, magnesium chloride, sodium chloride, or other inorganic salts or with petroleum distillates is hereby prohibited.

Any person, firm, or corporation violating the provisions of this section shall be guilty of a ~~misdemeanor and shall be punished in the discretion of the court. Class 1 misdemeanor.~~

#### **—USED GOODS ON CONSIGNMENT/RECORDS**

Sec. 516. G.S. 66-67.2(c) reads as rewritten:

"(c) A person who fails to keep the records required by this section is guilty of a ~~misdemeanor punishable by imprisonment for up to six months, a fine of up to five hundred dollars (\$500.00), or both. Class 2 misdemeanor.~~ A law enforcement agency may examine the records required to be kept under this section during business hours."

#### **—BUSINESS UNDER ASSUMED NAME**

Sec. 517. G.S. 66-71(a)(1) reads as rewritten:

"(1) Shall be guilty of a Class 3 misdemeanor, ~~and upon conviction thereof shall be punished by a fine of not more than fifty dollars (\$50.00) or imprisonment for not more than 30 days, and".~~

#### **—UNFAIR TRADE PRACTICES IN DIAMOND INDUSTRY**

Sec. 518. G.S. 66-75 reads as rewritten:

#### **"§ 66-75. Penalty for violation; each practice a separate offense.**

Any person, firm, corporation or organization engaging in any unfair trade practice, as defined in this Article, shall be guilty of a ~~misdemeanor and upon conviction shall be fined not less than one hundred dollars (\$100.00) nor more than five hundred dollars~~

~~(\$500.00) or imprisoned; or both fined and imprisoned in the discretion of the court; Class 1 misdemeanor; and each and every unfair trade practice engaged in shall be deemed a separate offense."~~

#### **—CLOSING-OUT SALE CONTRARY TO ARTICLE**

Sec. 519. G.S. 66-81 reads as rewritten:

#### **"§ 66-81. Advertising or conducting sale contrary to Article; penalty.**

Any person who shall advertise, hold, conduct or carry on any sale of goods, wares or merchandise under the description of closing-out sale or a sale of goods, wares or merchandise damaged by fire, smoke, water or otherwise or a distress sale, contrary to the provisions of this Article, or who shall violate any of the provisions of this Article shall be deemed guilty of a ~~misdemeanor and shall, upon conviction thereof, be fined or imprisoned, or both, in the discretion of the court. Class 1 misdemeanor."~~

#### **—LABELING OF HOUSEHOLD CLEANERS**

Sec. 520. G.S. 66-86 reads as rewritten:

#### **"§ 66-86. Penalty for selling product in violation of Article.**

Any person, firm or corporation selling or offering to sell any product in violation of the terms of this Article shall be guilty of a ~~misdemeanor and upon conviction thereof shall be fined or imprisoned in the discretion of the court. Class 1 misdemeanor."~~

#### **—SELLER OF BUSINESS OPPORTUNITY FILE W/SECRETARY OF STATE**

Sec. 521. G.S. 66-97(e) reads as rewritten:

"(e) Failure to so file shall be a Class 1 misdemeanor."

#### **—BOND OR TRUST ACCOUNT REQUIRED**

Sec. 522. G.S. 66-108(b) reads as rewritten:

"(b) Failure to comply with subsection (a) shall be a Class 1 misdemeanor."

#### **—LOAN BROKER'S ADS FILED WITH SECRETARY OF STATE**

Sec. 523. G.S. 66-109(b) reads as rewritten:

"(b) Failure to comply with subsection (a) shall be a Class 1 misdemeanor."

#### **—RENTAL REFERRAL AGENCY; BOND OR TRUST ACCOUNT**

Sec. 524. G.S. 66-145(d) reads as rewritten:

"(d) Violation of subsections (a) or (b) of this section shall constitute a Class 1 misdemeanor."

#### **—PERJURY/OBTAINING PERMIT/PRECIOUS METAL BUSINESS**

Sec. 525. G.S. 66-167 reads as rewritten:

#### **"§ 66-167. Perjury; punishment.**

Any person who shall willfully commit perjury in any application for a permit or exemption filed pursuant to this Article shall be guilty of a Class 2 misdemeanor."

#### **—RECORDS BY DEALERS IN PRECIOUS METAL BUSINESS**

Sec. 526. G.S. 66-169 reads as rewritten:

#### **"§ 66-169. Records to be kept.**

Every dealer to whom a permit has been issued pursuant to G.S. 66-165 shall maintain a tightly bound book or books (not loose- leaf), with pages numbered in sequence, in which shall be recorded, at the time of any purchase of precious metal, a serially numbered account and description of the specific items purchased, including, if applicable, the manufacturer's name, the model, the model number, the serial number,

and any engraved numbers or initials found on the items, the date of the transaction, and the name, sex, race, residence, telephone number and driver's license number, if any, of the person selling the items purchased. Both the dealer and the seller shall sign the record entry. In the event the seller cannot furnish his driver's license, passport, or military identification card bearing his photograph, the dealer shall require two forms of positive identification.

The record book shall be open at all reasonable times to inspection on the premises by law-enforcement agencies and shall not be destroyed until two years following the last transaction which the record book reflects. A copy of each record book entry shall be filed within 48 hours of the transaction in the office of the local law-enforcement agency. Mailing the required copy to the local law-enforcement agency within 48 hours shall constitute compliance with this section.

The files of local law-enforcement agencies which contain such copies of record book entries shall not be subject to inspection and examination as authorized by G.S. 132-6. Any public official or employee who shall knowingly and willfully permit any person to have access to or custody or possession of any portion of such files, unless the person is one specifically authorized by the local law-enforcement agency to have access thereto for purposes of law-enforcement investigation or civil or criminal proceedings, shall be guilty of a Class 3 misdemeanor and upon conviction shall only be fined in the discretion of the court but not in excess of five hundred dollars (\$500.00).

Every merchant to whom an exemption has been issued pursuant to G.S. 66-166 shall maintain a book in which shall be recorded, at the time of any purchase of precious metal, a description of the specific items purchased and the date of the transaction. This book shall be open at all reasonable times to inspection on the premises by law-enforcement agencies and shall not be destroyed until two years following the last transaction which the record book reflects."

#### **—DEALERS IN PRECIOUS METAL BUSINESS**

Sec. 527. G.S. 66-172 reads as rewritten:

#### **"§ 66-172. Penalties.**

Any dealer who violates the provisions of this Article shall be deemed guilty of a misdemeanor and upon conviction shall be fined not more than five hundred dollars (\$500.00) or imprisoned for not more than six months, or both. Class 2 misdemeanor. In addition any dealer so convicted shall be ineligible for a dealer's permit for a period of three years from the date of conviction. Each and every violation shall constitute a separate and distinct offense."

#### **—PORTABLE SMELTERS PROHIBITED**

Sec. 528. G.S. 66-173 reads as rewritten:

#### **"§ 66-173. Portable smelters prohibited.**

It shall be unlawful for any person to possess or operate a smelter in any mobile home, trailer, camper, or other vehicle or structure not permanently affixed to the ground, for the purpose of refining precious metals. Violation of the provisions of this section shall constitute a misdemeanor and shall be punishable by a fine of not more than five hundred dollars (\$500.00) or imprisoned for not more than six months, or both. Class 2 misdemeanor."

## —PERMITTING BITCH AT LARGE

Sec. 529. G.S. 67-2 reads as rewritten:

### "§ 67-2. Permitting bitch at large.

If any person owning or having any bitch shall knowingly permit her to run at large during the erotic stage of copulation he shall be guilty of a ~~misdemeanor and fined not exceeding fifty dollars (\$50.00) or imprisoned not exceeding 30 days. Class 3 misdemeanor.~~

## —SHEEP-KILLING DOGS TO BE KILLED

Sec. 530. G.S. 67-3 reads as rewritten:

### "§ 67-3. Sheep-killing dogs to be killed.

If any person owning or having any dog that kills sheep or other domestic animals, or that kills a human being, upon satisfactory evidence of the same being made before any judge of the district court in the county, and the owner duly notified thereof, shall refuse to kill it, and shall permit such dog to go at liberty, he shall be guilty of a ~~Class 3 misdemeanor, and fined not more than fifty dollars (\$50.00) or imprisoned not more than 30 days, and the dog may be killed by anyone if found going at large.~~

## —FAILING TO KILL MAD DOG

Sec. 531. G.S. 67-4 reads as rewritten:

### "§ 67-4. Failing to kill mad dog.

If the owner of any dog shall know, or have good reason to believe, that his dog, or any dog belonging to any person under his control, has been bitten by a mad dog, and shall neglect or refuse immediately to kill the same, he shall forfeit and pay the sum of fifty dollars (\$50.00) to him who will sue therefor; and the offender shall be liable to pay all damages which may be sustained by anyone, in his property or person, by the bite of any such dog, and shall be guilty of a ~~misdemeanor, and fined not more than fifty dollars (\$50.00) or imprisoned not more than 30 days. Class 3 misdemeanor.~~

## —PRECAUTIONS AGAINST ATTACKS BY DANGEROUS DOGS

Sec. 532. G.S. 67-4.2(c) reads as rewritten:

"(c) Violation of this section is a ~~misdemeanor punishable by a fine not to exceed one hundred dollars (\$100.00) or imprisonment for not more than 30 days or both. Class 3 misdemeanor.~~

## —PENALTY FOR ATTACKS BY DANGEROUS DOGS

Sec. 533. G.S. 67-4.3 reads as rewritten:

### "§ 67-4.3. Penalty for attacks by dangerous dogs.

The owner of a dangerous dog that attacks a person and causes physical injuries requiring medical treatment in excess of one hundred dollars (\$100.00) shall be guilty of a ~~misdemeanor punishable by a fine of up to five thousand dollars (\$5,000), imprisonment up to two years, or both. Class 1 misdemeanor.~~

## —PERMITTING DOGS TO RUN AT LARGE AT NIGHT

Sec. 534. G.S. 67-12 reads as rewritten:

### "§ 67-12. Permitting dogs to run at large at night; penalty; liability for damage.

No person shall allow his dog over six months old to run at large in the nighttime unaccompanied by the owner or by some member of the owner's family, or some other person by the owner's permission. Any person intentionally, knowingly, and willfully

violating this section shall be guilty of a Class 3 misdemeanor, ~~and upon conviction shall be fined not exceeding fifty dollars (\$50.00) or imprisoned not exceeding 30 days, and shall also be liable in damages to any person injured or suffering loss to his property or chattels.~~"

#### —LICENSE TAXES ON DOGS

Sec. 535. G.S. 67-16 reads as rewritten:

#### **"§ 67-16. Failure to discharge duties imposed under this Article.**

Any person failing to discharge any duty imposed upon him under this Article shall be guilty of a ~~misdemeanor, and upon conviction shall pay a fine not exceeding fifty dollars (\$50.00) or be imprisoned not more than 30 days. Class 3 misdemeanor.~~"

#### —ALLOWING LIVESTOCK TO RUN AT LARGE FORBIDDEN

Sec. 536. G.S. 68-16 reads as rewritten:

#### **"§ 68-16. Allowing livestock to run at large forbidden.**

If any person shall allow his livestock to run at large, he shall be guilty of a Class 3 misdemeanor."

#### —ILLEGALLY RELEASING OR RECEIVING IMPOUNDED LIVESTOCK MISDEMEANOR

Sec. 537. G.S. 68-21 reads as rewritten:

#### **"§ 68-21. Illegally releasing or receiving impounded livestock misdemeanor.**

If any person willfully releases any lawfully impounded livestock without the permission of the impounder or receives such livestock knowing that it was unlawfully released, he shall be guilty of a Class 3 misdemeanor."

#### —IMPOUNDED LIVESTOCK TO BE FED AND WATERED

Sec. 538. G.S. 68-22 reads as rewritten:

#### **"§ 68-22. Impounded livestock to be fed and watered.**

If any person shall impound or cause to be impounded any livestock and shall fail to supply to the livestock during the confinement a reasonably adequate quantity of good and wholesome feed and water, he shall be guilty of a Class 3 misdemeanor."

#### —DOMESTIC FOWLS RUNNING AT LARGE AFTER NOTICE

Sec. 539. G.S. 68-24 reads as rewritten:

#### **"§ 68-24. Penalties for violation of this Article.**

~~Any person found guilty of violating any of the provisions of A violation of G.S. 68-16, 68-21 or 68-22 shall be punished by a fine not exceeding two hundred dollars (\$200.00) or imprisonment not exceeding 30 days or both. is a Class 3 misdemeanor.~~"

Sec. 540. G.S. 68-25 reads as rewritten:

#### **"§ 68-25. Domestic fowls running at large after notice.**

If any person shall permit any turkeys, geese, chickens, ducks or other domestic fowls to run at large on the lands of any other person while such lands are under cultivation in any kind of grain or feedstuff or while being used for gardens or ornamental purposes, after having received actual or constructive notice of such running at large, he shall be guilty of a Class 3 misdemeanor.

If it shall appear to any magistrate that after three days' notice any person persists in allowing his fowls to run at large in violation of this section and fails or refuses to keep them upon his own premises, then the said magistrate may, in his discretion, order any

sheriff or other officer to kill the fowls when they are running at large as herein provided."

### **—STOCK RUNNING AT LARGE ALONG THE OUTER BANKS**

Sec. 541. G.S. 68-44 reads as rewritten:

#### **"§ 68-44. Penalty for violation of § 68-42.**

Any person, firm or corporation violating the provisions of G.S. 68-42 shall be guilty of a ~~misdemeanor, and upon conviction, shall be fined not more than one hundred dollars (\$100.00) or imprisoned not more than 30 days. Class 3 misdemeanor.~~"

### **—DESTRUCTION OR SALE OF RELIC FROM PUBLIC LANDS**

Sec. 542. G.S. 70-4 reads as rewritten:

#### **"§ 70-4. Destruction or sale of relic from public lands made misdemeanor.**

Any person who shall excavate, disturb, remove, destroy or sell any Indian relic or artifact, or any of the contents of any mound or burial ground, on or from any lands owned by the State, by any public agency or institution, by any county, or by any municipal corporation, except with the written approval of the director of the State Museum or the Secretary of the Department of Cultural Resources, shall be guilty of a Class 1 misdemeanor."

### **—DISCOVERY OF UNMARKED HUMAN BURIAL AND SKELETAL REMAINS**

Sec. 543. G.S. 70-40(a) reads as rewritten:

"(a) Violation of the provisions of G.S. 70-29 is a Class 1 misdemeanor."

### **—ADMITTANCE OF PETS TO HOTEL ROOMS**

Sec. 544. G.S. 72-7.1(c) reads as rewritten:

"(c) All sleeping rooms in which the innkeeper permits pets must contain a sign measuring not less than five inches by seven inches, posted in a prominent place in the room, which shall be separate from the sign required by G.S. 72-6, stating that pets are permitted in the room, or whether certain pets are prohibited or permitted in the room, and stating that bringing pets into a room in which they are not permitted is a ~~misdemeanor under North Carolina law punishable by a fine not to exceed five hundred dollars (\$500.00), imprisonment not to exceed 30 days, or both. Class 3 misdemeanor.~~"

Sec. 545. G.S. 72-7.1(d) reads as rewritten:

"(d) Any person violating the provisions of this section shall be guilty of a ~~misdemeanor and upon conviction shall pay a fine not to exceed five hundred dollars (\$500.00) or be imprisoned for not more than 30 days, or both. Class 3 misdemeanor.~~"

### **—REGISTRATION TO BE IN TRUE NAME; ADDRESSES; PEACE OFFICERS**

Sec. 546. G.S. 72-30 reads as rewritten:

#### **"§ 72-30. Registration to be in true name; addresses; peace officers.**

No person shall write, or cause to be written, or if in charge of a register knowingly permit to be written, in any register in any lodging house or hotel any other or different name or designation than the true name or names in ordinary use of the person registering or causing himself to be registered therein. Any person occupying any room or rooms in any lodging house or hotel shall register or cause himself to be registered where registration is required by such lodging house or hotel. Any person registering or

causing himself to be registered at any lodging house or hotel, shall write, or cause to be written, in the register of such lodging house or hotel the correct address of the person registering, or causing himself to be registered. Any person violating any provision of this section shall be guilty of a Class 3 misdemeanor, and upon conviction shall only be punished by a fine not exceeding two hundred dollars (\$200.00). This section shall not apply to any peace officer of this State who shall privately give his true name to the clerk or proprietor of such hotel or lodging house."

#### **—FALSE REGISTRATION AND USE FOR IMMORAL PURPOSES**

Sec. 547. G.S. 72-37 reads as rewritten:

##### **"§ 72-37. False registration and use for immoral purposes made misdemeanor.**

Any man or woman found occupying the same room in any establishment within the meaning of this Article for any immoral purpose, or any man or woman falsely registering as or otherwise representing themselves to be husband and wife in any such establishment shall, upon conviction thereof, be guilty of a ~~misdemeanor and shall be fined or imprisoned in the discretion of the court.~~ Class 1 misdemeanor."

#### **—INNKEEPER KNOWINGLY PERMITTING IMMORALITY**

Sec. 548. G.S. 72-38 reads as rewritten:

##### **"§ 72-38. Operator knowingly permitting violations, guilty of misdemeanor.**

Any person being the operator or keeper of any establishment within the meaning of this Article who shall knowingly permit any man or woman to occupy any room in any establishment within the meaning of this Article for any immoral purposes, or who shall knowingly permit any man or woman to falsely register as husband and wife in such an establishment, shall, upon conviction thereof, be guilty of a ~~misdemeanor and shall be fined or imprisoned in the discretion of the court.~~ Class 1 misdemeanor."

#### **—OPERATION WITHOUT LICENSE MADE MISDEMEANOR**

Sec. 549. G.S. 72-43 reads as rewritten:

##### **"§ 72-43. Operation without license made misdemeanor.**

It shall be unlawful for any person, firm or corporation to engage in such business without first obtaining a license therefor. Any person violating the provisions of this section shall be guilty of a ~~misdemeanor and upon conviction thereof shall be fined or imprisoned in the discretion of the court.~~ Class 1 misdemeanor."

#### **—TOURISTS CAMPS, ROADHOUSES AND PUBLIC DANCE HALLS**

Sec. 550. G.S. 72-44 reads as rewritten:

##### **"§ 72-44. Violations of Article made misdemeanor.**

Unless another penalty is in this Article or by the laws of this State provided, any person violating any of the provisions of this Article shall, upon conviction thereof, be guilty of a ~~misdemeanor and shall be fined or imprisoned in the discretion of the court.~~ Class 1 misdemeanor."

#### **—ADVERTISEMENTS BY MOTOR CAMPS, TOURIST CAMPS, ETC.**

Sec. 551. G.S. 72-51 reads as rewritten:

##### **"§ 72-51. Violation a misdemeanor.**

Any person, firm, or corporation, violating the provisions of this Article shall be guilty of a ~~misdemeanor and shall, upon conviction, be punished as provided by law in the case of misdemeanors.~~ Class 1 misdemeanor."

## —KEEPING FALSE TOLL DISHES MISDEMEANOR

Sec. 552. G.S. 73-4 reads as rewritten:

### "§ 73-4. Keeping false toll dishes misdemeanor.

If any owner, by himself or servant, keeping any mill, shall keep any false toll dishes, he shall be guilty of a Class 1 misdemeanor."

## —MINE SAFETY AND HEALTH ACT

Sec. 553. G.S. 74-24.14 reads as rewritten:

### "§ 74-24.14. Criminal penalties.

Any person who (i) willfully violates any standard, order, notice, decision, rule, or regulation issued under authority of this Article, and said violation causes death or serious physical harm to another; (ii) knowingly makes any false statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained pursuant to this Article or required by any order, notice, or decision issued under this Article; (iii) knowingly distributes, sells, offers for sale, introduces, or delivers any equipment, machinery, article, or apparatus which is represented as complying with the provisions of this Article, or with any specification or regulation of the Commissioner applicable to such equipment, machinery, article, or apparatus and knowing it does not so comply, shall be guilty of a ~~misdemeanor and upon conviction thereof be punished for each such offense by a fine of not more than ten thousand dollars (\$10,000), or by imprisonment not to exceed 60 days, or both.~~ Class 2 misdemeanor. In any instance in which such offense is committed by a corporation, the officer or authorized representative of such corporation who knowingly permits such offense to be committed shall, upon conviction, be subject to the same fine or imprisonment, or both."

## —OBSTRUCTING MINING DRAINS

Sec. 554. G.S. 74-30 reads as rewritten:

### "§ 74-30. Obstructing mining drains.

If any person shall obstruct any drain or ditch constructed under the provisions of this Chapter, he shall be guilty of a Class 1 misdemeanor."

## —MINING ACT OF 1971

Sec. 555. G.S. 74-64(b) reads as rewritten:

"(b) Criminal Penalties. – In addition to other penalties provided by this Article, any operator who engages in mining in willful violation of the provisions of this Article or of any rules promulgated hereunder or who willfully misrepresents any fact in any action taken pursuant to this Article or willfully gives false information in any application or report required by this Article shall be guilty of a Class 3 misdemeanor and, upon conviction thereof, shall only be fined not less than one hundred dollars (\$100.00) nor more than one thousand dollars (\$1,000) for each offense. Each day of continued violation after written notification shall be considered a separate offense."

## —EXPLORATION FOR URANIUM IN NORTH CAROLINA

Sec. 556. G.S. 74-87(c) reads as rewritten:

"(c) Criminal Penalties. – In addition to other penalties provided by this Article, any person who engaged in exploration activity in willful violation of the provisions of this Article or of any rules promulgated under it or who willfully misrepresented any

material fact in any action taken pursuant to this Article shall be guilty of a Class 3 misdemeanor and, upon conviction thereof, shall only be fined not less than one hundred dollars (\$100.00) nor more than one thousand dollars (\$1,000) for each offense. Each day of continued violation after written notification shall be considered a separate offense."

#### —PRIVATE PROTECTIVE SERVICES

Sec. 557. G.S. 74C-17(b) reads as rewritten:

"(b) Any person, firm, association, or corporation or their agents and employees violating any of the provisions of this Chapter or knowingly violating any rule promulgated to implement this Chapter shall be guilty of a misdemeanor and punishable by a fine of up to five hundred dollars (\$500.00), by imprisonment for a term not to exceed one year, or by both, in the discretion of the court. Class 1 misdemeanor. The Attorney General, or his representative, shall have concurrent jurisdiction with the district attorneys of this State to prosecute violations of this Chapter."

#### —ALARM SYSTEMS

Sec. 558. G.S. 74D-11(b) reads as rewritten:

"(b) Any person, firm, association, corporation, or department or division of a firm, association or corporation, or their agents and employees violating any of the provisions of this Chapter or knowingly violating any rule promulgated to implement this Chapter shall be guilty of a misdemeanor and punishable by a fine of up to five hundred dollars (\$500.00), by imprisonment for a term not to exceed one year, or by both, in the discretion of the court. Class 1 misdemeanor. The Attorney General, or his representative, shall have concurrent jurisdiction with the district attorneys of this State to prosecute violations of this Chapter."

#### —ANTITRUST

Sec. 559. G.S. 75-6 reads as rewritten:

#### "§ 75-6. Violation a misdemeanor; punishment.

Any corporation, either as agent or principal, violating any of the provisions of G.S. 75-5 shall be guilty of a Class 1 misdemeanor, and such corporation shall upon conviction be fined not less than one thousand dollars (\$1,000) for each and every offense, and any person, whether acting for himself or as officer of any corporation or as agent of any corporation or persons violating any of the provisions of this Chapter, with the exception of G.S. 75-1.1 (the violation of which does not constitute a crime), shall be guilty of a misdemeanor and upon conviction shall be fined or imprisoned, or both, in the discretion of the court. Class 1 misdemeanor."

#### —REFUSAL TO FURNISH INFORMATION; FALSE SWEARING

Sec. 560. G.S. 75-12 reads as rewritten:

#### "§ 75-12. Refusal to furnish information; false swearing.

Any corporation or person unlawfully refusing or willfully neglecting to furnish the information required by this Chapter, when it is demanded as herein provided, shall be guilty of a Class 3 misdemeanor and only fined not less than one thousand dollars (\$1,000): Provided, that if any corporation or person shall in writing notify the Attorney General that it objects to the time or place designated by him for the examination or inspection provided for in this Chapter, it shall be his duty to apply to a justice or judge

of the appellate or superior court division, who shall fix an appropriate time and place for such examination or inspection, and such corporation or person shall, in such event, be guilty under this section only in the event of its failure, refusal or neglect to appear at the time and place so fixed by the judge and furnish the information required by this Chapter. False swearing by any person examined under the provisions of this Chapter shall constitute perjury, and the person guilty of it shall be punishable as in other cases of perjury."

#### **—UNAUTHORIZED DISCLOSURE OF TAX INFORMATION**

Sec. 561. G.S. 75-28 reads as rewritten:

##### **"§ 75-28. Unauthorized disclosure of tax information; violation a misdemeanor.**

Except in accordance with proper judicial order, or as otherwise provided by law, it shall be unlawful for any person, firm or corporation employed or engaged to prepare, or who or which prepares or undertakes to prepare, for any other person or taxpayer any tax form, report or return, to disclose, divulge or make known in any manner or use for any purpose or in any manner other than in the preparation of such form, report or return, without the express consent of the taxpayer or person for whom the form or return is prepared, the name or address of the taxpayer or such other person, the amount of income, income tax or other taxes, or any other information shown on or included in such form, report or return, or any information which may be or may have been furnished by the taxpayer or such other person to the preparer of such form, report or return or to the person, firm or corporation so employed or engaged.

Nothing in this section shall be construed to amend or modify the authority specified in G.S. 105-276(6) or any statute enacted in substitution therefor.

Nothing in this section shall be construed to prohibit the inspection of such forms, reports or returns required under Subchapter I of Chapter 105 of the General Statutes in accordance with the authority provided in G.S. 105-259, or the examination of any person, books, papers, records or other data in accordance with the authority provided in G.S. 105-258.

Any person, firm or corporation, or any officer, agent, clerk, employee, or former officer or employee, of any firm or corporation engaged or formerly engaged in the preparation of tax forms, reports or returns for others, whether acting for himself or as agent for such corporation, who or which shall violate the provisions of this section shall be guilty of a ~~misdemeanor and shall be fined or imprisoned in the discretion of the court.~~ Class 1 misdemeanor."

#### **—AUTOMATIC DIALING AND RECORDED MESSAGE PLAYERS**

Sec. 562. G.S. 75-30(e) reads as rewritten:

"(e) Violation of this section shall be a Class 3 misdemeanor, punishable only by a fine of one hundred dollars (\$100.00), for each occurrence."

#### **—WILDLIFE LICENSES**

Sec. 563. G.S. 75A-5(e) reads as rewritten:

"(e) The Wildlife Resources Commission may award any certificate of number directly or may authorize any person to act as agent for the awarding thereof. In the event that a person accepts such authorization, he may be assigned a block of numbers and certificates therefor which upon award, in conformity with this Chapter and with

any rules and regulations of the Commission, shall be valid as if awarded directly by the Commission. As compensation for his services any such agent shall be allowed to retain for his own use fifty cents (50¢). It is a Class 1 misdemeanor ~~punishable in the discretion of the court~~ for any such agent to charge or accept any additional fee, remuneration, or other thing of value for such services."

Sec. 564. G.S. 75A-5(l) reads as rewritten:

"(l) When certificates of number are to be issued by agents as provided by subsection (e) of this section, the Wildlife Resources Commission is authorized by regulation to establish the qualifications of such agents, including, but not limited to, their financial responsibility, the locations and types of business operated by them and their facilities for safekeeping of unused certificates of number, validation decals, and the monetary proceeds of certificates which have been issued; to prescribe the duties of such agents, including, but not limited to, the methods of issuing certificates of number and validation decals, the evidence of ownership of vessels to be numbered by applicants for number, the times and methods of making periodic and final reports of certificates and decals issued and remaining unissued and remittances of public moneys and unissued certificates and decals; to establish methods and procedures of ensuring accountability of such agents for the proceeds of certificates and decals issued and for certificates and decals remaining unissued; to require individual or blanket bonds of such agents in amounts sufficient to protect the State against loss of public moneys and unissued certificates and decals, the premiums for such bonds to be paid by the agents; to permit such agents to issue both original certificates of number and validation decals and renewals thereof or to limit such agents, or any of them, to the issuance of the originals only; to authorize some or all of such agents to issue temporary certificates of number for use during a limited time pending delivery of regular certificates of number and validation decals; to establish methods and procedures, including submission of the amounts and kinds of evidence which the Commission may deem sufficient, whereby any such agent may be relieved of accountability for the value of unissued certificates and validation decals, or of the monetary proceeds of those which have been issued, which have been lost or destroyed as the result of any occurrence which is beyond the control of such agent; and to prescribe such other reasonable requirements and conditions as the Commission may, in its discretion, deem necessary or desirable to expedite and control the issuance of certificates of number by such agents. In accordance with such regulations, the executive director is authorized to prepare and distribute all forms necessary or convenient for application for and the appointment and bonding of such agents and for receipts, reports and remittances by such agents; to select and appoint such agents in areas most convenient to the boating public and to limit the number of such agents in any locality; to require prompt and accurate reporting and remission of public moneys and unissued certificates and decals by such agents, and to require periodic or special audits of their accounts; to revoke or terminate any such agency for failure to make timely reports and remittances or to comply with any administrative directive or regulation of the Commission, or when he has reason to believe that State money or property is in jeopardy; and to require immediate surrender of all agency accounts, forms, certificates, decals and State moneys in the event of such

revocation or termination of any such agency. A person who is denied the authority to act as an agent for the issuance of certificates of number and validation decals or whose authority to do so is revoked may not commence a contested case under G.S. 150B-23. Any violation of the regulations authorized by this subsection shall be a ~~misdemeanor punishable in the discretion of the court~~ Class 1 misdemeanor. If any check or draft of any agent for the issuance of certificates of boat number shall be returned by the banking facility upon which the same is drawn for lack of funds, such agent shall be liable to the Wildlife Resources Commission for a penalty of five percent (5%) of the amount of such check or draft, but in no event shall such penalty be less than five dollars (\$5.00) or more than two hundred dollars (\$200.00)."

## —COMMERCIAL FISHING BOATS; RENEWAL OF NUMBER

Sec. 565. G.S. 75A-5.1(d) reads as rewritten:

"(d) Any person who shall willfully give false information upon the application or the statement required by the preceding paragraph, or who shall falsify any tax receipt thereby required, shall be guilty of a ~~misdemeanor and shall, upon conviction thereof, be punished by a fine or imprisonment, or both, in the discretion of the court~~ Class 1 misdemeanor."

## —BOAT SAFETY ACT

Sec. 566. G.S. 75A-18 reads as rewritten:

### "§ 75A-18. Penalties.

(a) Except as otherwise provided, any person who violates any provision of this Article or who violates any rule or regulation adopted under authority of this Chapter shall be guilty of a Class 3 misdemeanor and shall only be subject to a fine not to exceed two hundred and fifty dollars (\$250.00) for each such violation. The limitation prescribed by the preceding sentence shall not apply in any case where a more severe penalty may be prescribed in any of said sections.

(b) Any person who violates any provision of G.S. 75A-10(a), (b), or (b1) shall be guilty of a ~~misdemeanor and shall be subject to a fine of not to exceed five hundred dollars (\$500.00) or imprisonment for not to exceed six months, or both, for each violation~~ Class 2 misdemeanor.

(c) Any person who violates any provision of G.S. 75A-13.1 shall be guilty of a Class 3 misdemeanor and upon conviction thereof shall only be fined no more than twenty-five dollars (\$25.00).

(d) A person who:

(1) Willfully violates G.S. 75A-10(d) is guilty of a ~~misdemeanor punishable by imprisonment not to exceed one year, a fine not to exceed ten thousand dollars (\$10,000) per day of violation, or both in the discretion of the court~~ Class 1 misdemeanor.

(2) Willfully violates G.S. 75A-10(d) and in so doing releases medical waste that creates a substantial risk of physical injury to any person who is not a participant in the offense is guilty of a Class I felony punishable by imprisonment, a fine not to exceed fifty thousand dollars (\$50,000) per day of violation, or both in the discretion of the court."

## —SURRENDER OF CERTIFICATE REQUIRED WHEN SECURITY INTEREST PAID

Sec. 567. G.S. 75A-47 reads as rewritten:

### "**§ 75A-47. Surrender of certificate required when security interest paid.**

It is unlawful and constitutes a Class 1 misdemeanor for a secured party who holds a certificate of title as provided in this Article to refuse or fail to surrender the certificate of title to the person legally entitled to it within 10 days after his security interest has been paid and satisfied."

## —LEVY OF EXECUTION, ETC.

Sec. 568. G.S. 75A-48 reads as rewritten:

### "**§ 75A-48. Levy of execution, etc.**

A levy made by virtue of an execution or other proper court order, upon a watercraft for which a certificate of title has been issued by the Commission, shall constitute a lien, subsequent to security interests previously recorded by the Commission and subsequent to security interests in inventory held for sale and perfected as otherwise permitted by law, if and when the officer making the levy reports to the Commission at its principal office, on forms provided by the Commission, that the levy has been made and that the watercraft levied upon has been seized by and is in the custody of the officer. Should the lien thereafter be satisfied or should the watercraft levied upon and seized thereafter be released by the officer, he shall immediately report that fact to the Commission at its principal office. Any owner who, after a levy and seizure by an officer and before the officer reports the levy and seizure to the Commission, fraudulently assigns or transfers his title to or interest in the watercraft, or causes the certificate of title to be assigned or transferred, or causes a security interest to be shown upon such certificate of title, is guilty of a Class 1 misdemeanor."

## —RICO ACT

Sec. 569. G.S. 75D-6 reads as rewritten:

### "**§ 75D-6. Power to compel examination.**

Whenever the Attorney General has reason to believe that any person or enterprise may have information or may be in possession, custody or control of any documentary materials relevant to an activity prohibited under G.S. 75D-4, he may issue in writing, and cause to be served upon such person or upon the appropriate officers, agents, and employees of any such enterprise (other than one employed as an attorney by such person or enterprise), a notice requiring such person or enterprise to submit themselves to examination by him, and produce for his inspection any documentary material relevant to an investigation of activities prohibited by G.S. 75D-4.

The notice shall be served either personally or by registered or certified mail return receipt requested. The notice shall specify the general purpose of the examination, a general description of the documentary material to be produced, and the time and place where such examination will take place. The witness shall be placed under oath or affirmation to testify truthfully. The examination shall be recorded and the witness has the right to a copy upon payment of its cost. The witness has the right to have legal counsel present during the examination.

The Attorney General shall also have the right to apply to any judge of the superior court division, after five days' prior notice of such application served in the same manner as the notice of examination described in this section, for an order requiring such person or enterprise to appear and subject himself or itself to examination, and disobedience of such order shall constitute contempt, and shall be punishable as in other cases of disobedience of a proper order of such court.

No such demand or order of a court shall contain any requirement which would be held to be unreasonable if contained in a civil discovery request or court order issued pursuant to G.S. 1A-1, Rules of Civil Procedure 26-36. Any person or enterprise upon whom a demand is served and who objects to complying with such demand in whole or in part, shall, within five days of service of the demand, serve a written reply upon the Attorney General specifying the nature of the objection.

Such examination shall be held in camera and no one, except the person or enterprise being examined, may release information obtained from the examination prior to a proceeding being instituted under this Chapter by the Attorney General. Such information may be used in any proceeding instituted under this Chapter by the Attorney General. Any person violating the provisions of this paragraph shall be guilty of a ~~misdemeanor and fined not less than two hundred dollars (\$200.00) nor more than one thousand dollars (\$1,000) or imprisoned, or both.~~ Class 1 misdemeanor. If such offending person is a public officer or employee, he shall also be dismissed from such office or employment and shall not hold any public office or employment in this State for a period of five years after conviction. This paragraph does not prohibit disclosure of this information to other employees of the Department of Justice, or to district attorneys designated in writing by the Attorney General as authorized to receive this information."

## **—NAVIGABLE WATERS; CERTAIN PRACTICES REGULATED**

Sec. 570. G.S. 76-40 reads as rewritten:

### **"§ 76-40. Navigable waters; certain practices regulated.**

(a) It shall be unlawful for any person, firm or corporation to place, deposit, leave or cause to be placed, deposited or left, either temporarily or permanently, any trash, refuse, rubbish, garbage, debris, rubble, scrapped vehicle or equipment or other similar waste material in or upon any body of navigable water in this State; 'waste material' shall not include spoil materials lawfully dug or dredged from navigable waters and deposited in spoil areas designated by the Department of Environment, Health, and Natural Resources; violation of this section shall constitute a ~~misdemeanor, punishable by a fine of up to five hundred dollars (\$500.00) or imprisonment for up to six months, or both, in the discretion of the court.~~ Class 2 misdemeanor.

(a1) It shall be unlawful for any person, firm or corporation to place, deposit, leave or cause to be placed, deposited, or left, either temporarily or permanently, any medical waste as defined in G.S. 130A-290 in the open waters of the Atlantic Ocean over which the State has jurisdiction or the navigable waters of this State.

(1) A person who willfully violates this subsection is guilty of a ~~misdemeanor punishable by imprisonment not to exceed one year, a fine not to exceed ten thousand dollars (\$10,000) per day of violation, or both in the discretion of the court.~~ Class 1 misdemeanor.

(2) A person who willfully violates this subsection and in so doing releases medical waste that creates a substantial risk of physical injury to any person who is not a participant in the offense is guilty of a Class I felony punishable by imprisonment, a fine not to exceed fifty thousand dollars (\$50,000) per day of violation, or both in the discretion of the court.

(b) No person, firm or corporation shall erect upon the floor of, or in or upon, any body of navigable water in this State, any sign or other structure, without having first secured a permit to do so from the appropriate federal agencies (which would include a permit from the State of North Carolina) or from the Department of Administration, or from the agency designated by the Department to issue such permit. Provided, however, this subsection shall not apply to commercial fishing nets, fish offal, ramps, boathouses, piers or duck blinds placed in navigable waters. Any person, firm or corporation erecting such sign or other structure without a proper permit or not in accordance with the specification of such permit shall be guilty of a ~~misdemeanor and upon conviction shall be fined up to five hundred dollars (\$500.00) or imprisoned for up to six months, or both, in the discretion of the court.~~ Class 2 misdemeanor. The State may immediately proceed to remove or cause to be removed such unlawful sign or structure after five days' notice to the owner or erector thereof and the cost of such removal by the State shall be payable by the person, firm or corporation who erected or owns the unlawful sign or other structure and the State may bring suit to recover the costs of the removal thereof.

(c) Whenever any structure lawfully erected upon the floor of, or in or upon, any body of navigable water in this State, is abandoned, such structure shall be removed by the owner thereof and the area cleaned up within 30 days of such abandonment; failure to comply with this section shall constitute a ~~misdemeanor and upon conviction the owner of the abandoned structure shall be fined up to five hundred dollars (\$500.00) or imprisoned for not over six months, or both, in the discretion of the court.~~ Class 2 misdemeanor. The State may, after 10 days' notice to the owner or erector thereof, remove the abandoned structure and have the area cleaned up and the cost of such removal and cleaning up by the State shall be payable by the owner or erector of the abandoned structure and the State may bring suit to recover the costs thereof.

(d) For purposes of this section, the term 'navigable waters' shall not include any waters within the boundaries of any reservoir, pond or impoundment used in connection with the generation of electricity, or of any reservoir project owned or operated by the United States.

(e) The provisions of this section, in the coastal waters of this State, shall be enforced by the Department of Environment, Health, and Natural Resources. In the inland waters of the State, the provisions of this section shall be enforced by the Wildlife Resources Commission. The Department of Environment, Health, and Natural Resources and the Wildlife Resources Commission shall cooperate [Environmental Management Commission] in the enforcement of this section."

#### **—OBSTRUCTING WATERS OF CURRITUCK SOUND**

Sec. 571. G.S. 76-41 reads as rewritten:

**"§ 76-41. Obstructing waters of Currituck Sound.**

It shall be unlawful for any person to obstruct navigation in the waters of Currituck Sound and tributaries, and all persons, corporations, companies, or clubs, who have heretofore placed or caused to be placed any hedging across the mouth of a bay, creek, strait, or lead of water in Currituck Sound or tributaries, made of iron, wire, or wood or other material, for the purpose of preventing the free passage of boats or vessels of any size or class, or to stop the public use of such bay, creek, strait, or lead of water, are required to forthwith remove the same. Any person, corporation, or club violating any of the provisions of this section shall be guilty of a ~~misdemeanor, and upon conviction shall be fined not more than fifty dollars (\$50.00) nor less than ten dollars (\$10.00), or imprisoned not more than 30 days, at the discretion of the court. Class 3 misdemeanor.~~"

**—LUMBERMEN TO REMOVE OBSTRUCTIONS IN ALBEMARLE SOUND**

Sec. 572. G.S. 76-42 reads as rewritten:

**"§ 76-42. Lumbermen to remove obstructions in Albemarle Sound.**

If any lumberman shall fail to remove all obstructions placed by him in the waters of Albemarle Sound and its tributaries, as soon as practicable, after they have ceased to use them for the purpose for which they were placed in said waters, from all places where the water is not less than two feet deep, and also from all landing places on both sides, for the space of 60 feet from the shore outward, he shall be guilty of a Class 3 misdemeanor, and only fined not less than one dollar (\$1.00) nor more than fifty dollars (\$50.00), at the discretion of the court."

**—ANCHORAGE IN RANGE OF LIGHTHOUSES**

Sec. 573. G.S. 76-43 reads as rewritten:

**"§ 76-43. Anchorage in range of lighthouses.**

If the master of any vessel shall anchor on the range line of any range of lights established by the United States Lighthouse Board, unless such anchorage is unavoidable, he shall be guilty of a Class 3 misdemeanor, and punished only by a fine not to exceed fifty dollars (\$50.00)."

**—ACTING AS PILOT WITHOUT LICENSE**

Sec. 574. G.S. 76-47 reads as rewritten:

**"§ 76-47. Acting as pilot without license.**

If any person shall act as a pilot, who is not qualified and licensed in the manner prescribed in this Chapter, he shall be guilty of a ~~misdemeanor and upon conviction shall be fined not more than fifty dollars (\$50.00) and not less than twenty-five dollars (\$25.00), or imprisoned not more than 30 days at the discretion of the court: misdemeanor:~~ Provided, that should there be no licensed pilot in attendance, any person may conduct into port any vessel in danger from stress of weather or in a leaky condition."

**—RAFTS TO EXERCISE CARE IN PASSING BUOYS, ETC., PENALTY**

Sec. 575. G.S. 76-57 reads as rewritten:

**"§ 76-57. Rafts to exercise care in passing buoys, etc., penalty.**

If any person having charge of any raft passing any buoy, beacon, or day mark, shall not exercise due diligence in keeping clear of it, or, if unavoidably fouling it, shall not exercise due diligence in clearing it, without dragging from its position such buoy,

beacon, or day mark, he shall be guilty of a Class 3 misdemeanor, and punished only by a fine not to exceed fifty dollars (\$50.00)."

### **—INTERFERING WITH BUOYS, BEACONS, AND DAY MARKS**

Sec. 576. G.S. 76-58 reads as rewritten:

#### **"§ 76-58. Interfering with buoys, beacons, and day marks.**

If any person shall moor any kind of vessel, or any raft or any part of a raft, to any buoy, beacon, or day mark placed in the waters of North Carolina by the authority of the United States Lighthouse Board, or shall in any manner hang on with any vessel or raft, or part of a raft, to any such buoy, beacon, or day mark, or shall willfully remove, damage, or destroy any such buoy, beacon, or day mark, or shall cut down, remove, damage, or destroy any beacon erected on land in this State by the authority of the said United States Lighthouse Board, or through unavoidable accident run down, drag from its position, or in any way injure any buoy, beacon, or day mark, as aforesaid, and shall fail to give notice as soon as practicable of having done so, to the lighthouse inspector of the district in which said buoy, beacon, or day mark may be located, or to the collector of the port, or, if in charge of a pilot, to the collector of the port from which he comes, he shall for every such offense be guilty of a ~~misdemeanor and shall be punished by a fine not to exceed two hundred dollars (\$200.00), or imprisoned not to exceed three months, or both, at the discretion of the court.~~ Class 2 misdemeanor."

### **—COMPULSORY USE OF PILOTS ON THE CAPE FEAR RIVER**

Sec. 577. G.S. 76A-16 reads as rewritten:

#### **"§ 76A-16. Compulsory use of pilots.**

Every foreign vessel and every U.S. vessel sailing under register, including such vessels towing or being towed when underway in the Cape Fear River and Bar and over 60 gross tons, shall employ and take a State-licensed pilot, except when maneuvering during berthing or unberthing operations, shifting within the confine of ports or terminals, passing through bridges, with tug assistance and with a docking master aboard the vessel. Any master of a vessel violating this section shall be guilty of a Class 1 misdemeanor except as provided for in G.S. 76A-18 ~~and upon conviction the master shall be fined, imprisoned, or both within the discretion of the courts.~~"

### **—COMPULSORY USE OF PILOTS ON MOREHEAD CITY HARBOR**

Sec. 578. G.S. 76A-46 reads as rewritten:

#### **"§ 76A-46. Compulsory use of pilots.**

Every foreign vessel and every United States vessel sailing under register, including such vessels towing or being towed when underway or docking in the waters of the Morehead City Harbor and Beaufort Bar, either incoming or outgoing, and over 60 gross tons, shall employ and utilize a State licensed pilot. Every foreign vessel sailing including such vessels towing or being towed when underway or docking in the Morehead City to Aurora water route, and over 60 gross tons, shall employ and utilize a State licensed pilot. Any master of a vessel violating this section by failing to use a State licensed pilot shall be guilty of a Class 1 misdemeanor except as provided for in G.S. 76A-54 ~~and upon conviction, the master shall be fined, imprisoned, or both within the discretion of the courts.~~"

### **—FAILURE OF OWNER OF DAM TO KEEP GATES, ETC.**

Sec. 579. G.S. 77-7 reads as rewritten:

**"§ 77-7. Failure of owner of dam to keep gates, etc.**

If any owner or keeper of a mill, whose dam is across any stream, shall fail to build a gate and slope therein, or thereafter to keep and maintain the same as required by commissioners to lay off rivers and creeks, he shall be guilty of a Class 1 misdemeanor."

**—OBSTRUCTING PASSAGE OF BOATS**

Sec. 580. G.S. 77-12 reads as rewritten:

**"§ 77-12. Obstructing passage of boats.**

If any person shall obstruct the free passage of boats along any river or creek, by felling trees, or by any other means whatever, he shall be guilty of a Class 1 misdemeanor."

**—OBSTRUCTING STREAMS A MISDEMEANOR**

Sec. 581. G.S. 77-13 reads as rewritten:

**"§ 77-13. Obstructing streams a misdemeanor.**

If any person, firm, or corporation shall fell any tree, or put any obstruction, except for the purposes of utilizing water as a motive power, in any branch, creek, stream, or other natural passage for water, whereby the natural flow of water through such passage is lessened or retarded, or whereby the navigation of such stream may be impeded, delayed, or prevented, the person, firm, or corporation so offending shall be guilty of a misdemeanor, and fined not to exceed five hundred dollars (\$500.00), or imprisoned not to exceed six months, or both, in the discretion of the court. Class 2 misdemeanor. In addition to any fine or imprisonment imposed, the court may, in its discretion, order the person, firm, or corporation so offending to remove the obstruction and restore the affected waterway to an undisturbed condition, or allow authorized employees of the enforcing agency to enter upon the property and accomplish the removal of the obstruction and the restoration of the waterway to an undisturbed condition, in which case the costs of the removal and restoration shall be paid to the enforcing agency by the offending party. Nothing in this section shall prevent the erection of fish dams or hedges across any stream which do not extend across more than two thirds of its width at the point of obstruction. If the fish dams or hedges extend more than two thirds of the width of any stream, the said penalties shall attach. This section may be enforced by marine fisheries inspectors and wildlife protectors. Within the bounds of any county or municipality, this section may also be enforced by any law enforcement officer having territorial jurisdiction, or by the county engineer. This section may also be enforced by specially commissioned forest law-enforcement officers of the Department of Environment, Health, and Natural Resources for offenses occurring in woodlands. For purposes of this section, the term 'woodlands' means all forested areas, including swamp and timber lands, cutover lands, and second-growth stands in previously cultivated sites."

**—OBSTRUCTIONS IN STREAMS AND DRAINAGE DITCHES**

Sec. 582. G.S. 77-14 reads as rewritten:

**"§ 77-14. Obstructions in streams and drainage ditches.**

If any person, firm or corporation shall fell any tree or put any slabs, stumps, sawdust, shavings, lime, refuse or any other substances in any creek, stream, river or natural or artificial drainage ravine or ditch, or in any other outlet which serves to remove water from any land whatsoever whereby the drainage of said land is impeded, delayed or prevented, the person, firm or corporation so offending shall be guilty of a Class 2 misdemeanor and upon conviction thereof shall be fined up to five hundred dollars (\$500.00) or imprisoned for up to six months, or both, in the discretion of the court: Provided, however, nothing herein shall prevent the construction of any dam or weir not otherwise prohibited by any valid local or State statute or regulation. In addition to any fine or imprisonment imposed, the court may, in its discretion, order the person, firm, or corporation so offending to remove the obstruction and restore the affected waterway to an undisturbed condition, or allow authorized employees of the enforcing agency to enter upon the property and accomplish the removal of the obstruction and the restoration of the waterway to an undisturbed condition, in which case the costs of the removal and restoration shall be paid to the enforcing agency by the offending party. This section may be enforced by marine fisheries inspectors and wildlife protectors. Within the boundaries of any county or municipality this section may also be enforced by any law enforcement officer having territorial jurisdiction, or by the county engineer. This section may also be enforced by specially commissioned forest law-enforcement officers of the Department of Environment, Health, and Natural Resources for offenses occurring in woodlands. For purposes of this section, the term 'woodlands' means all forested areas, including swamp and timber lands, cutover lands and second-growth stands on previously cultivated sites."

#### **—REGULATIONS FOR LAKE WYLIE**

Sec. 583. G.S. 77-37(b) reads as rewritten:

"(b) Violation of any regulation of the Commission commanding or prohibiting an act is a misdemeanor punishable by a fine not to exceed two hundred dollars or 30 days imprisonment. Class 3 misdemeanor."

#### **—FRAUDULENT USE OF TIMBER TRADEMARK**

Sec. 584. G.S. 80-20 reads as rewritten:

#### **"§ 80-20. Fraudulent use of timber trademark, misdemeanor.**

If any person shall use or attempt to use any timber trademark without the written consent of the proprietor thereof, or falsely and fraudulently place any trademark on timber not the property of the owner of such trademark without his written consent, or intentionally and without lawful authority remove, deface or destroy any timber trademark or the imprint thereof on any timber or intentionally put any such timber in such a position or place so remote from the stream from which it was taken or on which it was afloat as to render it inconvenient or unnecessarily expensive to replace the same in such stream, he shall be guilty of a Class 1 misdemeanor."

#### **—ALTERING TIMBER TRADEMARK CRIME**

Sec. 585. G.S. 80-22 reads as rewritten:

#### **"§ 80-22. Altering timber trademark crime.**

If any person shall willfully change, alter, erase or destroy any registered timber mark or brand put or cut upon any logs, timber, lumber or boards, except by the consent

of the owner thereof, with intent to steal the said logs or timber, he shall be guilty of a ~~misdemeanor, and punished by a fine of not more than fifty dollars (\$50.00) or imprisoned not more than 30 days, or both. Class 3 misdemeanor.~~"

### **—POSSESSION OF BRANDED LOGS WITHOUT CONSENT, MISDEMEANOR**

Sec. 586. G.S. 80-23 reads as rewritten:

#### **"§ 80-23. Possession of branded logs without consent, misdemeanor.**

If any person shall knowingly and willfully take up or have in his possession any log, timber, lumber or board upon which a registered timber mark or brand has been put or cut, except by the consent of the owner thereof, he shall be guilty of a ~~misdemeanor, and punished by a fine of not more than fifty dollars (\$50.00) or imprisoned not more than 30 days, or both. Class 3 misdemeanor.~~"

### **—MARKING GOLD ARTICLES REGULATED**

Sec. 587. G.S. 80-40 reads as rewritten:

#### **"§ 80-40. Marking gold articles regulated.**

It shall be unlawful to make for sale, or sell, or offer to sell or dispose of, or have in possession with intent to sell or dispose of, any article of merchandise made in whole or in part of gold or any alloy of gold, and having stamped, branded, engraved or imprinted thereon, or upon any tag, card or label attached thereto, or upon any box, package, cover or wrapper in which the article is enclosed, any mark indicating or designed to indicate that the gold, or alloy of gold, therein is of a greater degree of fineness than its actual fineness, unless the actual fineness, in the case of flatware and watchcases, is not less by more than three one-thousandths parts, and in the case of all other articles is not less by more than one-half karat than the fineness indicated, according to the standards and subject to the qualifications hereinafter set forth.

In any test for ascertaining the fineness of gold or alloy in the articles, according to the required standards, the part of the gold or alloy taken for the test, analysis or assay shall be a part not containing or having attached thereto any solder or alloy of inferior fineness used for brazing or uniting the parts of the articles. In addition to the foregoing tests and standards, the actual fineness of the entire quantity of gold and of its alloys contained in any article mentioned in this section (except watchcases), including all solder or alloy of inferior metal used for brazing or uniting the parts (all such gold, alloys, and solder being assayed as one piece), shall not be less by more than one karat than the fineness indicated by the mark used as above indicated. Violation of this section is a ~~misdemeanor, punishable as provided in this Article. Class 1 misdemeanor.~~"

### **—MARKING SILVER ARTICLES REGULATED**

Sec. 588. G.S. 80-41 reads as rewritten:

#### **"§ 80-41. Marking silver articles regulated.**

It shall be unlawful to make for sale or sell or offer to sell or dispose of or have in possession with intent to sell or dispose of –

- (1) Any article of merchandise made in whole or in part of silver or any alloy of silver, and having marked, stamped, branded or engraved or imprinted thereon, or upon any tag, card or label attached thereto, or upon any box, package, cover or wrapper in which the article is

enclosed, the words 'sterling silver' or 'sterling' or any colorable imitation thereof, unless nine hundred and twenty-five one-thousandths of the component parts of the metal appearing or purporting to be silver, of which the article is manufactured, are pure silver, subject to the qualifications hereinafter set forth: Provided, that in the case of all such articles there shall be allowed a divergence in fineness of four one-thousandths parts from the foregoing standard.

- (2) Any article of merchandise made in whole or in part of silver or of any alloy of silver, and having marked, stamped, branded, engraved or imprinted thereon, or upon any card, tag or label attached thereto, or upon any box, package, cover or wrapper in which the article is enclosed, the words 'coin' or 'coin silver,' or any colorable imitation thereof, unless nine hundred one-thousandths of the component parts of the metal appearing or purporting to be silver, of which the article is manufactured, are pure silver, subject to the qualifications hereinafter set forth: Provided, that in the case of all such articles there shall be allowed a divergence in fineness of four one-thousandths parts from the foregoing standards.
- (3) Any article of merchandise made in whole or in part of silver or of any alloy of silver, and having stamped, branded, engraved or imprinted thereon, or upon any tag, card or label attached thereto, or upon any box, package, cover or wrapper in which the article is enclosed, any mark or word (other than the word 'sterling' or the word 'coin') indicating, or designed to indicate, that the silver or alloy of silver in the article is of a greater degree of fineness than its actual fineness, unless the actual fineness is not less by more than four one-thousandths parts than the actual fineness indicated by the use of such mark or word, subject to the qualifications hereinafter set forth.

In any test for ascertaining the fineness of the articles mentioned in this section, according to the foregoing standards, the part taken for test, analysis or assays shall be a part not containing or having attached thereto any solder or alloy of inferior metal used for brazing or uniting the parts of such article. In addition to the foregoing test and standards, the actual fineness of the entire quantity of metal purporting to be silver contained in any article mentioned in this section, including all solder or alloy of inferior fineness used for brazing or uniting the parts (all such silver, alloy or solder being assayed as one piece), shall not be less by more than ten one-thousandths parts than the fineness indicated according to the foregoing standards, by the mark employed as above indicated. Violation of this section is a ~~misdemeanor, punishable as provided in this Article. Class 1 misdemeanor.~~

#### **—MARKING ARTICLES OF GOLD PLATE REGULATED**

Sec. 589. G.S. 80-42 reads as rewritten:

#### **"§ 80-42. Marking articles of gold plate regulated.**

It shall be unlawful to make for sale, or sell, or offer to sell or dispose of, or have in possession with intent to sell or dispose of, any article of merchandise made in whole or

in part of inferior metal, having deposited or plated thereon or brazed or otherwise affixed thereto a plate, plating, covering or sheet of gold, or of any alloy of gold, which article is known in the market as 'rolled gold plate,' 'gold plate,' 'gold-filled,' or 'gold electroplate,' or by any similar designation, and having stamped, branded, engraved or imprinted thereon, or upon any tag, card or label attached thereto, or upon any box, package, cover or wrapper in which the article is enclosed, any word or mark usually employed to indicate the fineness of gold, unless such word be accompanied by other words plainly indicating that such article or some part thereof is made of rolled gold plate, or gold plate, or gold electroplate, or is gold-filled, as the case may be. Violation of this section is a ~~misdemeanor, punishable as provided in this Article. Class 1 misdemeanor.~~

### **—MARKING ARTICLES OF SILVER PLATE REGULATED**

Sec. 590. G.S. 80-43 reads as rewritten:

#### **"§ 80-43. Marking articles of silver plate regulated.**

It shall be unlawful to make for sale, or sell, or offer to sell or dispose of, or have in possession with intent to sell or dispose of, any article of merchandise made in whole or in part of inferior metal, having deposited or plated thereon or brazed or otherwise affixed thereto, a plate, plating, covering or sheet of silver or of any alloy of silver, which article is known in the market as 'silver plate' or 'silver electroplate,' or by any similar designation, and having stamped, branded, engraved or imprinted thereon, or upon any tag, card or label attached thereto, or upon any box, package, cover or wrapper in which the article is enclosed, the word 'sterling' or the word 'coin,' either alone or in conjunction with any other words or marks. Violation of this section is a ~~misdemeanor, punishable as provided in this Article. Class 1 misdemeanor.~~

### **—STAMPING OF GOLD AND SILVER ARTICLES**

Sec. 591. G.S. 80-44 reads as rewritten:

#### **"§ 80-44. Violation of Article misdemeanor.**

Every person, firm, corporation or association guilty of a violation of any one of the preceding sections of this Article, and every officer, manager, director or managing agent of any such person, firm, corporation or association directly participating in such violation or consenting thereto, shall be guilty of a ~~Class 1 misdemeanor and punished by fine or imprisonment, or both, at the discretion of the court.~~ Provided, that if the person charged with violation of this Article shall prove that the article concerning which the charge was made was manufactured prior to June 13, 1907, then the charge shall be dismissed."

### **—REGULATION AND PROTECTION OF LIVESTOCK BRANDS**

Sec. 592. G.S. 80-66 reads as rewritten:

#### **"§ 80-66. Violation a misdemeanor.**

Any person who violates any provision of this Article or any rule or regulation of the Board promulgated hereunder shall be guilty of a ~~misdemeanor and upon conviction thereof fined not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00) or imprisoned for not more than 60 days, or both fined and imprisoned, in the discretion of the court. Class 2 misdemeanor.~~

### **—WEIGHTS AND MEASURES ACT OF 1975**

Sec. 593. G.S. 81A-29 reads as rewritten:

**"§ 81A-29. Offenses and penalties.**

Any person who violates any provision of this section or any provision of this Chapter or regulations promulgated pursuant thereto for which a specific penalty has not been prescribed shall be guilty of a Class 2 misdemeanor, and upon a first conviction, ~~thereof shall be punished by a fine of not less than fifty dollars (\$50.00) or more than five hundred dollars (\$500.00), or by imprisonment for not more than three months, or both.~~ Upon a subsequent conviction thereof, said person shall be ~~punished by a fine of not less than one hundred dollars (\$100.00) or more than one thousand dollars (\$1,000) or by imprisonment for up to one year, or both.~~ guilty of a Class 1 misdemeanor. No person shall:

- (1) Use or have in possession for use in commerce any incorrect weight or measure.
- (2) Remove any tag, seal, or mark from any weight or measure without specific written authorization from the Commissioner or his authorized agent.
- (3) Hinder or obstruct any weights-and-measures official in the performance of his duties.
- (4) Impersonate in any way any employee of the North Carolina Department of Agriculture designated by the Commissioner to enforce any part of this Chapter.
- (5) Use in retail trade, except in the preparation of packages put up in advance of sale, a weighing or measuring device which is not so positioned so that its indications may be accurately read and the weighing or measuring operation observed from some position which may be reasonably assumed by a customer.
- (6) Manufacture, use or possess a counterfeit seal, tag, mark, certificate, label or decal representing, imitating or copying the same issued by the Commissioner under this Chapter."

**—REGISTRATION OF SCALE TECHNICIAN**

Sec. 594. G.S. 81A-80(b) reads as rewritten:

"(b) Any person who violates any provision of this Article shall be guilty of a ~~misdemeanor and upon conviction shall be fined not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00) or imprisoned for not more than three months or be fined and imprisoned.~~ Class 2 misdemeanor."

**—ARCHITECTS**

Sec. 595. G.S. 83A-16(a) reads as rewritten:

"(a) Any individual or corporation not registered under this Chapter, who shall wrongfully use the title 'Architect' or represent himself or herself to the public as an architect, or practice architecture as herein defined, or seek to avoid the provisions of this Chapter by the use of any other designation than 'Architect': (i) shall be guilty of a ~~Class 2 misdemeanor and shall upon conviction be sentenced to pay a fine of not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00), or suffer imprisonment for a period not exceeding three months or both such fine and~~

~~imprisonment~~; and (ii) be subject to a civil penalty not to exceed five hundred dollars (\$500.00) per day of such violation. Each day of such unlawful practice shall constitute a distinct and separate violation. Any civil penalty collected hereunder shall be deposited to the General Fund."

### **—PERSONS DISQUALIFIED FROM THE PRIVATE PRACTICE OF LAW**

Sec. 596. G.S. 84-2 reads as rewritten:

#### **"§ 84-2. Persons disqualified.**

No justice, judge, full-time district attorney, full-time assistant district attorney, public defender, assistant public defender, clerk, deputy or assistant clerk of the General Court of Justice, nor register of deeds, nor sheriff, shall engage in the private practice of law. Persons violating this provision shall be guilty of a Class 3 misdemeanor and only fined not less than two hundred dollars (\$200.00)."

### **—QUALIFICATIONS OF ATTORNEYS; CLINICS OF LAW SCHOOLS**

Sec. 597. G.S. 84-8 reads as rewritten:

#### **"§ 84-8. Punishment for violations; legal clinics of law schools excepted.**

Any person, corporation, or association of persons violating the provisions of G.S. 84-4 to 84-8 shall be guilty of a ~~misdemeanor and punished by a fine or imprisonment, or both, in the discretion of the court.~~ Class 1 misdemeanor. Provided, that G.S. 84-4 to 84-8 shall not apply to any law school or law schools conducting a legal clinic and receiving as their clientage only those persons unable financially to compensate for legal advice or services rendered."

### **—ATTORNEY MUST APPEAR FOR CREDITOR IN INSOLVENCY**

Sec. 598. G.S. 84-10 reads as rewritten:

#### **"§ 84-10. Violation of § 84-9 a misdemeanor.**

Any individual, corporation, or firm or other association of persons violating any provision of G.S. 84-9 shall be guilty of a Class 1 misdemeanor."

### **—SOLICITATION OF RETAINER OR CONTRACT FOR LEGAL SERVICES**

Sec. 599. G.S. 84-38 reads as rewritten:

#### **"§ 84-38. Solicitation of retainer or contract for legal services prohibited; division of fees.**

It shall be unlawful for any person, firm, corporation, or association or his or their agent, agents, or employees, acting on his or their behalf, to solicit or procure through solicitation either directly or indirectly, any legal business, whether to be performed in this State or elsewhere, or to solicit or procure through solicitation either directly or indirectly, a retainer or contract, written or oral, or any agreement authorizing an attorney or any other person, firm, corporation, or association to perform or render any legal services, whether to be performed in this State or elsewhere.

It shall be unlawful for any person, firm, corporation, or association to divide with or receive from any attorney-at-law, or group of attorneys-at-law, whether practicing in this State or elsewhere, either before or after action is brought, any portion of any fee or compensation charged or received by such attorney-at-law, or any valuable consideration or reward, as an inducement for placing or in consideration of being placed in the hands of such attorney or attorneys-at-law, or in the hands of another person, firm, corporation or association, a claim or demand of any kind, for the purpose

of collecting such claim or instituting an action thereon or of representing claimant in the pursuit of any civil remedy for the recovery thereof, or for the settlement or compromise thereof, whether such compromise, settlement, recovery, suit, claim, collection or demand shall be in this State or elsewhere. This paragraph shall not apply to agreements between attorneys to divide compensation received in cases or matters legitimately, lawfully and properly received by them.

Any person, firm, corporation or association of persons violating the provisions of this section shall be guilty of a ~~misdemeanor and punished by fine or imprisonment or both in the discretion of the court.~~ Class 1 misdemeanor.

The council of the North Carolina State Bar is hereby authorized and empowered to investigate and bring action against persons charged with violations of this section and the provisions as set forth in G.S. 84-37 shall apply. Nothing contained herein shall be construed to supersede the authority of district attorneys to seek injunctive relief or institute criminal proceedings in the same manner as provided for in G.S. 84-7. Nothing herein shall be construed as abridging the inherent powers of the courts to deal with such matters."

#### **—AUCTIONEER LICENSES**

Sec. 600. G.S. 85B-9(a) reads as rewritten:

"(a) Any person, corporation or association of persons violating the provisions of G.S. 85B-4(a) shall be guilty of a ~~misdemeanor and shall be punished by fine, or imprisonment, or both, in the discretion of the court.~~ Class 1 misdemeanor."

#### **—BARBERS CERTIFICATES AND REGISTRATION**

Sec. 601. G.S. 86A-20 reads as rewritten:

#### **"§ 86A-20. Misdemeanors.**

Each of the following acts constitutes a ~~misdemeanor, punishable upon conviction by a fine of not less than ten dollars (\$10.00), nor more than fifty dollars (\$50.00), imprisonment for 30 days in jail, or both fine and imprisonment.~~ Class 3 misdemeanor:

- (1) Violation of any of the provisions of G.S. 86A-1;
- (2) Obtaining or attempting to obtain a certificate of registration for money other than the required fee or any other thing of value, or by fraudulent misrepresentations;
- (3) Practicing or attempting to practice by fraudulent misrepresentations;
- (4) Willful failure to display a certificate of registration as required by G.S. 86A-16;
- (5) Practicing or attempting to practice bartering during the period of suspension or revocation of any certificate of registration granted under this Chapter. Each day's operation during a period of suspension or revocation shall be deemed a separate offense;
- (6) Permitting any person in one's employ, supervision or control to practice as a barber unless that person holds a certificate as a registered barber or registered apprentice."

#### **—UNAUTHORIZED PRACTICE OF CONTRACTING**

Sec. 602. G.S. 87-13 reads as rewritten:

**"§ 87-13. Unauthorized practice of contracting; impersonating contractor; false certificate; giving false evidence to Board; penalties.**

Any person, firm, or corporation not being duly authorized who shall contract for or bid upon the construction of any of the projects or works enumerated in G.S. 87-1, without having first complied with the provisions hereof, or who shall attempt to practice general contracting in the State, except as provided for in this Article, and any person, firm, or corporation presenting or attempting to file as his own the licensed certificate of another or who shall give false or forged evidence of any kind to the Board or to any member thereof in maintaining a certificate of license or who falsely shall impersonate another or who shall use an expired or revoked certificate of license, and any architect or engineer who recommends to any project owner the award of a contract to anyone not properly licensed under this Article, shall be deemed guilty of a ~~misdemeanor and shall for each such offense of which he is convicted be punished by a fine of not less than five hundred dollars (\$500.00) or imprisonment of three months, or both fine and imprisonment in the discretion of the court. Class 2 misdemeanor.~~ And the Board may, in its discretion, use its funds to defray the expense, legal or otherwise, in the prosecution of any violations of this Article. No architect or engineer shall be guilty of a violation of this section if his recommendation to award a contract is made in reliance upon current written information received by him from the appropriate Contractor Licensing Board of this State which information erroneously indicates that the contractor being recommended for contract award is properly licensed."

**—REGULATIONS AS TO ISSUE OF BUILDING PERMITS**

Sec. 603. G.S. 87-14 reads as rewritten:

**"§ 87-14. Regulations as to issue of building permits.**

Any person, firm or corporation, upon making application to the building inspector or such other authority of any incorporated city, town or county in North Carolina charged with the duty of issuing building or other permits for the construction of any building, highway, sewer, grading or any improvement or structure where the cost thereof is to be thirty thousand dollars (\$30,000) or more, shall, before he be entitled to the issuance of such permit, furnish satisfactory proof to such inspector or authority that he or another person contracting to superintend or manage the construction is duly licensed under the terms of this Article to carry out or superintend the same, and that he has paid the license tax required by the Revenue Act of the State of North Carolina then in force so as to be qualified to bid upon or contract for the work for which the permit has been applied, and that he has in effect Workers' Compensation insurance as required by Chapter 97 of the General Statutes; and it shall be unlawful for such building inspector or other authority to issue or allow the issuance of such building permit unless and until the applicant has furnished evidence that he is either exempt from the provisions of this Article or is duly licensed under this Article to carry out or superintend the work for which permit has been applied; and further, that the applicant has paid the license tax required by the State Revenue Act then in force so as to be qualified to bid upon or contract for the work covered by the permit; and further, that the applicant has in effect Workers' Compensation insurance as required by Chapter 97 of the General Statutes. Any building inspector or other such authority who is subject to

and violates the terms of this section shall be guilty of a Class 3 misdemeanor and subject only to a fine of not more than fifty dollars (\$50.00)."

## **—PLUMBING, HEATING AND FIRE SPRINKLING CONTRACTORS**

Sec. 604. G.S. 87-25 reads as rewritten:

### **"§ 87-25. Violations made misdemeanor; employees of licensees excepted.**

Any person, firm or corporation who shall engage in or offer to engage in, or carry on the business of plumbing, heating, or fire sprinkler contracting, or any combination thereof, as defined in G.S. 87-21, without first having been licensed to engage in such business, or businesses, as required by the provisions of this Article; or any person, firm or corporation holding a limited plumbing or heating license under the provisions of this Article who shall practice or offer to practice or carry on any type of plumbing or heating contracting not authorized by said limited license; or any person, firm or corporation who shall give false or forged evidence of any kind to the Board, or any member thereof, in obtaining a license, or who shall falsely impersonate any other practitioner of like or different name, or who shall use an expired or revoked license, or who shall violate any of the provisions of this Article, shall be guilty of a ~~misdemeanor and upon conviction fined not less than one hundred dollars (\$100.00) or imprisoned for not more than three months, or both, in the discretion of the court. Class 2 misdemeanor.~~ An employee in the course of his work as a bona fide employee of a licensee of the Board shall not be construed to have engaged in the business of plumbing, heating, or fire sprinkler contracting, as the case may be."

## **—POWERS OF BOARD OF EXAMINERS OF ELECTRICAL CONTRACTORS**

Sec. 605. G.S. 87-42 reads as rewritten:

### **"§ 87-42. Duties and powers of Board.**

In order to protect the life, health and property of the public, the State Board of Examiners of Electrical Contractors shall provide for the written examination of all applicants for certification as a qualified individual, as defined in G.S. 87-41.1. The Board shall receive all applications for certification as a qualified individual and all applications for licenses to be issued under this Article, shall examine all applicants to determine that each has met the requirements for certification and shall discharge all duties enumerated in this Article. Applicants for certification as a qualified individual must be at least 18 years of age and shall be required to demonstrate to the satisfaction of the Board their good character and adequate technical and practical knowledge concerning the safe and proper installation of electrical work and equipment. The examination to be given for this purpose shall include, but not be limited to, the appropriate provisions of the National Electrical Code as incorporated in the North Carolina State Building Code, the analysis of electrical plans and specifications, estimating of electrical installations, and the fundamentals of the installation of electrical work and equipment. Certification of qualified individuals shall be issued in the same classifications as provided in this Article for license classifications. The Board shall prescribe the standards of knowledge, experience and proficiency to be required of qualified individuals, which may vary for the various license classifications. The Board shall issue certifications and licenses to all applicants meeting the requirements of this

Article and of the Board upon the receipt of the fees prescribed by G.S. 87-44. The Board shall have power to make rules and regulations necessary to the performance of its duties and for the effective implementation of the provisions of this Article. The Board shall have the power to administer oaths and issue subpoenas requiring the attendance of persons and the production of papers and records before the Board in any hearing, investigation, or proceeding conducted by it. Members of the Board's staff or the sheriff or other appropriate official of any county of this State shall serve all notices, subpoenas, and other papers given to them by the Chairman for service in the same manner as process issued by any court of record. Any person who neglects or refuses to obey a subpoena issued by the Board shall be guilty of a ~~misdemeanor and, upon conviction thereof, shall be fined or imprisoned in the discretion of the court.~~ Class 1 misdemeanor. The Board shall keep minutes of all its proceedings and shall keep an accurate record of receipts and disbursements which shall be audited at the close of each fiscal year by a certified public accountant, and the audit report shall be filed with the State of North Carolina in accordance with Chapter 93B of the General Statutes."

#### **—ELECTRICAL CONTRACTORS**

Sec. 606. G.S. 87-48(a) reads as rewritten:

"(a) Any person, partnership, firm or corporation who shall violate any of the provisions of this Article or any rule of the Board adopted pursuant to this Article or who shall engage or offer to engage in the business of installing, maintaining, altering or repairing within the State of North Carolina any electric wiring, devices, appliances or equipment without first having obtained a license under the provisions of this Article shall be guilty of a ~~misdemeanor and upon conviction thereof shall, for each offense, be subject to a fine of not more than three hundred dollars (\$300.00) or imprisonment for not more than three months or both.~~ Class 2 misdemeanor."

#### **—REFRIGERATION CONTRACTING**

Sec. 607. G.S. 87-61 reads as rewritten:

#### **"§ 87-61. Violations made misdemeanor; employees of licensees excepted.**

Any person, firm or corporation who shall engage in or offer to engage in, or carry on the business of refrigeration contracting as defined in this Article, without first having been licensed to engage in such business, or businesses, as required by the provisions of this Article; or any person, firm or corporation holding a refrigeration license under the provisions of this Article who shall practice or offer to practice or carry on any type of refrigeration contracting not authorized by said license; or any person, firm or corporation who shall give false or forged evidence of any kind to the Board, or any member thereof, in obtaining a license, or who shall falsely impersonate any other practitioner of like or different name, or who shall use an expired or revoked license, or who shall violate any of the provisions of this Article, shall be guilty of a ~~misdemeanor and upon conviction fined not less than one hundred dollars (\$100.00) or imprisoned for not more than three months, or both, in the discretion of the court.~~ Class 2 misdemeanor. Employees, while working under the supervision and jurisdiction of a person, firm or corporation licensed in accordance with the provisions of this Article, shall not be construed to have engaged in the business of refrigeration contracting."

#### **—COSMETOLOGY PRACTICE**

Sec. 608. G.S. 88-28 reads as rewritten:

**"§ 88-28. Acts made misdemeanors.**

Each of the following constitutes a ~~misdemeanor punishable upon conviction by a fine of not less than twenty-five dollars (\$25.00) and not more than one hundred dollars (\$100.00), or up to 30 days in jail, or both.~~ Class 3 misdemeanor:

- (1) The violation of any of the provisions of G.S. 88-1.
- (2) Permitting any person in one's employ, supervision, or control to practice as an apprentice unless that person has a certificate of registration as a registered apprentice.
- (3) Permitting any person in one's employ, supervision, or control, to practice as a cosmetologist unless that person has a certificate as a registered cosmetologist.
- (3a) Employing or permitting any person in one's employ, supervision, or control, to engage in the practice of cosmetic art under an invalid temporary employment permit.
- (4) Obtaining, or attempting to obtain, a certificate of registration for money other than the required fee or any other thing of value, or by fraudulent misrepresentations.
- (5) Practicing or attempting to practice by fraudulent misrepresentations.
- (6) The willful failure to display a certificate of registration as required by G.S. 88-24.
- (7) The willful violation of the reasonable rules and regulations adopted by the State Board of Cosmetic Art Examiners."

**—ELECTROLYSIS PRACTICE**

Sec. 609. G.S. 88A-4(b) reads as rewritten:

"(b) Any violation of this Chapter shall be a ~~misdemeanor punishable by a fine of not more than five hundred dollars (\$500.00), or imprisonment for not more than 60 days, or both.~~ Class 2 misdemeanor."

**—REGISTRATION OF LANDSCAPE ARCHITECTS**

Sec. 610. G.S. 89A-8(a) reads as rewritten:

"(a) It shall be a Class 1 misdemeanor for any person to use, or to hold himself out as entitled to practice under, the title of landscape architect or landscape architecture unless he is duly registered under the provisions of this Chapter."

**—REGISTRATION OF FORESTERS**

Sec. 611. G.S. 89B-15 reads as rewritten:

**"§ 89B-15. Violation and penalties.**

Any person who, without being registered in accordance with the provisions of this Chapter, shall use in connection with his name or otherwise assume, use or advertise any title or description tending to convey the impression that he is a registered forester; or any person who shall give any false or forged information of any kind to the Board or to any member thereof in obtaining a certificate of registration; or any person, firm, partnership or corporation who shall violate any of the provisions of this Chapter shall be guilty of a ~~misdemeanor, and upon conviction thereof shall be fined not more than fifty dollars (\$50.00), or imprisoned not more than 30 days.~~ Class 3 misdemeanor."

## —ENGINEERING OR LAND SURVEYING WITHOUT REGISTRATION

Sec. 612. G.S. 89C-23 reads as rewritten:

### "§ 89C-23. Unlawful to practice engineering or land surveying without registration; unlawful use of title or terms; penalties; Attorney General to be legal adviser.

Any person who shall practice, or offer to practice, engineering or land surveying in this State without first being registered in accordance with the provisions of this Chapter, or any person, firm, partnership, organization, association, corporation, or other entity using or employing the words 'engineer' or 'engineering' or 'professional engineer' or 'professional engineering' or 'land surveyor' or 'land surveying,' or any modification or derivative thereof in its name or form of business or activity except as registered under this Chapter or in pursuit of activities exempted by this Chapter, or any person presenting or attempting to use the certificate of registration or the seal of another, or any person who shall give any false or forged evidence of any kind to the Board or to any member thereof in obtaining or attempting to obtain a certificate of registration, or any person who shall falsely impersonate any other registrant of like or different name, or any person who shall attempt to use an expired or revoked or nonexistent certificate of registration, or who shall practice or offer to practice when not qualified, or any person who falsely claims that he is registered under this Chapter, or any person who shall violate any of the provisions of this Chapter, in addition to injunctive procedures set out hereinbefore, shall be guilty of a ~~misdemeanor, and may, upon conviction, be sentenced to pay a fine of not less than one hundred dollars (\$100.00), nor more than one thousand dollars (\$1,000), or suffer imprisonment for a period not exceeding three months, or both, in the discretion of the court. Class 2 misdemeanor.~~ In no event shall there be representation of or holding out to the public of any engineering expertise by unregistered persons. It shall be the duty of all duly constituted officers of the State and all political subdivisions thereof to enforce the provisions of this Chapter and to prosecute any persons violating same.

The Attorney General of the State or his assistant shall act as legal adviser to the Board and render such legal assistance as may be necessary in carrying out the provisions of this Chapter. The Board may employ counsel and necessary assistance to aid in the enforcement of this Chapter, and the compensation and expenses therefor shall be paid from funds of the Board."

## —LICENSE TO PRACTICE GEOLOGY

Sec. 613. G.S. 89E-22 reads as rewritten:

### "§ 89E-22. Misdemeanor.

Any person who shall willfully practice publicly, or offer to practice publicly, geology for other natural or corporate persons in this State without being licensed in accordance with the provisions of this Chapter, or any person presenting or attempting to use as his own the license or the seal of another, or any person who shall give any false or forged evidence of any kind in obtaining a license, or any person who shall falsely impersonate any other licensee of like or different name, or any person who shall attempt to use an expired or revoked license or practice at any time during a period the Board has suspended or revoked the license, or any person who shall violate the

provisions of this Chapter shall be guilty of a ~~misdemeanor; upon conviction thereof, such person shall be punishable by a fine of not more than five hundred dollars (\$500.00), by imprisonment of not more than six months, or both such fine and imprisonment.~~ Class 2 misdemeanor."

### **—LIMITED LICENSE TO PRACTICE MEDICINE AND SURGERY**

Sec. 614. G.S. 90-12 reads as rewritten:

#### **"§ 90-12. Limited license.**

The Board may, whenever in its opinion the conditions of the locality where the applicant resides are such as to render it advisable, make such modifications of the requirements of G.S. 90-9, 90-10, and 90-11 as in its judgment the interests of the people living in that locality may demand, and may issue to such applicant a special license, to be entitled a 'Limited License,' authorizing the holder thereof to practice medicine and surgery within the limits only of the districts specifically described therein. The holder of the limited license practicing medicine or surgery beyond the boundaries of the districts as laid down in said license shall be guilty of a Class 3 misdemeanor, and upon conviction shall only be fined not less than twenty-five dollars (\$25.00) nor more than fifty dollars (\$50.00) for each and every offense; and the Board is empowered to revoke such limited license, in its discretion, after due notice."

### **—PRACTICING MEDICINE WITHOUT LICENSE**

Sec. 615. G.S. 90-18 reads as rewritten:

#### **"§ 90-18. Practicing without license; practicing defined; penalties.**

No person shall practice medicine or surgery, or any of the branches thereof, nor in any case prescribe for the cure of diseases unless he shall have been first licensed and registered so to do in the manner provided in this Article, and if any person shall practice medicine or surgery without being duly licensed and registered, as provided in this Article, he shall not be allowed to maintain any action to collect any fee for such services. The person so practicing without license shall be guilty of a ~~misdemeanor, and upon conviction thereof shall be fined not less than fifty dollars (\$50.00) nor more than one hundred dollars (\$100.00), or imprisoned at the discretion of the court for each and every offense.~~ Class 1 misdemeanor.

Any person shall be regarded as practicing medicine or surgery within the meaning of this Article who shall diagnose or attempt to diagnose, treat or attempt to treat, operate or attempt to operate on, or prescribe for or administer to, or profess to treat any human ailment, physical or mental, or any physical injury to or deformity of another person: Provided, that the following cases shall not come within the definition above recited:

- (1) The administration of domestic or family remedies in cases of emergency.
- (2) The practice of dentistry by any legally licensed dentist engaged in the practice of dentistry and dental surgery.
- (3) The practice of pharmacy by any legally licensed pharmacist engaged in the practice of pharmacy.

- (4) The practice of medicine and surgery by any surgeon or physician of the United States army, navy, or public health service in the discharge of his official duties.
- (5) The treatment of the sick or suffering by mental or spiritual means without the use of any drugs or other material means.
- (6) The practice of optometry by any legally licensed optometrist engaged in the practice of optometry.
- (7) The practice of midwifery as defined in G.S. 90-178.2.
- (8) The practice of chiropody by any legally licensed chiropodist when engaged in the practice of chiropody, and without the use of any drug.
- (9) The practice of osteopathy by any legally licensed osteopath when engaged in the practice of osteopathy as defined by law, and especially G.S. 90-129.
- (10) The practice of chiropractic by any legally licensed chiropractor when engaged in the practice of chiropractic as defined by law, and without the use of any drug or surgery.
- (11) The practice of medicine or surgery by any reputable physician or surgeon in a neighboring state coming into this State for consultation with a resident registered physician. This proviso shall not apply to physicians resident in a neighboring state and regularly practicing in this State.
- (12) Any person practicing radiology as hereinafter defined shall be deemed to be engaged in the practice of medicine within the meaning of this Article. 'Radiology' shall be defined as, that method of medical practice in which demonstration and examination of the normal and abnormal structures, parts or functions of the human body are made by use of X ray. Any person shall be regarded as engaged in the practice of radiology who makes or offers to make, for a consideration, a demonstration or examination of a human being or a part or parts of a human body by means of fluoroscopic exhibition or by the shadow imagery registered with photographic materials and the use of X rays; or holds himself out to diagnose or able to make or makes any interpretation or explanation by word of mouth, writing or otherwise of the meaning of such fluoroscopic or registered shadow imagery of any part of the human body by use of X rays; or who treats any disease or condition of the human body by the application of X rays or radium. Nothing in this subdivision shall prevent the practice of radiology by any person licensed under the provisions of Articles 2, 7, 8, and 12A of this Chapter.
- (13) Any act, task or function performed by an assistant to a person licensed as a physician by the Board of Medical Examiners when
  - a. Such assistant is approved by and annually registered with the Board as one qualified by training or experience to function as

an assistant to a physician, except that no more than two assistants may be currently registered for any physician, and

- b. Such act, task or function is performed at the direction or under the supervision of such physician, in accordance with rules and regulations promulgated by the Board, and
- c. The services of the assistant are limited to assisting the physician in the particular field or fields for which the assistant has been trained, approved and registered;

Provided that this subdivision shall not limit or prevent any physician from delegating to a qualified person any acts, tasks or functions which are otherwise permitted by law or established by custom.

(14) The practice of nursing by a registered nurse engaged in the practice of nursing and the performance of acts otherwise constituting medical practice by a registered nurse when performed in accordance with rules and regulations developed by a joint subcommittee of the Board of Medical Examiners and the Board of Nursing and adopted by both boards."

## —BOARD OF DENTAL EXAMINERS

Sec. 616. G.S. 90-27 reads as rewritten:

### "§ 90-27. Judicial powers; additional data for records.

The president of the North Carolina State Board of Dental Examiners, and/or the secretary-treasurer of said Board, shall have the power to administer oaths, issue subpoenas requiring the attendance of persons and the production of papers and records before said Board in any hearing, investigation or proceeding conducted by it. The sheriff or other proper official of any county of the State shall serve the process issued by said president or secretary-treasurer of said Board pursuant to its requirements and in the same manner as process issued by any court of record. The said Board shall pay for the service of all process, such fees as are provided by law for the service of like process in other cases.

Any person who shall neglect or refuse to obey any subpoena requiring him to attend and testify before said Board or to produce books, records or documents shall be guilty of a ~~misdemeanor and upon conviction thereof shall be fined or imprisoned in the discretion of the court. Class 1 misdemeanor.~~

The Board shall have the power, upon the production of any papers, records or data, to authorize certified copies thereof to be substituted in the permanent record of the matter in which such books, records or data shall have been introduced in evidence."

## —WRITTEN WORK ORDERS OF DENTISTS; PENALTY

Sec. 617. G.S. 90-29.2(d) reads as rewritten:

"(d) Any licensed dentist who:

- (1) Employs or engages the services of any person, firm or corporation to construct or repair extraorally, prosthetic dentures, bridges, or other dental appliances without first providing such person, firm, or corporation with a written work order; or
- (2) Fails to retain a duplicate copy of the work order for two years; or

(3) Refuses to allow the North Carolina State Board of Dental Examiners to inspect his files of work orders

is guilty of a Class 1 misdemeanor and the North Carolina State Board of Dental Examiners may revoke or suspend his license therefor."

Sec. 618. G.S. 90-29.2(e) reads as rewritten:

"(e) Any such person, firm, or corporation, who:

- (1) Furnishes such services to any licensed dentist without first obtaining a written work order therefor from such dentist; or
- (2) Acting as a subcontractor as described in (c) above, furnishes such services to any person, firm or corporation, without first obtaining a written subwork order from such person, firm or corporation; or
- (3) Fails to retain the original work order or subwork order, as the case may be, for two years; or
- (4) Refuses to allow the North Carolina State Board of Dental Examiners or its duly authorized agents, to inspect his or its files of work orders or subwork orders shall be guilty of a Class 1 misdemeanor."

## —UNAUTHORIZED PRACTICE OF DENTISTRY; PENALTY

Sec. 619. G.S. 90-40 reads as rewritten:

### "§ 90-40. Unauthorized practice; penalty.

If any person shall practice or attempt to practice dentistry in this State without first having passed the examination and obtained a license from the North Carolina Board of Dental Examiners or having obtained a provisional license from said Board; or if he shall practice dentistry after March 31 of each year without applying for a certificate of renewal of license, as provided in G.S. 90-31; or shall practice or attempt to practice dentistry while his license is revoked, or suspended, or when a certificate of renewal of license has been refused; or shall violate any of the provisions of this Article for which no specific penalty has been provided; or shall practice or attempt to practice, dentistry in violation of the provisions of this Article; or shall practice dentistry under any name other than his own name, said person shall be guilty of a ~~misdemeanor, and upon conviction thereof shall be punished by a fine or imprisonment, or both, in the discretion of the court.~~ Class 1 misdemeanor. Each day's violation of this Article shall constitute a separate offense."

## —RULES AND REGULATIONS OF BOARD OF DENTAL EXAMINERS

Sec. 620. G.S. 90-48 reads as rewritten:

### "§ 90-48. Rules and regulations of Board; violation a misdemeanor.

The North Carolina State Board of Dental Examiners shall be and is hereby vested, as an agency of the State, with full power and authority to enact rules and regulations governing the practice of dentistry within the State, provided such rules and regulations are not inconsistent with the provisions of this Article. Such rules and regulations shall become effective 30 days after passage, and the same may be proven, as evidence, by the president and/or the secretary-treasurer of the Board, and/or by certified copy under the hand and official seal of the secretary-treasurer. A certified copy of any rule or regulation shall be receivable in all courts as *prima facie* evidence thereof if otherwise competent, and any person, firm, or corporation violating any such rule, regulation, or

bylaw shall be guilty of a Class 2 misdemeanor, ~~subject to a fine of not more than two hundred dollars (\$200.00) or imprisonment for not more than 90 days for each offense, and each day that this section is violated shall be considered a separate offense.~~

The Board shall issue every two years to each licensed dentist a compilation or supplement of the Dental Practice Act and the Board rules and regulations, and upon written request therefor by such licensed dentist, a directory of dentists."

#### **—PHARMACY PRACTICE ACT**

Sec. 621. G.S. 90-85.40(h) reads as rewritten:

"(h) A violation of this Article shall be a ~~misdemeanor punishable in the discretion of the court~~ Class 1 misdemeanor."

#### **—LICENSED PETITIONERS; CONTROLLED SUBSTANCES**

Sec. 622. G.S. 90-108(b) reads as rewritten:

"(b) Any person who violates this section shall be guilty of a Class 1 misdemeanor. Provided, that if the criminal pleading alleges that the violation was committed intentionally, and upon trial it is specifically found that the violation was committed intentionally, such violations shall be a Class I felony. A person who violates subdivision (7) of subsection (a) of this section and also fortifies the structure, with the intent to impede law enforcement entry, (by barricading windows and doors) shall be punished as a Class I felon."

#### **—NORTH CAROLINA TOXIC VAPORS ACT**

Sec. 623. G.S. 90-113.13 reads as rewritten:

##### **"§ 90-113.13. Violation a misdemeanor.**

Violation of this Article is a Class 1 misdemeanor."

#### **—POSSESSION OF DRUG PARAPHERNALIA**

Sec. 624. G.S. 90-113.22(b) reads as rewritten:

"(b) Violation of this section is a ~~misdemeanor punishable by a fine of not more than five hundred dollars (\$500.00), imprisonment for not more than one year, or both~~ Class 1 misdemeanor."

#### **—MANUFACTURE OR DELIVERY OF DRUG PARAPHERNALIA**

Sec. 625. G.S. 90-113.23(c) reads as rewritten:

"(c) Violation of this section is a ~~misdemeanor punishable by a fine of not less than one thousand dollars (\$1,000), imprisonment for not more than two years, or both~~ Class 1 misdemeanor. However, delivery of drug paraphernalia by a person over 18 years of age to someone under 18 years of age who is at least three years younger than the defendant shall be punishable as a Class I felony."

#### **—ADVERTISEMENT OF DRUG PARAPHERNALIA**

Sec. 626. G.S. 90-113.24(b) reads as rewritten:

"(b) Violation of this section is a ~~misdemeanor punishable by a fine of not more than five hundred dollars (\$500.00), imprisonment for not more than six months, or both~~ Class 2 misdemeanor."

#### **—STATE BOARD OF EXAMINERS OF OPTOMETRY**

Sec. 627. G.S. 90-117.4 reads as rewritten:

##### **"§ 90-117.4. Judicial powers; additional data for records.**

The president of the North Carolina State Board of Examiners in Optometry, and/or the secretary-treasurer of said Board, shall have the power to administer oaths, issue subpoenas requiring the attendance of persons and the production of papers and records before said Board in any hearing, investigation or proceeding conducted by it. The sheriff or other proper official of any county of the State shall serve the process issued by said president or secretary-treasurer of said Board pursuant to its requirements and in the same manner as process issued by any court of record. The said Board shall pay for the service of all process, such fees as are provided by law for the service of like process in other cases.

Any person who shall neglect or refuse to obey any subpoena requiring him to attend and testify before said Board or to produce books, records or documents shall be guilty of a ~~misdemeanor and upon conviction thereof shall be fined or imprisoned in the discretion of the court.~~ Class 1 misdemeanor.

The Board shall have the power, upon the production of any papers, records or data, to authorize certified copies thereof to be substituted in the permanent record of the matter in which such books, records or data shall have been introduced in evidence."

#### **—UNAUTHORIZED PRACTICE OF OPTOMETRY**

Sec. 628. G.S. 90-118.11 reads as rewritten:

#### **"§ 90-118.11. Unauthorized practice; penalty for violation of Article.**

If any person shall practice or attempt to practice optometry in this State without first having passed the examination and obtained a license from the North Carolina State Board of Examiners in Optometry; or without having obtained a provisional license from said Board; or if he shall practice optometry after March 31 of each year without applying for a certificate of renewal of license, as provided in G.S. 90-118.10; or shall practice or attempt to practice optometry while his license is revoked, or suspended, or when a certificate of renewal of license has been refused; or shall practice or attempt to practice optometry by means or methods that the Board has determined is beyond the scope of the person's educational training; or shall violate any of the provisions of this Article for which no specific penalty has been provided; or shall practice, or attempt to practice, optometry in violation of the provisions of this Article; or shall practice optometry under any name other than his own name, said person shall be guilty of a ~~misdemeanor, and upon conviction thereof shall be punished by a fine or imprisonment, or both, in the discretion of the court.~~ Class 1 misdemeanor. Each day's violation of this Article shall constitute a separate offense."

#### **—RULES AND REGULATIONS OF BOARD OF OPTOMETRY**

Sec. 629. G.S. 90-124 reads as rewritten:

#### **"§ 90-124. Rules and regulations of Board; violation a misdemeanor.**

Rules and regulations adopted by the Board shall become effective 30 days after passage, and the same may be proven, as evidence, by the president and/or the secretary-treasurer of the Board, and/or by certified copy under the hand and seal of the secretary-treasurer. A certified copy of any rule or regulation shall be receivable in all courts as **prima facie** evidence thereof if otherwise competent, and any person, firm, or corporation violating any such rule or regulation shall be guilty of a ~~Class 2 misdemeanor, subject to a fine of not more than two hundred dollars (\$200.00) or~~

~~imprisonment for not more than 90 days for each offense~~, and each day that this section is violated shall be considered a separate offense.

The Board shall issue every two years to each licensed optometrist a compilation or supplement of the Optometric Practice Act and the Board Rules and Regulations, and upon written request by such licensed optometrist, a directory of optometrists."

#### **—LICENSE OF OSTEOPATHIC PHYSICIAN**

Sec. 630. G.S. 90-136 reads as rewritten:

#### **"§ 90-136. Refusal, revocation or suspension of license; misdemeanors.**

The North Carolina State Board of Osteopathic Examination and Registration may refuse to issue a license to anyone otherwise qualified, and may suspend or revoke any license issued by it to any osteopathic physician, who is not of good moral character, and/or for any one or any combination of the following causes:

- (1) Conviction of a felony, as shown by a certified copy of the record of the court of conviction;
- (2) The obtaining of or an attempt to obtain a license, or practice in the profession, or money, or any other thing of value, by fraudulent misrepresentations;
- (3) Gross malpractice;
- (4) Advertising by means of knowingly false or deceptive statements;
- (5) Advertising, practicing, or attempting to practice under a name other than one's own;
- (6) Habitual drunkenness or habitual addiction to the use of morphine, cocaine, or other habit-forming drugs.

Each of the following acts constitutes a ~~misdemeanor, punishable upon conviction by a fine of not less than twenty five dollars (\$25.00) nor more than two hundred dollars (\$200.00); or imprisonment for not less than 30 days nor more than one year, or both in the discretion of the court~~: Class 1 misdemeanor:

- (1) The practice of osteopathy or an attempt to practice osteopathy, or professing to do so without a license;
- (2) The obtaining of or an attempt to obtain a license, or practice in the profession, or money, or any other thing of value by fraudulent misrepresentation;
- (3) The making of any willfully false oath or affirmation whenever an oath or affirmation is required by this Article;
- (4) Advertising, practicing or attempting to practice osteopathy under a name other than one's own.

The Board may neither suspend nor revoke any license, however, for any of the causes hereinabove set forth except in accordance with the provisions of Chapter 150B of the General Statutes."

#### **—PRACTICE OF CHIROPRACTIC WITHOUT LICENSE**

Sec. 631. G.S. 90-147 reads as rewritten:

#### **"§ 90-147. Practice without license a misdemeanor.**

Any person practicing chiropractic in this State without having first obtained a license as provided in this Article shall be guilty of a ~~misdemeanor and fined or imprisoned, or both, in the discretion of the court.~~ Class 1 misdemeanor."

#### —NURSING PRACTICE ACT

Sec. 632. G.S. 90-171.45 reads as rewritten:

#### "§ 90-171.45. Violation of Article.

The violation of any provision of this Article, except G.S. 90-171.47, shall be a ~~misdemeanor punishable in the discretion of the court.~~ Class 1 misdemeanor."

#### —PRACTICE OF MIDWIFERY

Sec. 633. G.S. 90-178.7 reads as rewritten:

#### "§ 90-178.7. Enforcement.

(a) The joint subcommittee may apply to the Superior Court of Wake County to restrain any violation of this Article.

(b) Any person who violates G.S. 90-178.3(a) shall be guilty of a ~~misdemeanor and shall be punishable by a fine not exceeding one hundred dollars (\$100.00) or imprisonment for not more than 30 days or both in the discretion of the court.~~ Class 3 misdemeanor."

#### —VETERINARY ASSISTANTS

Sec. 634. G.S. 90-187.6(f) reads as rewritten:

"(f) Any person registered as an animal or veterinary technician, veterinary student intern or veterinary student preceptor, who shall practice veterinary medicine except as provided herein, shall be guilty of a ~~Class 1~~ misdemeanor, subject to the penalties set forth in this Article and shall also be subject to revocation of registration. Any nonregistered veterinary employee employed under subsection (c) who practices veterinary medicine except as provided under that subsection shall be guilty of a ~~misdemeanor and subject to the penalties prescribed in G.S. 90-187.12.~~ Class 1 misdemeanor."

Sec. 635. G.S. 90-187.6(g) reads as rewritten:

"(g) Any veterinarian directing or permitting a registered technician, intern, preceptor or other employee to perform a task or procedure not specifically allowed under this Article and the rules of the Board shall be guilty of a ~~misdemeanor and subject to the penalties set forth in this Article or General Statutes, or both.~~ Class 1 misdemeanor."

#### —UNAUTHORIZED VETERINARY PRACTICE; PENALTY

Sec. 636. G.S. 90-187.12 reads as rewritten:

#### "§ 90-187.12. Unauthorized practice; penalty.

If any person shall

- (1) Practice or attempt to practice veterinary medicine in this State without first having obtained a license or temporary permit from the Board; or
- (2) Practice veterinary medicine without the renewal of his license, as provided in G.S. 90-187.5; or
- (3) Practice or attempt to practice veterinary medicine while his license is revoked, or suspended, or when a certificate of license has been refused; or

(4) Violate any of the provisions of this Article, said person shall be guilty of a ~~misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than fifty dollars (\$50.00) nor more than one hundred dollars (\$100.00), or imprisonment at the discretion of the court, or both fined and imprisoned.~~ Class 1 misdemeanor. Each act of such unlawful practice shall constitute a distinct and separate offense."

#### **—UNLAWFUL TO PRACTICE PODIATRY UNLESS REGISTERED**

Sec. 637. G.S. 90-202.3 reads as rewritten:

#### **"§ 90-202.3. Unlawful to practice unless registered.**

No person shall practice podiatry unless he shall have been first licensed and registered so to do in the manner provided in this Article, and if any person shall practice podiatry without being duly licensed and registered, as provided in this Article, he shall not be allowed to maintain any action to collect any fee for such services. Any person who engages in the practice of podiatry unless licensed and registered as hereinabove defined, or who attempts to do so, or who professes to do so, shall be guilty of a ~~misdemeanor and, upon conviction thereof, shall be punished by a fine or imprisonment or both in the discretion of the court.~~ Class 1 misdemeanor. Each act of such unlawful practice shall constitute a separate offense."

#### **—LICENSE TO DIRECT FUNERALS**

Sec. 638. G.S. 90-210.25(f) reads as rewritten:

"(f) Unlawful Practices. — If any person shall practice or hold himself out as practicing the profession or art of embalming, funeral directing or practice of funeral service without having complied with the licensing provisions of this Article, he shall be guilty of a ~~misdemeanor, and upon conviction thereof shall be punishable by a fine of not more than five hundred dollars (\$500.00) or imprisonment for not more than six months, or both, in the discretion of the court.~~ Class 2 misdemeanor.

Whenever it shall appear to the Board that any person, firm or corporation has violated, threatens to violate or is violating any provisions of this Article, the Board may apply to the courts of the State for a restraining order and injunction to restrain these practices. If upon application the court finds that any provision of this Article is being violated, or a violation is threatened, the court shall issue an order restraining and enjoining the violations, and this relief may be granted regardless of whether criminal prosecution is instituted under the provisions of this subsection. The venue for actions brought under this subsection shall be the superior court of any county in which the acts are alleged to have been committed or in the county where the defendant in the action resides."

#### **—LICENSING AND INSPECTION OF CREMATORIES**

Sec. 639. G.S. 90-210.43(g) reads as rewritten:

"(g) The Board and Crematory Authority may hold hearings in accordance with the provisions of this Article and Chapter 150B. Any such hearing shall be conducted jointly by the Board and the Crematory Authority. The Board and the Crematory Authority shall jointly constitute an 'agency' under Article 3A of Chapter 150B of the General Statutes with respect to proceedings initiated pursuant to this Article. The Board is empowered to regulate and inspect crematories and crematory operators and to

enforce as provided by law the provisions of this Article and the rules adopted hereunder.

In addition to the powers enumerated in Chapter 150B of the General Statutes, the Board shall have the power to administer oaths and issue subpoenas requiring the attendance of persons and the production of papers and records before the Board in any hearing, investigation or proceeding conducted by it or conducted jointly with the Crematory Authority. Members of the Board's staff or the sheriff or other appropriate official of any county of this State shall serve all notices, subpoenas and other papers given to them by the President of the Board for service in the same manner as process issued by any court of record. Any person who neglects or refuses to obey a subpoena issued by the Board shall be guilty of a ~~misdemeanor and, upon conviction thereof, shall be fined or imprisoned in the discretion of the court.~~ Class 1 misdemeanor."

#### **—CREMATORY RULEMAKING, VIOLATIONS, AND PROHIBITIONS**

Sec. 640. G.S. 90-210.50(c) reads as rewritten:

"(c) A violation of any of the provisions of this Article is a ~~misdemeanor punishable by imprisonment for up to six months and a fine up to one thousand dollars (\$1,000).~~ Class 2 misdemeanor."

#### **—SUPERVISION OF LICENSED PHYSICIAN REQUIRED IN SELECTION OF BLOOD DONORS; PENALTY FOR VIOLATION**

Sec. 641. G.S. 90-220.12 reads as rewritten:

##### **"§ 90-220.12. Supervision of licensed physician required; penalty for violation.**

It shall be unlawful for any person, firm or corporation to engage in the selection of blood donors or in the collection, storage, processing, or transfusion of human blood, except at the direction or under the supervision of a physician licensed to practice medicine in North Carolina. Any person, firm or corporation convicted of the violation of this section shall be guilty of a Class 1 misdemeanor."

#### **—PRACTICE OF DENTAL HYGIENE**

Sec. 642. G.S. 90-233.1 reads as rewritten:

##### **"§ 90-233.1. Violation a misdemeanor.**

Any person who shall violate, or aid or abet another in violating, any of the provisions of this Article shall be guilty of a ~~misdemeanor and upon conviction shall be punished in the discretion of the court.~~ Class 1 misdemeanor."

#### **—DISPENSING OPTICIANS**

Sec. 643. G.S. 90-251 reads as rewritten:

##### **"§ 90-251. Licensee allowing unlicensed person to use his certificate or license.**

Each licensee licensed under the provisions of this Article who shall rent, loan or allow the use of his registration certificate or license to an unlicensed person for any unlawful use shall be guilty of a ~~misdemeanor and upon conviction shall be fined not less than one hundred dollars (\$100.00) or imprisoned for not more than 12 months, or both, in the discretion of the court, and shall forfeit his license.~~ Class 1 misdemeanor."

#### **—ENGAGING IN PRACTICE WITHOUT LICENSE IN OPTICIANRY**

Sec. 644. G.S. 90-252 reads as rewritten:

##### **"§ 90-252. Engaging in practice without license.**

Any person, firm or corporation owning, managing or conducting a store, shop or place of business and not having in its employ and on duty, during all hours in which acts constituting the business of opticianry are carried on, a licensed dispensing optician engaged in supervision of such store, office, place of business or optical establishment, or representing to the public, by means of advertisement or otherwise or by using the words, 'optician, licensed optician, optical establishment, optical office, ophthalmic dispenser,' or any combination of such terms within or without such store representing that the same is a legally established optical place of business duly licensed as such and managed or conducted by persons holding a dispensing optician's license, when in fact such permit is not held by such person, firm or corporation, or by some person employed by such person, firm or corporation and on the premises and in charge of such optical business, shall be guilty of a ~~misdemeanor and may, upon conviction, be fined not less than one hundred dollars (\$100.00) or be imprisoned for not more than 12 months, or both, in the discretion of the court.~~ Class 1 misdemeanor."

#### —SALE OF FLAMMABLE FRAMES

Sec. 645. G.S. 90-255.1 reads as rewritten:

#### "§ 90-255.1. Sale of flammable frames.

No person shall distribute, sell, exchange or deliver, or have in his possession with intent to distribute, sell, exchange or deliver any eyeglass frame or sunglass frame which contains any form of cellulose nitrate or other highly flammable materials. Any person violating the provisions of this ~~subsection~~ section shall be guilty of a ~~misdemeanor, and upon conviction, shall be punished by a fine of not more than five hundred dollars (\$500.00), or imprisonment for not more than six months or by both such fine and imprisonment in the discretion of the court.~~ Class 2 misdemeanor."

#### —PRACTICING PSYCHOLOGISTS; PROHIBITED ACTS

Sec. 646. G.S. 90-270.17 reads as rewritten:

#### "§ 90-270.17. Violations and penalties.

Any person who violates G.S. 90-270.16 is guilty of a ~~misdemeanor and upon conviction shall be punishable by a fine of not more than five hundred dollars (\$500.00), or imprisonment for not more than six months, or both fine and imprisonment.~~ Class 2 misdemeanor. Each violation shall constitute a separate offense."

#### —UNLAWFUL PRACTICE OF PHYSICAL THERAPY

Sec. 647. G.S. 90-270.35 reads as rewritten:

#### "§ 90-270.35. Unlawful practice.

Except as otherwise authorized in this Article, if any person, firm, or corporation shall:

- (1) Practice, attempt to practice, teach, consult, or supervise in physical therapy, or hold out any person as being able to do any of these things in this State, without first having obtained a license or authorization from the Board for the person performing services or being so held out;
- (2) Use in connection with any person's name any letters, words, numerical codes, or insignia indicating or implying that the person is a

physical therapist or physical therapist assistant, or applicant with "Graduate" status, unless the person is licensed or authorized in accordance with this Article;

- (3) Practice or attempt to practice physical therapy with a revoked, lapsed, or suspended license;
- (4) Practice physical therapy and fail to refer to a licensed medical doctor or dentist any patient whose medical condition should have, at the time of evaluation or treatment, been determined to be beyond the scope of practice of a physical therapist;
- (5) Aid, abet, or assist any unlicensed person to practice physical therapy in violation of this Article; or
- (6) Violate any of the provisions of this Article;

said person, firm, or corporation shall be guilty of a ~~misdemeanor and, upon conviction thereof, shall be fined or imprisoned, or both fined and imprisoned, in the discretion of the court.~~ Class 1 misdemeanor. Each act of such unlawful practice shall constitute a distinct and separate offense."

## **—VIOLATIONS IN OCCUPATIONAL THERAPY**

Sec. 648. G.S. 90-270.79 reads as rewritten:

### **"§ 90-270.79. Violation a misdemeanor.**

Any person who violates any provision of this Article shall be guilty of a ~~misdemeanor and, upon conviction thereof, shall be fined or imprisoned, or both, in the discretion of the court.~~ Class 1 misdemeanor. Each act of such unlawful practice shall constitute a distinct and separate offense."

## **—ACTING IN THE CAPACITY OF A NURSING HOME ADMINISTRATOR**

Sec. 649. G.S. 90-288 reads as rewritten:

### **"§ 90-288. Misdemeanor.**

It shall be unlawful and constitute a ~~misdemeanor punishable upon conviction by a fine or imprisonment in the discretion of the court.~~ Class 1 misdemeanor.

- (1) For any person to act or serve in the capacity as, or hold himself out to be, a nursing home administrator, or use any title, sign, or other indication that he is a nursing home administrator, unless he is the holder of a valid license as a nursing home administrator, issued in accordance with the provisions of this Article, and
- (2) For any person to violate any of the provisions of this Article or any rules and regulations issued pursuant thereto."

## **—PERSONS VIOLATING THE LICENSURE ACT FOR SPEECH AND LANGUAGE PATHOLOGISTS**

Sec. 650. G.S. 90-306 reads as rewritten:

### **"§ 90-306. Penalty for violation.**

Any person, partnership, or corporation who or which willfully violates the provisions of this Article shall be guilty of a ~~misdemeanor and shall be fined not less than one hundred dollars (\$100.00), nor more than five hundred dollars (\$500.00) or be imprisoned for a period not exceeding six months, or both, in the discretion of the Court.~~ Class 2 misdemeanor."

## —REGISTERED PRACTICING COUNSELORS

Sec. 651. G.S. 90-341 reads as rewritten:

### "§ 90-341. Violation a misdemeanor.

Any person violating any provision of this Article is guilty of a ~~misdemeanor and, upon conviction thereof, may be punishable by fine, by imprisonment, or by both fine and imprisonment. Class 1 misdemeanor.~~"

## —DIETETICS/NUTRITION

Sec. 652. G.S. 90-366 reads as rewritten:

### "§ 90-366. Violation a misdemeanor.

Any person who violates any provision of this Article shall be guilty of a ~~misdemeanor and, upon conviction thereof, shall be fined or imprisoned, or both, in the discretion of the court. Class 1 misdemeanor.~~ Each act of such unlawful practice shall constitute a distinct and separate offense."

## —REGISTRATIONS OF SANITARIANS

Sec. 653. G.S. 90A-66 reads as rewritten:

### "§ 90A-66. Violations; penalty; injunction.

Any person violating any of the provisions of this Article or of the rules and regulations adopted by the Board shall be guilty of a ~~misdemeanor and punishable in the discretion of the court. Class 1 misdemeanor.~~ The Board may appear in its own name in the superior courts in an action for injunctive relief to prevent violation of this Article and the superior courts shall have power to grant such injunctions regardless of whether criminal prosecution has been or may be instituted as a result of such violations. Actions under this section shall be commenced in the superior court district or set of districts as defined in G.S. 7A-41.1 in which the respondent resides or has his principal place of business or in which the alleged acts occurred."

## —SOCIAL WORKER CERTIFICATION

Sec. 654. G.S. 90B-12 reads as rewritten:

### "§ 90B-12. Violation a misdemeanor.

Any person violating any provision of this Chapter is guilty of a ~~misdemeanor and, upon conviction thereof, may be punishable by fine not exceeding two hundred dollars (\$200.00) for the first offense and five hundred dollars (\$500.00) for each subsequent offense, by imprisonment of not more than six months, or by both such fine and imprisonment. Class 2 misdemeanor.~~"

## —PAWBROKERS MODERNIZATION ACT

Sec. 655. G.S. 91A-11(a) reads as rewritten:

"(a) Every person, firm, or corporation, their guests or employees, who shall knowingly violate any of the provisions of this Chapter, shall, on conviction thereof, be deemed guilty of a ~~misdemeanor, and shall be fined a sum not to exceed five hundred dollars (\$500.00) for each offense, and at the discretion of the court, may be imprisoned for a period of time not to exceed six months. Class 2 misdemeanor.~~ If the violation is by an owner or major stockholder or managing partner of the pawnshop and the violation is knowingly committed by the owner, major stockholder, or managing partner of the pawnshop, then the license of the pawnshop may be suspended at the discretion of the court."

## —PUBLIC ACCOUNTANTS

Sec. 656. G.S. 93-13 reads as rewritten:

### "§ 93-13. Violation of Chapter; penalty.

Any violation of the provisions of this Chapter shall be deemed a Class 3 misdemeanor, and upon conviction thereof the guilty party shall only be fined not less than one hundred dollars (\$100.00) and not exceeding one thousand dollars (\$1,000) for each offense."

## —REAL ESTATE BROKERS AND SALESMEN

Sec. 657. G.S. 93A-8 reads as rewritten:

### "§ 93A-8. Penalty for violation of Chapter.

Any person violating the provisions of this Chapter shall upon conviction thereof be deemed guilty of a ~~misdemeanor and shall be punished by a fine or imprisonment, or by both fine and imprisonment, in the discretion of the court.~~ Class 1 misdemeanor."

## —TIME SHARES

Sec. 658. G.S. 93A-56 reads as rewritten:

### "§ 93A-56. Penalty for violation of Article.

Except as provided in G.S. 93A-40(b) and G.S. 93A-58, any person violating the provisions of this Article shall be guilty of a ~~misdemeanor and shall be punished by a fine, imprisonment, or both, in the discretion of the court.~~ Class 1 misdemeanor."

## —REAL ESTATE APPRAISERS

Sec. 659. G.S. 93A-81(a) reads as rewritten:

"(a) Any person who acts as, or holds himself out to be, a State-licensed or State-certified real estate appraiser without first obtaining a license or certificate as provided in this Article, or who willfully performs the acts specified in G.S. 93A-80(a)(1) through (10), shall be guilty of a ~~misdemeanor and shall be punished by a fine or imprisonment, or by both, in the discretion of the court.~~ Class 1 misdemeanor."

## —NORTH CAROLINA STATE HEARING AID DEALERS AND FITNESS BOARD

Sec. 660. G.S. 93D-15 reads as rewritten:

### "§ 93D-15. Violation of Chapter.

Any person who violates any of the provisions of this Chapter and any person who holds himself out to the public as a fitter and seller of hearing aids without having first obtained a license or apprenticeship registration as provided for herein shall be deemed guilty of a ~~misdemeanor and upon conviction shall be punished by a fine of not more than one thousand dollars (\$1,000) nor less than five hundred dollars (\$500.00) or imprisonment for not more than six months, or both, in the discretion of the court.~~ Class 2 misdemeanor."

## —WAGE AND HOUR ACT

Sec. 661. G.S. 95-25.21(c) reads as rewritten:

"(c) Any person who violates this section shall be guilty of a ~~misdemeanor, subject to a fine of not more than two hundred fifty dollars (\$250.00) or imprisonment for not more than six months, or both.~~ Class 2 misdemeanor."

## —WORKING HOURS OF EMPLOYEES IN STATE INSTITUTIONS

Sec. 662. G.S. 95-28 reads as rewritten:

## **"§ 95-28. Working hours of employees in State institutions.**

It shall be unlawful for any person or official or foreman or other person in authority in Dorothea Dix Hospital, Broughton Hospital, Cherry Hospital, or any penal or correctional institution of the State of North Carolina, excepting the State prison and institutions under the control of the Board of Transportation, to require any employee to work for a greater number of hours than 12 during any 24-hour period, or not more than 72 hours during any one week, or permit the same, during which period the said employee shall be permitted to take one continuous hour off duty; except in case of an emergency as determined by the superintendent, in which case the limitation of 12 hours in any consecutive 24 hours shall not apply. Nothing in this section shall be construed to affect the hours of doctors and superintendents in these hospitals. Any violation of this section shall be a ~~misdemeanor, punishable within the discretion of the court. Class 1 misdemeanor.~~

## **—PRIVATE PERSONNEL SERVICES**

Sec. 663. G.S. 95-47.9(e) reads as rewritten:

"(e) Any person who operates as a private personnel service without first obtaining the appropriate license (i) shall be guilty of a ~~misdemeanor and upon conviction shall be subject to a fine not to exceed two thousand dollars (\$2,000), or imprisonment for not more than one year, or both, by any court of competent jurisdiction; Class 1 misdemeanor;~~ and (ii) be subject to a civil penalty of not less than fifty dollars (\$50.00) nor more than one hundred dollars (\$100.00) for each day the private personnel service operates without a license, the penalty not to exceed a total of two thousand dollars (\$2,000). Actions to recover civil penalties shall be initiated by the Attorney General and any such penalties collected shall be deposited to the general fund."

## **—SEPARATE TOILETS FOR SEXES**

Sec. 664. G.S. 95-50 reads as rewritten:

## **"§ 95-50. Punishment for violation of Article.**

If any person, firm, or corporation refuses to comply with the provisions of this Article, he or it shall be guilty of a ~~misdemeanor, and upon conviction shall be fined or imprisoned, or both, in the discretion of the court. Class 1 misdemeanor.~~

## **—BOILER INSPECTION CERTIFICATES REQUIRED;**

## **MISREPRESENTATION AS INSPECTOR**

Sec. 665. G.S. 95-69.18 reads as rewritten:

## **"§ 95-69.18. Inspection certificates required; misrepresentation as inspector.**

It shall be unlawful for any person, firm, partnership, association or corporation to operate or use any boiler or pressure vessel in this State, and to which this Article applies, without a valid inspection certificate issued by the North Carolina Department of Labor. Any person, firm, partnership, association or corporation found to be operating or using a boiler or pressure vessel without a valid inspection certificate shall be guilty of a ~~Class 3 misdemeanor and upon conviction be subject to which may include a fine of one thousand dollars (\$1,000) or imprisonment for 30 days, or both in the discretion of the court.~~

Any person who knowingly and willfully misrepresents himself as an authorized inspector in North Carolina, shall be guilty of a ~~misdemeanor and upon conviction thereof be fined up to one thousand dollars (\$1,000) or imprisonment for six months, or both in the discretion of the court. Class 2 misdemeanor."~~

#### —EARNINGS OF EMPLOYEES IN INTERSTATE COMMERCE

Sec. 666. G.S. 95-75 reads as rewritten:

#### "§ 95-75. Remedies for violation of § 95-73 or 95-74; damages; indictment.

Any person violating any provisions of G.S. 95-73 or 95-74 shall be answerable in damages to any debtor from whom any book account, negotiable instrument, duebill, or other monetary demand arising out of contract shall be collected, or against whose earnings any warrant of attachment or notice of garnishment shall be issued, in violation of the provisions of G.S. 95-73, to the full amount of the debt thus collected, attached, or garnisheed, to be recovered by civil action in any court of competent jurisdiction in this State; and any person so offending shall likewise be guilty of a Class 3 misdemeanor, punishable only by a fine of not more than two hundred dollars (\$200.00)."

#### —PUBLIC EMPLOYEES

Sec. 667. G.S. 95-99 reads as rewritten:

#### "§ 95-99. Penalty for violation of Article.

Any violation of the provisions of this Article is hereby declared to be a ~~misdemeanor, and upon conviction, plea of guilty or plea of nolo contendere shall be punishable in the discretion of the court. Class 1 misdemeanor."~~

#### —PAYMENTS TO OR FOR BENEFIT OF LABOR ORGANIZATIONS

Sec. 668. G.S. 95-104 reads as rewritten:

#### "§ 95-104. Penalty.

Any person, firm, corporation, association or partnership which or who agrees to pay, or does pay, or agrees to receive, or does receive, any payment described in this Article shall be guilty of a Class 3 misdemeanor and shall only be fined not less than one hundred dollars (\$100.00), nor more than one thousand dollars (\$1,000) for each offense. Each act of violation, and each day during which such an agreement remains in effect, shall constitute a separate offense."

#### —ELEVATOR SAFETY ACT

Sec. 669. G.S. 95-110.11 reads as rewritten:

#### "§ 95-110.11. Violations; criminal penalties.

(a) Any person who violates G.S. 95-110.8 (Operation of unsafe device or equipment) shall be guilty of a ~~misdemeanor and upon conviction thereof shall be fined one thousand dollars (\$1,000), or imprisoned for a period of six months, or both, in the discretion of the court. Class 2 misdemeanor.~~

(b) Any person misrepresenting himself as an authorized inspector administering or enforcing the provisions of this Article or the rules and regulations promulgated thereunder shall be guilty of a ~~misdemeanor and upon conviction thereof shall be fined one thousand dollars (\$1,000), or imprisoned for a period of six months, or both, in the discretion of the court. Class 2 misdemeanor.~~

(c) Any person knowingly making a material and false statement, representation or certification in any application, record, report, plan or any other document filed or required to be maintained pursuant to this Article or the rules and regulations promulgated thereunder shall be ~~fined a maximum of guilty of a Class 2 misdemeanor which may include a fine of up to~~ five thousand dollars (\$5,000), ~~or imprisoned for not more than six months, or both, in the discretion of the court.~~"

#### **—PASSENGER TRAMWAY REGISTRATION**

Sec. 670. G.S. 95-124 reads as rewritten:

##### **"§ 95-124. Suspension of registration.**

If any operator fails to comply with the lawful order of the Commissioner as issued under this Article, and within the time fixed thereby, the Commissioner may suspend the registration of the affected passenger tramway for such time as he may consider necessary for the protection of the safety of the public. Any operator who shall be convicted, or enter a plea of guilty or **nolo contendere**, to operating a passenger tramway which has not been registered by the Commissioner, or after its registration has been suspended by the Commissioner, shall be guilty of a ~~misdemeanor and shall be punished by a fine of not more than fifty dollars (\$50.00) per day for each day of the such illegal operations or by imprisonment in the discretion of the court, or both such fine and imprisonment.~~ Class 1 misdemeanor."

#### **—OCCUPATIONAL SAFETY AND HEALTH ACT**

Sec. 671. G.S. 95-139 reads as rewritten:

##### **"§ 95-139. Criminal penalties.**

Any employer who willfully violates any standard, rule, regulation or order promulgated pursuant to the authority of this Article, and said violation causes the death of any employee, shall be guilty of a Class 2 misdemeanor, and upon conviction thereof, shall be punished by which may include a fine of not more than ten thousand dollars (\$10,000) ~~or by imprisonment for not more than six months, or by both;~~ except that if the conviction is for a violation committed after a first conviction of such person, ~~punishment shall be the employer shall be guilty of a Class 1 misdemeanor which may include~~ a fine of not more than twenty thousand dollars (\$20,000) ~~or by imprisonment for not more than one year, or by both.~~ This section shall not prevent any prosecuting officer of the State of North Carolina from proceeding against such employer on a prosecution charging any degree of willful or culpable homicide. Any person who gives advance notice of any inspection to be conducted under this Article, without authority from the Commissioner, Director, or any of their agents to whom such authority has been delegated, shall be guilty of a ~~misdemeanor, and upon conviction thereof, be punished by a fine of not more than one thousand dollars (\$1,000) or by imprisonment for not more than six months, or by both.~~ Class 2 misdemeanor. Whoever knowingly makes any false statement, representation, or certification in any application, record, report, plan, or any other document filed or required to be maintained pursuant to this Article, shall be guilty of a Class 2 misdemeanor, and upon conviction thereof, shall be punished by which may include a fine of not more than ten thousand dollars (\$10,000) ~~or by imprisonment for not more than six months, or by both.~~ Whoever shall commit any kind of assault upon or whoever kills a person engaged in or on account of the

performance of investigative, inspection, or law-enforcement functions shall be subject to prosecution under the general criminal laws of the State and upon such charges as the proper prosecuting officer shall charge or allege."

#### —EMERGENCY INFORMATION

Sec. 672. G.S. 95-194(g) reads as rewritten:

"(g) Any knowing distribution or disclosure (or permitted disclosure) of any information referred to in subsection (f) of this section in any manner except as specifically permitted under that subsection (f) shall be punishable as a Class 1 misdemeanor. Restrictions concerning confidentiality or nondisclosure of information under this Article 18 shall be exemptions from the Public Records Act contained in Chapter 132 of the General Statutes, and such information shall not be disclosed notwithstanding the provisions of Chapter 132 of the General Statutes."

#### —PROTECTION OF WITNESS BEFORE THE ESC

Sec. 673. G.S. 96-15.2 reads as rewritten:

##### **"§ 96-15.2. Protection of witness before the Employment Security Commission.**

If any person shall by threats, menace, or in any other manner intimidate or attempt to intimidate any person who is summoned or acting as a witness in any proceeding brought under the Employment Security Act, or prevent or deter, or attempt to prevent or deter any person summoned or acting as such witness from attendance upon such proceeding, he shall be guilty of a ~~misdemeanor, and upon conviction shall be fined or imprisoned in the discretion of the court.~~ Class 1 misdemeanor."

#### —UNEMPLOYMENT INSURANCE DIVISION

Sec. 674. G.S. 96-18(a) reads as rewritten:

"(a) Any person who makes a false statement or representation knowing it to be false or knowingly fails to disclose a material fact to obtain or increase any benefit under this Chapter or under an employment security law of any other state, the federal government, or of a foreign government, either for himself or any other person, shall be guilty of a Class 1 misdemeanor, and each such false statement or representation or failure to disclose a material fact shall constitute a separate offense.

Records, with any necessary authentication thereof, required in the prosecution of any criminal action brought by another state or foreign government for misrepresentation to obtain benefits under the law of this State shall be made available to the agency administering the employment security law of any such state or foreign government for the purpose of such prosecution. Photostatic copies of all records of agencies of other states or foreign governments required in the prosecution of any criminal action under this section shall be as competent evidence as the originals when certified under the seal of such agency, or when there is no seal, under the hand of the keeper of such records."

Sec. 675. G.S. 96-18(b) reads as rewritten:

"(b) Any employing unit or any officer or agent of an employing unit or any other person who makes a false statement or representation, knowing it to be false, or who knowingly fails to disclose a material fact to prevent or reduce the payment of benefits to any individual entitled thereto, or to avoid becoming or remaining subject hereto or to avoid or reduce any contributions or other payment required from an employing unit

under this Chapter, or who willfully fails or refuses to furnish any reports required hereunder, or to produce or permit the inspection or copying of records as required hereunder, shall be guilty of a Class 1 misdemeanor; and each such false statement or representation or failure to disclose a material fact, and each day of such failure or refusal shall constitute a separate offense."

Sec. 676. G.S. 96-18(c) reads as rewritten:

"(c) Any person who shall willfully violate any provisions of this Chapter or any rule or regulation thereunder, the violation of which is made unlawful or the observance of which is required under the terms of this Chapter, or for which a penalty is neither prescribed herein nor provided by any other applicable statute, shall be guilty of a Class 1 misdemeanor, and each day such violation continues shall be deemed to be a separate offense."

#### **—WORKERS' COMP CLAIMS UNASSIGNABLE AND EXEMPT FROM TAXES AND DEBTS**

Sec. 677. G.S. 97-21 reads as rewritten:

**"§ 97-21. Claims unassignable and exempt from taxes and debts; agreement of employee to contribute to premium or waive right to compensation void; unlawful deduction by employer.**

No claim for compensation under this Article shall be assignable, and all compensation and claims therefor shall be exempt from all claims of creditors and from taxes.

No agreement by an employee to pay any portion of premium paid by his employer to a carrier or to contribute to a benefit fund or department maintained by such employer for the purpose of providing compensation or medical services and supplies as required by this Article shall be valid, and any employer who makes a deduction for such purpose from the pay of any employee entitled to the benefits of this Article shall be guilty of a Class 3 misdemeanor and upon conviction thereof shall be punished only by a fine of not more than five hundred dollars (\$500.00). No agreement by an employee to waive his right to compensation under this Chapter shall be valid."

#### **—EXAMINATION OF EMPLOYEES/INDUSTRIES WITH DUST HAZARDS**

Sec. 678. G.S. 97-60 reads as rewritten:

**"§ 97-60. Examination of employees by advisory medical committee; designation of industries with dust hazards.**

The compulsory examination of employees and prospective employees as herein provided applies only to persons engaged or about to engage in an occupation which has been found by the Industrial Commission to expose them to the hazards of asbestosis and/or silicosis. The Industrial Commission shall designate by order each industry found subject to any such hazard and shall notify the employers therein before such examinations are required. On and after March 26, 1935, it shall be the duty of every employer, in the conduct of whose business his employees or any of them are subjected to the hazard of asbestosis and/or silicosis, to provide prior to employment necessary examinations of all new employees for the purpose of ascertaining if any of them are in any degree affected by asbestosis and/or silicosis or peculiarly susceptible thereto; and every such employer shall from time to time, as ordered by the Industrial Commission,

provide similar examinations for all of his employees whose employment exposes them to the hazards of asbestosis and/or silicosis. At least one member of the advisory medical committee or other physician designated by the Industrial Commission shall make such examinations or be present when any such examination is made. The refusal of an employee to submit to any such examination shall bar such employee from compensation or other benefits provided by this Article in the event of disablement and/or death resulting from exposure to the hazards of asbestosis and/or silicosis subsequent to such refusal. It shall be the duty of the Industrial Commission to make and/or order inspections of employments and to keep a record of all employments subjecting employees to the hazards of asbestosis and/or silicosis, and to notify the employer in any case where such hazard shall have been found to exist. The unreasonable failure of an employer to provide for any examination or his unreasonable refusal to permit any inspection herein authorized shall constitute a Class 1 misdemeanor and shall be punishable as such."

#### **—INSPECTION OF HAZARDOUS EMPLOYMENTS; REFUSAL TO ALLOW INSPECTION**

Sec. 679. G.S. 97-76 reads as rewritten:

#### **"§ 97-76. Inspection of hazardous employments; refusal to allow inspection made misdemeanor.**

The Industrial Commission shall make inspections of employments for the purpose of ascertaining whether such employments, or any of them, are subject to the hazards of asbestosis and/or silicosis, and for the purpose of making studies and recommendations with a view to reducing and/or eliminating such hazards. The Industrial Commission, and/or any person selected by it, is authorized to enter upon the premises of employers where employments covered by this Article are being carried on to make examinations and studies as aforesaid. Any employer, or any officer or agent of any employer, who unreasonably prevents or obstructs any such examinations or study shall be guilty of a Class 1 misdemeanor."

#### **—WORKERS' COMP LEGAL AND MEDICAL FEES**

Sec. 680. G.S. 97-90(b) reads as rewritten:

"(b) Any person (i) who receives any fee, other consideration, or any gratuity on account of services so rendered, unless such consideration or gratuity is approved by the Commission or such court, or (ii) who makes it a business to solicit employment for a lawyer or for himself in respect of any claim or award for compensation, shall be guilty of a ~~misdemeanor, and upon conviction thereof shall, for each offense, be punished by a fine of not more than five hundred dollars (\$500.00) or by imprisonment not to exceed one year, or by both such fine and imprisonment.~~ Class 1 misdemeanor."

#### **—WORKERS' COMP REQUIRED**

Sec. 681. G.S. 97-94(c) reads as rewritten:

"(c) Any employer required to secure the payment of compensation under this Article who willfully refuses or neglects to secure such compensation shall be guilty of a ~~misdemeanor and upon conviction shall be fined or imprisoned, or both, in the discretion of the court.~~ Class 1 misdemeanor."

#### **—WRONGFUL OR FRAUDULENT REPRESENTATION OF CARRIER**

Sec. 682. G.S. 97-100(g) reads as rewritten:

"(g) Any person or persons who shall in this State act or assume to act as agent for any such insurance carrier whose authority to do business in this State has been suspended, while such suspension remains in force, or shall neglect or refuse to comply with any of the provisions of this section obligatory upon such person or party or who shall willfully make a false or fraudulent statement of the business or condition of any such insurance carrier, or false or fraudulent return as herein provided, shall be deemed guilty of a ~~misdemeanor, and upon conviction shall be punished by a fine of not less than one hundred (\$100.00) nor more than one thousand dollars (\$1,000), or by imprisonment for not less than 10 nor more than 90 days, or both such fine and imprisonment in the discretion of the court.~~ Class 2 misdemeanor."

#### **—DAMAGING, DEFACING, OR DESTROYING MONUMENTS**

Sec. 683. G.S. 102-4 reads as rewritten:

#### **"§ 102-4. Damaging, defacing, or destroying monuments.**

If any person shall willfully damage, deface, destroy, or otherwise injure a station, monument or permanent mark of the North Carolina Coordinate System, or shall oppose any obstacles to the proper, reasonable, and legal use of any such station or monument, such person shall be guilty of a ~~misdemeanor, and shall be liable to fine or imprisonment at the discretion of the court.~~ Class 1 misdemeanor."

#### **—HUNTING ON SUNDAY**

Sec. 684. G.S. 103-2 reads as rewritten:

#### **"§ 103-2. Hunting on Sunday.**

If any person shall, except in defense of his own property, hunt on Sunday, having with him a shotgun, rifle, or pistol, he shall be guilty of a ~~misdemeanor and pay a fine not exceeding fifty dollars (\$50.00) or [be] imprisoned not exceeding 30 days.~~ Class 3 misdemeanor. Provided, that the provisions hereof shall not be applicable to military reservations, the jurisdiction of which is exclusively in the federal government, or to field trials authorized by the Wildlife Resources Commission. Wildlife protectors are granted authority to enforce the provisions of this section."

#### **— RADIATION PROTECTION ACT**

Sec. 685. G.S. 104E-23(a) reads as rewritten:

"(a) Any person who violates the provisions of G.S. 104E-15 or 104E-20, or who hinders, obstructs, or otherwise interferes with any authorized representative of the Department in the discharge of his official duties in making inspections as provided in G.S. 104E-11, or in impounding materials as provided in G.S. 104E-14, shall be guilty of a Class 1 misdemeanor and, upon conviction thereof, shall be punished as provided by law. Any person who willfully violates the provisions of G.S. 104E-10.2 shall be guilty of a Class 1 misdemeanor and, upon conviction, shall be punished as provided by law."

#### **—CONFIDENTIAL INFORMATION ON RADIATION PROTECTION RECEIVED BY SECRETARY PROTECTED**

Sec. 686. G.S. 104E-29(c) reads as rewritten:

"(c) Except as provided in subsection (b) of this section or as otherwise provided by law, any officer or employee of the State who knowingly discloses information

designated as confidential under this section shall be guilty of a ~~misdemeanor punishable by a fine of not more than five hundred dollars (\$500.00) or imprisonment for not more than two years or both~~ Class 1 misdemeanor and shall be removed from office or discharged from employment."

#### —RADIOACTIVE WASTE COMPACT

Sec. 687. G.S. 104F-3 reads as rewritten:

#### “§ 104F-3. Violation a misdemeanor.

Violation of the provisions of this compact by any person not an official of another state is a Class 1 misdemeanor.”

#### —LICENSE TAXES

Sec. 688. G.S. 105-33(j) reads as rewritten:

“(j) Any person, firm, or corporation who shall wilfully make any false statement in an application for a license under any section of this Article or schedule shall be guilty of a Class 1 misdemeanor, ~~and upon conviction shall be fined and/or imprisoned in the discretion of the court, which fine which may include a fine which~~ shall not be less than the amount of tax specified under such section, and shall be in addition to the amount of such tax.”

#### —PAWNBROKERS

Sec. 689. G.S. 105-50(c) reads as rewritten:

“(c) Any person, firm, or corporation transacting the business of pawnbroker without a license as provided in this section, or violating any of the provisions of this section, shall be guilty of a Class 3 misdemeanor and fined only not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00).”

#### —PEDDLERS, ITINERANT MERCHANTS, AND SPECIALTY MARKET OPERATORS

Sec. 690. G.S. 105-53(l) reads as rewritten:

“(l) Penalty. – It shall be a Class 3 misdemeanor, ~~punishable by imprisonment of up to 30 days, a fine of up to two hundred dollars (\$200.00), or both~~, for a person to:

- (1) Fail to obtain a license as required by this section;
- (2) Knowingly give false information in the application process for a license or when registering pursuant to subsection (k);
- (3) If the person is an itinerant merchant, fail to display the license as required by subsection (i) or if the person is a peddler or specialty market operator, fail to produce the license as required by subsection (i) or if the person is required to do so, fail to comply with subsection (j). Whenever satisfactory evidence shall be presented in any court of the fact that a license was required by this section and such license was not displayed or produced as required by subsection (i), or that permission was required by subsection (j) of this section and was not displayed, the peddler, itinerant merchant, or specialty market operator shall be found not guilty of that violation provided he produces in court a valid license or valid permission which had been issued prior to the time he was charged with such violation; or

(4) Fail to provide name, address, or identification upon request as required by subsection (i) or provide false information in response to such a request."

Sec. 691. G.S. 105-53(11) reads as rewritten:

"(11) Additional Penalties. – It shall be a Class 3 misdemeanor, ~~punishable by imprisonment of up to 30 days, which may include~~ a fine of up to one thousand dollars (\$1,000), ~~or both~~, for a specialty market operator to fail to comply with subsection (k) or for a specialty market vendor to fail to display the retail sales tax license as required by subsection (i). For the purposes of this section, the requirement that a retail sales tax license be displayed is satisfied if the vendor displays either (i) a copy of the license or (ii) evidence that the license has been applied for and the applicable license fee has been paid within 30 days before the date the license was required to be displayed. Whenever satisfactory evidence shall be presented in any court of the fact that display of a retail sales tax license was required by this section and such license was not displayed, the specialty market operator or vendor shall not be found guilty of that violation provided he produces in court a valid license which had been issued prior to the time he was charged with the violation."

#### —TOBACCO WAREHOUSES

Sec. 692. G.S. 105-77(g) reads as rewritten:

"(g) Any person, firm, or corporation who or which violates any of the provisions of this section shall, in addition to all other penalties provided for in this Article, be guilty of a ~~misdemeanor, and upon conviction shall be fined not less than five hundred dollars (\$500.00) and/or imprisoned, in the discretion of the court.~~ Class 1 misdemeanor."

#### —OUTDOOR ADVERTISING

Sec. 693. G.S. 105-86(c) reads as rewritten:

"(c) It shall be unlawful for any person engaged in the business of outdoor advertising to in any manner paint, print, place, post, tack or affix, or cause to be painted, printed, placed, posted, tacked or affixed any sign or other printed or painted advertisement on or to any stone, tree, fence, stump, pole, building or other object which is upon the property of another without first obtaining the written consent of such owner thereof, and any person, firm, or corporation who in any manner paints, prints, places, posts, tacks or affixes, or causes to be painted, printed, posted, tacked or affixed any such advertisement on the property of another except as herein provided shall be guilty of a ~~misdemeanor, and shall be punished by a fine not exceeding fifty dollars (\$50.00), or imprisonment of 30 days.~~ Class 3 misdemeanor. Provided, that the provisions of this section shall not apply to legal notices."

Sec. 694. G.S. 105-86(i) reads as rewritten:

"(i) Every person, firm, or corporation who violates any of the provisions of this section shall be guilty of a ~~Class 1~~ misdemeanor, and in addition to the license tax and penalties provided for herein, shall be fined not more than one hundred dollars (\$100.00) for each sign so displayed, or imprisoned, in the discretion of the court."

#### —LOAN AGENCIES OR BROKERS

Sec. 695. G.S. 105-88(d) reads as rewritten:

"(d) Any such person, firm, or corporation failing, refusing, or neglecting to pay the tax herein levied shall be guilty of a Class 1 misdemeanor, ~~and in addition to double the tax due shall be fined not less than two hundred and fifty dollars (\$250.00) and/or imprisoned, in the discretion of the court.~~ No such loan shall be collectible at law in the courts of this State in any case where the person making such loan has failed to pay the tax levied herein, and/or otherwise complied with the provisions of this section."

#### —EMIGRANT AND EMPLOYMENT AGENTS

Sec. 696. G.S. 105-90(c) reads as rewritten:

"(c) Any person, firm, or corporation violating the provisions of this section shall be guilty of a ~~misdemeanor and fined, in addition to other penalties, not less than one thousand dollars (\$1,000) and/or imprisoned, in the discretion of the court.~~ Class 1 misdemeanor."

#### —WHOLESALE DISTRIBUTORS OF MOTOR FUELS

Sec. 697. G.S. 105-99 reads as rewritten:

##### **"§ 105-99. Wholesale distributors of motor fuels.**

Every person, firm, or corporation engaged in the business of distributing or selling at wholesale any motor fuels in this State shall apply to the Secretary for an additional annual license to engage in such business, and shall pay for such privilege an additional annual license tax determined and measured by the number of pumps owned or leased by the distributor or wholesaler through which such motor fuels are sold, at retail, according to the following schedule:

For the first 50 pumps	\$ 2.00 per pump
For 51 additional pumps and not more than 100 pumps	4.00 per pump
For 101 additional pumps and not more than 200 pumps	5.00 per pump
For 201 additional pumps and not more than 300 pumps	6.00 per pump
For 301 additional pumps and not more than 400 pumps	7.00 per pump
For 401 additional pumps and not more than 500 pumps	8.00 per pump
For 501 additional pumps and not more than 600 pumps	9.00 per pump
For all over 600 pumps	10.00 per pump

In computing the tax, the number of pumps owned or leased by a distributor or wholesaler is considered the number of dispensing nozzles from which motor fuel can be dispensed simultaneously.

Any contract or agreement, oral or written, express or implied by the terms or the effects of which the tax herein imposed shall be passed on directly or indirectly to any person, firm, or corporation not engaged in the business hereby taxed is hereby declared to be against the public policy of this State and null and void, and any person, firm, or corporation negotiating such an agreement, or receiving the benefits thereof, shall be guilty of a ~~misdemeanor and fined or imprisoned in the discretion of the court.~~ Class 1 misdemeanor.

The tax herein imposed shall be in addition to all other taxes imposed by this Chapter or under any other laws.

Counties, cities and towns shall not levy any tax by reason of the additional tax imposed by this section, but this section shall in no way affect the right given to counties, cities, and towns to levy taxes under G.S. 105-89.

The business taxed under this section shall not be taxed under G.S. 105-98."

### **—ENGAGING IN BUSINESS WITHOUT A LICENSE**

Sec. 698. G.S. 105-109(b) reads as rewritten:

"(b) If any person, firm, or corporation shall continue the business, trade, employment, or profession, or to do the act, after the expiration of a license previously issued, without obtaining a new license, he or it shall be guilty of a Class 1 misdemeanor, ~~and upon conviction shall be fined and/or imprisoned in the discretion of the court, but the fine which may include a fine which shall not be less than twenty percent (20%) of the tax in addition to the tax and the costs; and if such failure to apply for and obtain a new license be continued, such person, firm, or corporation shall pay additional tax of five per centum (5%) of the amount of the State license tax which was due and payable on the first day of July of the current year, in addition to the State license tax imposed by this Article, for each and every 30 days, or fraction thereof, that such State license tax remains unpaid from the date that same was due and payable, and such additional tax shall be assessed by the Secretary of Revenue and paid with the State license tax, and shall become a part of the State license tax. The penalties for delayed payment hereinbefore provided shall not impair the obligation to procure a license in advance or modify any of the pains and penalties for failure to do so.~~

The provisions of this section shall apply to taxes levied by the counties of the State under authority of this Article in the same manner and to the same extent as they apply to taxes levied by the State."

Sec. 699. G.S. 105-109(c) reads as rewritten:

"(c) If any person, firm, or corporation shall commence to exercise any privilege or to promote any business, trade, employment, or profession, or to do any act requiring a State license under this Article without such State license, he or it shall be guilty of a ~~misdemeanor, and shall be fined and/or imprisoned in the discretion of the court; Class 1 misdemeanor;~~ and if such failure, neglect, or refusal to apply for and obtain such State license be continued, such person, firm, or corporation shall pay an additional tax of five per centum (5%) of the amount of such State license tax which was due and payable at the commencement of the business, trade, employment or profession, or doing the act, in addition to the State license tax imposed by this Article, for each and every 30 days, or fraction thereof, that such State license tax remains unpaid from the date that same was due and payable, and such additional tax shall be assessed by the Secretary of Revenue and paid with the State license tax and shall become a part of the State license tax."

### **—TOBACCO PRODUCTS TAX**

Sec. 700. G.S. 105-113.33 reads as rewritten:

#### **"§ 105-113.33. Criminal penalties.**

Any person who violates any of the provisions of this Article for which no other punishment is specifically prescribed shall be guilty of a ~~misdemeanor punishable by a fine or imprisonment or both in discretion of the court. Class 1 misdemeanor.~~"

### **—ABC TAX SCHEDULE**

Sec. 701. G.S. 105-113.73 reads as rewritten:

#### **"§ 105-113.73. Misdemeanor.**

Except as otherwise expressly provided, violation of a provision of the ABC law is a ~~misdemeanor and is punishable as provided in G.S. 14-3. Class 1 misdemeanor."~~

## **—CONFIDENTIALITY OF CONTROLLED SUBSTANCE TAX INFORMATION**

Sec. 702. G.S. 105-113.112 reads as rewritten:

### **"§ 105-113.112. Confidentiality of information.**

Notwithstanding any other provision of law, information obtained pursuant to this Article is confidential and may not be disclosed or, unless independently obtained, used in a criminal prosecution other than a prosecution for a violation of this Article. Stamps issued pursuant to this Article may not be used in a criminal prosecution other than a prosecution for a violation of this Article. A person who discloses information obtained pursuant to this Article is guilty of a Class 1 misdemeanor. This section does not prohibit the Secretary from publishing statistics that do not disclose the identity of dealers or the contents of particular returns or reports."

## **—WILLFUL FAILURE TO PAY ESTIMATED TAX**

Sec. 703. G.S. 105-163.44 reads as rewritten:

### **"§ 105-163.44. Willful failure to pay estimated tax.**

Any person required by this Article to pay any estimated tax who willfully fails to pay the estimated tax at the time or times required by law or rules shall, in addition to other penalties provided by law, be guilty of a ~~misdemeanor and, upon conviction thereof, shall be punishable by a fine not to exceed five hundred dollars (\$500.00) or by imprisonment not to exceed six months, or both.~~ Class 2 misdemeanor."

## **—ADVERTISEMENT TO ABSORB TAX UNLAWFUL**

Sec. 704. G.S. 105-164.9 reads as rewritten:

### **"§ 105-164.9. Advertisement to absorb tax unlawful.**

Any retailer who shall by any character or public advertisement offer to absorb the tax levied in this Article or in any manner directly or indirectly advertise that the tax herein imposed is not considered an element in the price to the purchaser shall be guilty of a Class 1 misdemeanor. Any violations of the provisions of this section reported to the Secretary shall be reported by him to the Attorney General of the State to the end that such violations may be brought to the attention of the solicitor of the court of the county or district whose duty it is to prosecute misdemeanors in the jurisdiction. It shall be the duty of such solicitor to investigate such alleged violations and if he finds that this section has been violated prosecute such violators in accordance with the law."

## **—LICENSES BY WHOLESALE MERCHANTS AND RETAILERS**

Sec. 705. G.S. 105-164.29 reads as rewritten:

### **"§ 105-164.29. Application for licenses by wholesale merchants and retailers.**

Every application for a license by a wholesale merchant or retailer shall be made upon a form prescribed by the Secretary and shall set forth all information the Secretary may require. The application shall be signed by the owner if a natural person; in the case of an association or partnership, by a member or partner; in the case of a corporation, by an executive officer or some other person specifically authorized by the corporation to sign the application, to which shall be attached the written evidence of the person's authority. A wholesale merchant or retailer whose business extends into

more than one county is required to secure only one license to cover all operations of the business throughout the State.

When the required application has been made the Secretary shall issue a license to the applicant. A license is not assignable and is valid only for the person in whose name it is issued and for the transaction of business at the place designated in the license. The license holder shall display the license conspicuously at all times at the place for which it was issued.

A person whose license has been previously suspended or revoked shall pay the Secretary fifteen dollars (\$15.00) for the reissuance of the license. A wholesale merchant whose annual license has been previously suspended or revoked shall pay the Secretary twenty-five dollars (\$25.00) for the reissuance of the license for the remainder of the license year.

Whenever a license holder fails to comply with this Article, the Secretary, upon hearing, after giving the license holder 10 days' notice in writing, specifying the time and place of hearing and requiring the license holder to show cause why the license should not be revoked, may revoke or suspend the license. The notice may be served personally or by registered mail directed to the last known address of the license holder. All provisions with respect to review and appeals of the Secretary's decisions as provided by G.S. 105-241.2, 105-241.3, and 105-241.4 apply to this section.

Any wholesale merchant or retailer who engages in business as a seller in this State without a license or after the license has been suspended or revoked, and each officer of any corporation that so engages in business shall be guilty of a Class 3 misdemeanor and only subject to a fine of up to five hundred dollars (\$500.00) for each offense."

#### **—WILLFUL FAILURE TO PAY TAX**

Sec. 706. G.S. 105-228.34 reads as rewritten:

#### **"§ 105-228.34. Willful failure to pay tax.**

Any transferor or agent of transferor of real estate willfully and knowingly failing to pay the correct amount of the tax imposed by this Article or any person aiding, abetting, or directing any other person to willfully and knowingly fail to pay the correct amount of such tax shall be guilty of a Class 3 misdemeanor and only fined not less than one hundred dollars (\$100.00) nor more than one thousand dollars (\$1,000) for each offense. When the register of deeds relies on the statement of the party presenting the instrument for registration as to the correct amount of stamps to be affixed, he shall not be subject to prosecution as an aider or abettor under this section."

#### **—OFFICERS, AGENTS, AND EMPLOYEES; FAILING TO COMPLY WITH TAX LAW**

Sec. 707. G.S. 105-233 reads as rewritten:

#### **"§ 105-233. Officers, agents, and employees; failing to comply with tax law a misdemeanor.**

If any officer, agent, and/or employee of any person, firm, or corporation subject to the provisions of this Subchapter shall willfully fail, refuse, or neglect to make out, file, and/or deliver any reports or blanks, as required by such law, or to answer any question therein propounded, or to knowingly and willfully give a false answer to any such question wherein the fact inquired of is within his knowledge, or upon proper demand to

exhibit to such Secretary of Revenue or any of his duly authorized representatives any book, paper, account, record, memorandum of such person, firm, or corporation in his possession and/or under his control, he shall be guilty of a Class 3 misdemeanor and only fined not less than one hundred dollars (\$100.00) nor more than one thousand dollars (\$1,000) for each offense."

#### **—AIDING AND/OR ABETTING IN VIOLATION OF TAX ADMINISTRATION**

Sec. 708. G.S. 105-234 reads as rewritten:

#### **"§ 105-234. Aiding and/or abetting officers, agents, or employees in violation of this Subchapter a misdemeanor.**

If any person, firm, or corporation shall aid, abet, direct, or cause or procure any of his or its officers, agents, or employees to violate any of the provisions of this Subchapter, he or it shall be guilty of a Class 3 misdemeanor, and only fined not less than one hundred dollars (\$100.00) nor more than one thousand dollars (\$1,000) for each offense."

#### **—TAXATION PENALTIES**

Sec. 709. G.S. 105-236(8) reads as rewritten:

"(8) Willful Failure to Collect, Withhold, or Pay Over Tax. – Any person required under this Subchapter to collect, withhold, account for, and pay over any tax imposed by this Subchapter who willfully fails to collect or truthfully account for and pay over such tax shall, in addition to other penalties provided by law, be guilty of a Class 1 misdemeanor. Notwithstanding any other provision of law, no prosecution for a violation brought under this subdivision shall be barred before the expiration of three years after the date of the violation."

Sec. 710. G.S. 105-236(9) reads as rewritten:

"(9) Willful Failure to File Return, Supply Information, or Pay Tax. – Any person required under this Subchapter to pay any tax, to make a return, to keep any records, or to supply any information, who willfully fails to pay such tax, make such return, keep such records, or supply such information, at the time or times required by law, or regulations issued pursuant thereto, shall, in addition to other penalties provided by law, be guilty of a Class 1 misdemeanor. Notwithstanding any other provision of law, no prosecution for a violation brought under this subdivision shall be barred before the expiration of three years after the date of the violation."

#### **—FREE PRIVILEGE LICENSES FOR BLIND PEOPLE**

Sec. 711. G.S. 105-249(f) reads as rewritten:

"(f) Any person violating the provisions of subsection (d) of this section shall be guilty of a Class 3 misdemeanor and only fined not to exceed twenty-five dollars (\$25.00) for each offense."

#### **—SECRECY REQUIRED OF REVENUE OFFICIALS**

Sec. 712. G.S. 105-259 reads as rewritten:

#### **"§ 105-259. Secrecy required of officials; penalty for violation.**

With respect to any one of the following persons: (i) the Secretary of Revenue and all other officers or employees, and former officers and employees, of the Department of Revenue; (ii) local tax officials, as defined in G.S. 105-273, and former local tax officials; (iii) members and former members of the Property Tax Commission; (iv) any other person authorized in this section to receive information concerning any item contained in any report or return, or authorized to inspect any report or return; and (v) the Commissioner of Insurance and all other officers or employees and former officers and employees of the Department of Insurance with respect to State and federal income tax returns filed with the Commissioner of Insurance by domestic insurance companies; and except in accordance with proper judicial order or as otherwise provided by law, it shall be unlawful for any of these persons to divulge or make known in any manner the amount of income, income tax or other taxes of any taxpayer, or information relating thereto or from which the amount of income, income tax or other taxes or any part thereof might be determined, deduced or estimated, whether it is set forth or disclosed in or by means of any report or return required to be filed or furnished under this Subchapter, or in or by means of any audit, assessment, application, correspondence, schedule or other document relating to the taxpayer, notwithstanding the provisions of Chapter 132 of the General Statutes or of any other law or laws relating to public records. It shall likewise be unlawful to reveal whether or not any taxpayer has filed a return, and to abstract, compile or furnish to any person, firm or corporation not otherwise entitled to information relating to the amount of income, income tax or other taxes of a taxpayer, any list of names, addresses, social security numbers or other personal information concerning the taxpayer, whether or not the list discloses a taxpayer's income, income tax or other taxes, or any part thereof, except that when an election is made by a husband and wife under G.S. 105-152.1 to file a joint return, any information given to one spouse concerning the income or income tax of the other spouse reported or reportable on the joint return shall not be a violation of the provisions of this section.

Nothing in this section shall be construed to prohibit the publication of statistics, so classified as to prevent the identification of particular reports or returns, and the items thereof; the inspection of these reports or returns by the Governor, Attorney General, or their duly authorized representative; or the inspection by a legal representative of the State of the report or return of any taxpayer who shall bring an action to set aside or review the tax based thereon, or against whom an action or proceeding has been instituted to recover any tax or penalty imposed by this Subchapter; nor shall the provisions of this section prohibit the Department of Revenue furnishing information to other governmental agencies of persons and firms properly licensed under Schedule B, G.S. 105-33 to 105-113. The Department of Revenue may exchange information with the officers of organized associations of taxpayers under Schedule B, G.S. 105-33 to 105-113, with respect to parties liable for these taxes and as to parties who have paid these license taxes.

When any record of the Department of Revenue has been photographed, photocopied, or microphotocopied pursuant to the authority contained in G.S. 8-45.3, the original of that record may thereafter be destroyed at any time upon the order of the

Secretary of Revenue, notwithstanding the provisions of G.S. 121-5, G.S. 132-2, or any other law relating to the preservation of public records. Any record that has not been so photographed, photocopied, or microphotocopied shall be preserved for three years, and thereafter until the Secretary of Revenue orders it destroyed.

Any person, officer, agent, clerk, employee, or local tax official or any former officer, employee, or local tax official who violates the provisions of this section shall be guilty of a ~~misdemeanor and fined not less than two hundred dollars (\$200.00) nor more than one thousand dollars (\$1,000) and/or imprisoned, in the discretion of the court; Class 1 misdemeanor~~; and if the person committing the violation is a public officer or employee, that person shall be dismissed from such office or employment, and may not hold any public office or employment in this State for a period of five years thereafter.

Notwithstanding the provisions of this section, the Secretary of Revenue may permit the Commissioner of Internal Revenue of the United States, or the revenue officer of any other state imposing any of the taxes imposed in this Subchapter, or the duly authorized representative of either, to inspect the report or return of any taxpayer; or may furnish that person an abstract of the report or return of any taxpayer; or supply that person with information concerning any item contained in any report or return, or disclosed by the report of any investigation of any report or return of any taxpayer. The permission, however, may be granted or the information furnished to the officer or agent only if the statutes of the United States or of the other state grant substantially similar privilege to the Secretary of Revenue of this State or the Secretary's duly authorized representative. Notwithstanding any other provision of law, the Secretary may also furnish names, addresses, and account and identification numbers of (i) taxpayers who may be entitled to property held in the Escheat Fund to the Department of State Treasurer when that Department requests the information for the purpose of administering Chapter 116B of the General Statutes, and (ii) taxpayers to the Employment Security Commission when that Commission requests the information for the purpose of administering Article 2 of Chapter 96 of the General Statutes. Neither this section nor any other law prevents the exchange of information between the Department of Revenue and the Department of Transportation's Division of Motor Vehicles when the information is needed by either to administer the laws with which they are charged. Notwithstanding any other provision of law, State officers and employees who perform computerized data processing functions pursuant to G.S. 143-341(9) for the Department of Revenue are authorized to receive and process for the Department of Revenue information in reports and returns and are subject to the criminal provisions of this section.

Notwithstanding the provisions of this section, the Secretary of Revenue may contract with any person, firm or corporation to receive and address, sort, bag, or deliver to the United States Postal Service any bulk mailing originated by the Department of Revenue, and may deliver the mail to the contractor pursuant to the contract. To ensure performance of the contract, the contractor shall furnish a bond in a form and amount acceptable to the Secretary.

Notwithstanding the provisions of this section, the Secretary of Revenue may contract with a financial institution for the receipt of withheld income tax payments under G.S. 105-163.6."

#### —APPEALS TO PROPERTY TAX COMMISSION

Sec. 713. G.S. 105-290(d)(2) reads as rewritten:

"(2) Any person who shall willfully fail or refuse to appear, to produce subpoenaed documents in response to a subpoena, or to testify as provided in this subsection (d) shall be guilty of a ~~misdemeanor and fined and/or imprisoned in the discretion of the court~~ Class 1 misdemeanor."

#### —POWERS OF REVENUE DEPARTMENT AND COMMISSION

Sec. 714. G.S. 105-291(c)(2) reads as rewritten:

"(2) Any person who shall willfully fail or refuse to appear; to produce subpoenaed documents before the Department or authorized deputy in response to a subpoena; or to testify as provided in this subsection (c) shall be guilty of a ~~misdemeanor and fined and/or imprisoned in the discretion of the court~~ Class 1 misdemeanor."

#### —POWERS AND DUTIES OF COUNTY ASSESSOR

Sec. 715. G.S. 105-296(g) reads as rewritten:

"(g) He shall have power to subpoena any person for examination under oath and to subpoena documents whenever he has reasonable grounds for the belief that such person has knowledge or that such documents contain information that is pertinent to the discovery or valuation of any property subject to taxation in the county or that is necessary for compliance with the requirements as to what the tax list shall contain. The subpoena shall be signed by the chairman of the board of equalization and review if that board is in session; otherwise, it shall be signed by the chairman of the board of county commissioners. It shall be served by an officer qualified to serve subpoenas. Any person who shall wilfully fail or refuse to appear, produce subpoenaed documents, or testify concerning the subject of the inquiry shall be guilty of a ~~misdemeanor and fined and/or imprisoned in the discretion of the court~~ Class 1 misdemeanor."

Sec. 716. G.S. 105-296(h) reads as rewritten:

"(h) Only after the abstract has been carefully reviewed can the assessor require any person operating a business enterprise in the county to submit a detailed inventory, statement of assets and liabilities, or other similar information pertinent to the discovery or appraisal of property taxable in the county. Inventories, statements of assets and liabilities, or other information secured by the assessor under the terms of this subsection, but not expressly required by this Subchapter to be shown on the abstract itself, shall not be open to public inspection but shall be made available, upon request, to representatives of the Department of Revenue or of the Employment Security Commission. Any assessor or other official or employee disclosing information so obtained, except as may be necessary in listing or appraising property in the performance of official duties, or in the administrative or judicial proceedings relating to listing, appraising, or other official duties, shall be guilty of a Class 3 misdemeanor and punishable only by a fine not exceeding fifty dollars (\$50.00)."

## —DUTY TO PROPERTY TO BE ASSESSED LIST; PENALTY FOR FAILURE

Sec. 717. G.S. 105-308 reads as rewritten:

### "§ 105-308. Duty to list; penalty for failure.

Every person in whose name any property is to be listed under the terms of this Subchapter shall list the property with the assessor within the time allowed by law on an abstract setting forth the information required by this Subchapter.

In addition to all other penalties prescribed by law, any person whose duty it is to list any property who willfully fails or refuses to list the same within the time prescribed by law shall be guilty of a ~~misdemeanor punishable by a fine not to exceed five hundred dollars (\$500.00) or imprisonment not to exceed six months.~~ Class 2 misdemeanor. The failure to list shall be **prima facie** evidence that the failure was willful.

Any person who willfully attempts, or who willfully aids or abets any person to attempt, in any manner to evade or defeat the taxes imposed under this Subchapter, whether by removal or concealment of property or otherwise, shall be guilty of a ~~misdemeanor punishable by a fine not to exceed five hundred dollars (\$500.00) or imprisonment not to exceed six months or by both such fine and imprisonment.~~ Class 2 misdemeanor."

## —AFFIRMATION OF ABSTRACT OF TAXPAYER'S PROPERTY

Sec. 718. G.S. 105-310 reads as rewritten:

### "§ 105-310. Affirmation; penalty for false affirmation.

There shall be annexed to the abstract on which the taxpayer's property is listed the following affirmation, which shall be signed by an individual qualified under the provisions of G.S. 105- 311:

Under penalties prescribed by law, I hereby affirm that to the best of my knowledge and belief this listing, including any accompanying statements, inventories, schedules, and other information, is true and complete. (If this affirmation is signed by an individual other than the taxpayer, he affirms that he is familiar with the extent and true value of all the taxpayer's property subject to taxation in this county and that his affirmation is based on all the information of which he has any knowledge.)

Any individual who willfully makes and subscribes an abstract listing required by this Subchapter which he does not believe to be true and correct as to every material matter shall be guilty of a ~~misdemeanor and, upon conviction, shall be subject to a fine not to exceed five hundred dollars (\$500.00) or imprisonment not to exceed six months.~~ Class 2 misdemeanor."

## —PENALTIES FOR VIOLATIONS FOR FAILURE TO OBTAIN TAX PERMIT

Sec. 719. G.S. 105-316.6 reads as rewritten:

### "§ 105-316.6. Penalties for violations.

(a) Any person required by G.S. 105-316.1 through 105- 316.8 to obtain a tax permit who fails to do so or who fails to properly display same shall be guilty of a ~~misdemeanor and, upon conviction, shall be subject to a fine not to exceed two hundred fifty dollars (\$250.00) or imprisonment not to exceed 30 days, or both, in the discretion of the court.~~ Class 3 misdemeanor. This penalty shall be in addition to any penalties

imposed for failure to list property for taxation and interest for failure to pay taxes provided by the general laws of this State.

(b) Any manufacturer or retailer of mobile homes who aids or abets any owner covered by G.S. 105-316.1 through 105-316.8 to defeat in any manner the purpose of G.S. 105-316.1 through 105-316.8 shall be guilty of a ~~misdemeanor and, upon conviction, shall be subject to a fine not to exceed two hundred fifty dollars (\$250.00) or imprisonment not to exceed 30 days, or both, in the discretion of the court.~~ Class 3 misdemeanor.

(c) Any person who transports a mobile home from a location in this State for an owner other than a manufacturer or retailer of mobile homes without having properly displayed thereon the tax permit required by G.S. 105-316.1 through 105-316.8 shall be guilty of a ~~misdemeanor and, upon conviction, shall be subject to a fine not to exceed two hundred fifty dollars (\$250.00) or imprisonment not to exceed 30 days, or both, in the discretion of the court.~~ Class 3 misdemeanor.

(d) Any law-enforcement officer of this State who apprehends any person violating the provisions of G.S. 105-316.1 through 105-316.8 shall detain such person and mobile home until satisfactory arrangements have been made to meet the requirements of G.S. 105-316.1 through 105-316.8."

#### **—COUNTY BOARD OF EQUALIZATION AND REVIEW**

Sec. 720. G.S. 105-322(g)(3)b. reads as rewritten:

"b. The board, in its discretion, may examine any witnesses and documents. It may place any witnesses under oath administered by any member of the board. It may subpoena witnesses or documents on its own motion, and it must do so when a request is made under the provisions of subdivision (g)(2)c, above.

A subpoena issued by the board shall be signed by the chairman of the board, directed to the witness or to the person having custody of the document, and served by an officer authorized to serve subpoenas. Any person who willfully fails to appear or to produce documents in response to a subpoena or to testify when appearing in response to a subpoena shall be guilty of a ~~misdemeanor and punished by a fine or by imprisonment or by both in the discretion of the court.~~ Class 1 misdemeanor."

#### **—DUTY TO FILE PUBLIC SERVICE REVENUE REPORT**

Sec. 721. G.S. 105-334(b) reads as rewritten:

"(b) Any individual who willfully subscribes a report required by this section which he does not believe to be true and correct as to every material matter shall be guilty of a ~~misdemeanor and, upon conviction, shall be subject to a fine not to exceed five hundred dollars (\$500.00) or imprisonment not to exceed six months.~~ Class 2 misdemeanor."

#### **—DELIVERY OF TAX RECEIPTS TO TAX COLLECTOR**

Sec. 722. G.S. 105-352(d) reads as rewritten:

"(d) Civil and Criminal Penalties. —

- (1) Any member of the governing body who shall vote to deliver the tax receipts to a tax collector before the tax collector has met the requirements prescribed by this section shall be individually liable for the amount of taxes charged against the tax collector for which he has not made satisfactory settlement; and any member of the governing body who so votes, or who willfully fails to perform any duty imposed by this section, shall be guilty of a ~~misdemeanor punishable by fine or imprisonment, or both, in the discretion of the court.~~ Class 1 misdemeanor.
- (2) Any tax collector or other official who fails to account for prepayments as prescribed by this section shall be guilty of a ~~misdemeanor punishable by fine or imprisonment, or both, in the discretion of the court.~~ Class 1 misdemeanor."

#### **—PREPAYMENTS MADE BEFORE TAX RECEIPTS DELIVERED**

Sec. 723. G.S. 105-359(e) reads as rewritten:

"(e) Duties of Chief Accounting Officer. – It shall be the duty of the chief accounting officer of the taxing unit to:

- (1) Secure and retain in his office, available to taxpayers upon request, the official receipts for taxes paid in full by prepayment.
- (2) Credit on the tax receipts to be delivered to the tax collector all taxes that have been paid in full or in part by prepayment.
- (3) Prepare and deliver refunds for overpayments made by way of prepayment.
- (4) Reduce the charge to be made against the tax collector by deducting from the total amount of taxes levied so much of the amount received as prepayments as is not required to be refunded under the provisions of subsection (c), above.

Any chief accounting officer who fails to perform the duties imposed upon him by this subsection (e) shall be guilty of a ~~misdemeanor and subject to fine or imprisonment, or both, in the discretion of the court.~~ Class 1 misdemeanor."

#### **—PROCEDURE FOR ATTACHMENT AND GARNISHMENT**

Sec. 724. G.S. 105-368(i) reads as rewritten:

"(i) (1) Any person who, after written demand therefor, refuses to give the tax collector or assessor a list of the names and addresses of all of his employees who may be liable for taxes, shall be guilty of a Class 1 misdemeanor.

(2) Any tax collector or assessor who receives, upon his written demand, any list of employees may not release or furnish that list or any copy thereof, or disclose any name or information thereon, to any other person, and may not use that list in any manner or for any purpose not directly related to and in furtherance of the collection and foreclosure of taxes. Any tax collector or assessor who violates or allows the violation of this subdivision (i)(2) shall be guilty of a Class 1 misdemeanor."

## **—ADVERTISEMENT OF TAX LIENS ON REAL PROPERTY FOR FAILURE TO PAY TAXES**

Sec. 725. G.S. 105-369(g) reads as rewritten:

"(g) Wrongful Advertisement. – Any tax collector or deputy tax collector who shall willfully advertise any tax lien knowing that the property is not subject to taxation or that the taxes advertised have been paid shall be guilty of a ~~misdemeanor and upon conviction shall be fined not more than five hundred dollars (\$500.00) or imprisoned for not more than 30 days, or both.~~ Class 3 misdemeanor, and shall be required to pay the injured party all damages sustained in consequence."

## **—SETTLEMENTS OF THE TAX COLLECTOR**

Sec. 726. G.S. 105-373(f) reads as rewritten:

"(f) Penalties. – In addition to any other civil or criminal penalties provided by law, any member of a governing body of a taxing unit, tax collector, or chief accounting officer who fails to perform any duty imposed upon him by this section shall be guilty of a ~~misdemeanor punishable by fine or imprisonment, or both, in the discretion of the court.~~ Class 1 misdemeanor."

## **—APPLICATIONS FOR AND ADMINISTRATION OF TAX REFUNDS**

Sec. 727. G.S. 105-440(e) reads as rewritten:

"(e) Criminal Penalty. – A person who knowingly makes a false application for refund to obtain a refund to which he is not entitled is guilty of a ~~misdemeanor and is punishable by a fine of up to five hundred dollars (\$500.00), imprisonment for up to two years, or both.~~ Class 1 misdemeanor."

## **—GASOLINE TAX CANCELLATION OF LICENSE AND BOND**

Sec. 728. G.S. 105-441(a) reads as rewritten:

"(a) Acts. – Any distributor who commits one or more of the following acts is guilty of a Class 1 misdemeanor:

- (1) Fails to obtain a license required by this Article.
- (2) Willfully fails to make a report required by this Article.
- (3) Willfully fails to pay a tax when due under this Article.
- (4) Makes a false statement in an application, a report, or a statement required under this Article.
- (5) Fails to keep records as required under this Article.
- (6) Refuses to allow the Secretary of Revenue or a representative of the Secretary of Revenue to examine the distributor's books and records concerning motor fuel.
- (7) Fails to disclose the correct amount of motor fuel sold or used in this State.
- (8) Fails to file an additional bond as required under this Article.

~~On conviction, a distributor shall be fined not less than one hundred dollars (\$100.00) and not more than five thousand dollars (\$5,000) or, in the case of an individual or the officer or employee charged with the duty of making a report for a corporation, imprisoned not exceeding 24 months, or both."~~

## **—DISTRIBUTOR OFFICER OF STATE FOR COLLECTION OF TAX**

Sec. 729. G.S. 105-444 reads as rewritten:

**"§ 105-444. License constitutes distributor trust officer of State for collection of tax.**

The licensing of any person, firm or corporation as a wholesale distributor of gasoline shall constitute such distributor an agent or trust officer of the State for the purpose of collecting the tax on the sale of gasoline imposed in this Article. If any person, firm or corporation who or which adds the amount of the tax levied in this Article to the customary market price for gasoline and/or special fuels and collects the same, shall fail to remit the gasoline and/or special fuels tax to the Secretary of Revenue as provided herein, such failure shall be a Class 1 misdemeanor, and any individual, partner or officer or agent of any association, partnership or corporation who shall fail to remit the tax so collected as herein provided when it is his duty to do so shall be guilty of a ~~misdemeanor, and upon conviction shall be fined or imprisoned in the discretion of the court.~~ Class 1 misdemeanor."

**—REPORTS OF CARRIERS**

Sec. 730. G.S. 105-447 reads as rewritten:

**"§ 105-447. Reports of carriers.**

Every person, firm or corporation engaged in the business of, or transporting motor fuel, whether common carrier or otherwise, and whether by rail, water, pipeline or over public highways, either in interstate or in intrastate commerce, to points within the State of North Carolina, and every person, firm or corporation transporting motor fuel by whatever manner to a point in the State of North Carolina from any point outside of said State shall be required to keep for a period of two years from the date of each delivery records on forms prescribed by, or satisfactory to, the Secretary of Revenue of all receipts and deliveries of motor fuel so received or delivered to points within the State of North Carolina, including duplicate original copies of delivery tickets or invoices covering such receipts and deliveries, showing the date of the receipt or delivery, the name and address of the party to whom each delivery is made, and the amount of each delivery; and shall report, under oath, to the Secretary of Revenue, on forms prescribed by said Secretary of Revenue, all deliveries of motor fuel so made to points within the State of North Carolina. Such reports shall cover monthly periods, shall be submitted within the first 10 days of each month covering all shipments transported and delivered for the previous month, shall show the name and address of the person to whom the deliveries of motor fuel have actually and in fact been made, the name and address of the originally named consignee if motor fuel has been delivered to any other than the originally named consignee, the point of origin, the point of delivery, the date of delivery, and the number and initials of each tank car, and the number of gallons contained therein if shipped by rail; the name of the boat, barge or vessel, and the number of gallons contained therein, and the consignor and consignee if shipped by water; the license number of each tank truck and the number of gallons contained therein, and the consignor and consignee if transported by motor truck; if delivered by other means the manner in which such delivery is made; and such other additional information relative to shipments of motor fuel as the Secretary of Revenue may require: Provided, that the Secretary of Revenue may modify or suspend the provisions of this section with regard to reports of interstate or intrastate shipments or deliveries

upon application of any licensed distributor: Provided, also, that the Secretary of Revenue shall have full power to require any distributor to make additional reports and to produce for examination duplicate originals of delivery tickets or invoices covering both receipts and deliveries of products as herein provided. The reports herein provided for shall cover specifically gasoline, kerosene, benzine, naphtha, crude oil, or any distillates from crude petroleum. Any person, firm or corporation refusing, failing or neglecting to make such report shall be guilty of a ~~misdemeanor, and upon conviction shall be fined or imprisoned in the discretion of the court.~~ Class 1 misdemeanor."

#### **—MOTOR FUEL USED IN PUBLIC SCHOOL TRANSPORTATION**

Sec. 731. G.S. 105-449(e) reads as rewritten:

"(e) Any person making a false return or affidavit for the purpose of securing a refund to which he is not entitled under the provisions of this section shall be guilty of a ~~misdemeanor, and upon conviction thereof shall be fined not exceeding five hundred dollars (\$500.00), or imprisoned not exceeding two years, in the discretion of the court.~~ Class 1 misdemeanor."

#### **—MISDEMEANORS WITH RESPECT TO GASOLINE TAX**

Sec. 732. G.S. 105-449.34 reads as rewritten:

##### **"§ 105-449.34. Acts and omissions declared to be misdemeanors; penalties.**

A person who commits one or more of the following acts is guilty of a Class 1 misdemeanor:

- (1) Fails to obtain a license required by this Article.
- (2) Willfully fails to make a report required by this Article.
- (3) Willfully fails to pay a tax when due under this Article.
- (4) Makes a false statement in an application, a report, or a statement required under this Article.
- (5) Fails to keep records as required under this Article.
- (6) Refuses to allow the Secretary of Revenue or a representative of the Secretary of Revenue to examine the licensee's books and records concerning fuel.
- (7) Fails to disclose the correct amount of fuel sold or used in this State.
- (8) Fails to file an additional bond as required under this Article."

#### **—FALSE STATEMENT SALE OF MOTOR FUEL**

Sec. 733. G.S. 105-449.41 reads as rewritten:

##### **"§ 105-449.41. Penalty for false statements.**

Any person who wilfully and knowingly makes a false statement orally, or in writing, or in the form of a receipt for the sale of motor fuel, for the purpose of obtaining or attempting to obtain or to assist any other person, partnership or corporation to obtain or attempt to obtain a credit or refund or reduction of liability for taxes under this Article shall be guilty of a Class 1 misdemeanor."

#### **—OPERATING MOTOR VEHICLE WITHOUT A REGISTRATION CARD**

Sec. 734. G.S. 105-449.51 reads as rewritten:

##### **"§ 105-449.51. Violations declared to be misdemeanors.**

Any person who operates or causes to be operated on a highway in this State a motor vehicle that does not carry a registration card as required by this Article, does not

properly display an identification marker as required by this Article, or is not registered in accordance with this Article is guilty of a Class 3 misdemeanor and, upon conviction thereof, shall only be fined no less than ten dollars (\$10.00) nor more than two hundred dollars (\$200.00). Each day's operation in violation of any provision of this section shall constitute a separate offense."

#### **—EXEMPTION OF MOTOR FUEL USED IN STATE VEHICLES**

Sec. 735. G.S. 105-449A(c) reads as rewritten:

"(c) A person who makes a false invoice or application for refund under this section shall be guilty of a ~~misdemeanor, punishable by a fine of up to five hundred dollars (\$500.00), imprisonment for up to two years, or both.~~ Class 1 misdemeanor."

#### **—RECORDS AND REPORTS REQUIRED OF AGRICULTURE FEES OR TAXES**

Sec. 736. G.S. 106-9.2(a) reads as rewritten:

"(a) Every person paying fees or taxes to the Commissioner of Agriculture or to the Department of Agriculture under the provisions of this Chapter shall keep such records as the Commissioner may prescribe to indicate accurately the fees or taxes due to the Commissioner or Department, and such records shall be preserved for a period of three years, and shall at all times during the business hours of the day be subject to inspection by the Commissioner or his deputies or such other agents as may be duly authorized by the Commissioner. Any person failing to comply with or violating any of the provisions of this section shall be guilty of a ~~misdemeanor and upon conviction thereof shall be fined or imprisoned in the discretion of the court.~~ Class 1 misdemeanor."

#### **—JOINT DUTIES OF COMMISSIONER AND BOARD OF AGRICULTURE**

Sec. 737. G.S. 106-22(3) reads as rewritten:

"(3) Cattle and Cattle Diseases. – With investigations adapted to promote the improvement of milk and beef cattle, and especially investigations relating to the diseases of cattle and other domestic animals, and shall publish and distribute from time to time information relative to any contagious diseases of stock, and suggest remedies therefor, and shall have power in such cases to quarantine the infected animals and to regulate the transportation of stock in this State, or from one section of it to another, and may cooperate with the United States Department of Agriculture in establishing and maintaining cattle districts or quarantine lines, to prevent the infection of cattle from splenic or Spanish fever. Any person willfully violating such regulations shall be liable in a civil action to any person injured, and for any and all damages resulting from such conduct, and shall also be guilty of a Class 1 misdemeanor;"

Sec. 738. G.S. 106-22(5) reads as rewritten:

"(5) Insect Pests. – With investigations relative to the ravages of insects and with the dissemination of such information as may be deemed essential for their abatement, and making regulations for destruction of

such insects. The willful violation of any of such regulations by any person shall be a Class 1 misdemeanor;".

### —NORTH CAROLINA FERTILIZER LAW OF 1977

Sec. 739. G.S. 106-50.41 reads as rewritten:

#### "§ 106-50.41. Penalties.

Any person violating the provisions of this Article or the regulations adopted thereunder, shall be guilty of a ~~misdemeanor and shall be fined not less than two hundred dollars (\$200.00) nor more than one thousand dollars (\$1,000) or be imprisoned for not more than 60 days, or both, in the discretion of the court.~~ Class 2 misdemeanor. In addition, if any person continues to violate or further violates any provision of this Article after written notice from the Commissioner each day during which the violation continued or is repeated constitutes a separate violation subject to the foregoing penalties."

### —FALSIFICATION OF RECORDS, OR MISUSE OF PESTICIDE

Sec. 740. G.S. 106-65.33 reads as rewritten:

#### "§ 106-65.33. Violation of Article, falsification of records, or misuse of registered pesticide a misdemeanor.

Any person who shall be adjudged to have violated any provision of this Article or who falsifies any records required to be kept by this Article or by the rules and regulations pursuant to this Article or who uses a registered pesticide in a manner inconsistent with its labeling shall be guilty of a ~~misdemeanor, and for each violation shall be liable for a penalty of not less than one hundred dollars (\$100.00) or not more than one thousand dollars (\$1,000) or shall be imprisoned for not less than 60 days nor more than six months, or both.~~ Class 2 misdemeanor. In addition, if any person continues to violate or further violates any provision of this Article after written notice from the Committee, the court may determine that each day during which the violation continued or is repeated constitutes a separate violation subject to the foregoing penalties."

### —INTERFERENCE WITH THE COMMISSIONER OF AGRICULTURE

Sec. 741. G.S. 106-65.48 reads as rewritten:

#### "§ 106-65.48. Criminal penalties; violation of law or regulations.

If anyone shall interfere with or attempt to interfere with the Commissioner or any of his agents, while engaged in the performance of his duties under this Article, or shall violate any provision of this Article or any regulation of the Board of Agriculture adopted pursuant to this Article, he shall be guilty of a ~~misdemeanor and shall be fined not less than fifty dollars (\$50.00) nor more than two hundred fifty dollars (\$250.00), or imprisoned for not less than 10 nor more than 30 days, for each offense.~~ Class 3 misdemeanor. Each day's violation shall constitute a separate offense."

### —BOLL WEEVIL ERADICATION

Sec. 742. G.S. 106-65.78 reads as rewritten:

#### "§ 106-65.78. Penalties.

(a) Any person who shall violate any of the provisions of this Article or the regulations promulgated hereunder, or who shall alter, forge or counterfeit, or use without authority, any certificate or permit or other document provided for in this

Article or in the regulations promulgated hereunder, shall be guilty of a ~~misdemeanor and shall, upon conviction thereof, be punished by a fine of not less than fifty dollars (\$50.00) nor more than one thousand dollars (\$1,000) or by imprisonment not exceeding one year, or both, in the discretion of the court.~~ Class 1 misdemeanor.

(b) Any person who shall, except in compliance with the regulations of the Commissioner, move any regulated article into this State from any other state which the Commissioner found in such regulations is infested by the boll weevil, shall be guilty of a ~~misdemeanor and shall be subject to the penalties provided in subsection (a) hereof.~~ Class 1 misdemeanor."

#### **—SALE OF AGRICULTURAL LIMING MATERIALS AND LANDPLASTER**

Sec. 743. G.S. 106-92.14 reads as rewritten:

##### **"§ 106-92.14. Penalties for violations of this Article.**

Any person convicted of violating any provision of this Article or the rules and regulations promulgated thereunder shall be guilty of a Class 3 misdemeanor and fined not less than two hundred dollars (\$200.00) nor more than one thousand dollars (\$1,000) in the discretion of the court. Nothing in this Article shall be construed as requiring the Commissioner or his authorized agent to report for prosecution or for the institution of seizure proceedings as a result of minor violations of the Article when he believes that the public interest will best be served by a suitable written warning."

#### **—FOOD, DRUGS, AND COSMETICS**

Sec. 744. G.S. 106-124(a) reads as rewritten:

"(a) Any person, firm or corporation violating any provision of this Article, or any regulation of the Board adopted pursuant to this Article, shall be guilty of a ~~misdemeanor, and for each violation shall be fined not less than one hundred dollars (\$100.00) nor more than one thousand dollars (\$1,000), or shall be imprisoned for not more than 60 days, or both.~~ Class 2 misdemeanor. In addition, if any person continues to violate or further violates any provision of this Article after written notice from the Commissioner, or his duly designated agent, the court may determine that each day during which the violation continued or is repeated constitutes a separate violation subject to the foregoing penalties."

#### **—RENDERING OPERATIONS OR COLLECTING RAW MATERIAL**

Sec. 745. G.S. 106-168.15 reads as rewritten:

##### **"§ 106-168.15. Violation a misdemeanor.**

Any person conducting rendering operations or collecting raw material in violation of the provisions of this Article shall be guilty of a ~~misdemeanor and shall, upon conviction, be punished in the discretion of the court.~~ Class 1 misdemeanor."

#### **—SALE OF IMMATURE APPLES**

Sec. 746. G.S. 106-189.2(b) reads as rewritten:

"(b) Any person, firm or corporation violating the provisions of this section shall be guilty of a Class 3 misdemeanor and shall be punished only by a fine of not less than one hundred dollars (\$100.00). Each day on which apples are sold or offered for sale in violation of the provisions of this section shall constitute a separate violation."

#### **—MARKETING AND BRANDING FARM PRODUCTS**

Sec. 747. G.S. 106-196 reads as rewritten:

**"§ 106-196. Violation of Article or regulations a misdemeanor.**

Any person who violates any provision of this Article, or of the rules and regulations made under the Article for carrying out its provisions, or fails or refuses to comply with any requirement thereof, or who wilfully interferes with agents or employees in the execution, or on account of the execution, of his or their duties, shall be guilty of a Class 3 misdemeanor. ~~Any person convicted of a misdemeanor under this Article shall be punished by a fine of not more than one hundred dollars (\$100.00), or by imprisonment in the county jail for not more than 30 days, or by both in the discretion of the court.~~

**—SHIPPING FRUIT OR VEGETABLES NOT HAVING GROWER'S OR SHIPPER'S NAME**

Sec. 748. G.S. 106-197 reads as rewritten:

**"§ 106-197. Shipping fruit or vegetables not having grower's or shipper's name stamped on receptacle a misdemeanor.**

Any person or persons, firm or corporation selling or offering for sale or consignment any barrel, crate, box, or other case, package or receptacle containing any berries, fruit, melons, potatoes, vegetables, truck or produce of any kind whatsoever, to be shipped to any point within or without the State, without the true name of the grower or packer either written, printed, stamped or otherwise placed thereon in distinct and legible characters, shall be guilty of a ~~misdemeanor and fined not exceeding fifty dollars (\$50.00) or imprisoned not exceeding 30 days.~~ Class 3 misdemeanor. This section shall not apply to railroads, express companies and other transportation companies selling or offering for sale for transportation or storage charges or any other charges accruing to said railroads, express companies or other transportation companies any barrel, crate, box, or other case, package or receptacle containing berries, fruit, melons, potatoes, vegetables, truck or produce."

**—PLANT PROTECTION AND CONSERVATION ACT**

Sec. 749. G.S. 106-202.19(a1) reads as rewritten:

"(a1) Any person convicted of violating this Article, or any rule of the Board adopted pursuant to this Article shall be guilty of a Class 3 misdemeanor, and for a first violation shall only be fined not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00); and upon a subsequent conviction shall only be fined not less than five hundred dollars (\$500.00) and not more than one thousand dollars (\$1000). Each illegal movement or distribution of a protected plant shall constitute a separate violation. In addition, if any person continues to violate or further violates any provision of this Article after written notice from the Board, the court may determine that each day during which the violation continued or is repeated constitutes a separate violation subject to the foregoing penalties."

**—NORTH CAROLINA EGG LAW**

Sec. 750. G.S. 106-245.24(a) reads as rewritten:

"(a) Any person who violates any provision of this Article shall be guilty of a ~~misdemeanor, punishable by a fine of not less than twenty-five dollars (\$25.00) and not more than two hundred dollars (\$200.00), or imprisonment for not more than 30 days, or both.~~ Class 3 misdemeanor."

**—RECORDS AND HANDLING OF PROCESSED EGGS**

Sec. 751. G.S. 106-245.38(a) reads as rewritten:

"(a) It shall be a Class 1 misdemeanor for any handler knowingly to report falsely to the Department the quantity of eggs or processed eggs handled by him during any period, to falsify the records of the eggs or processed eggs handled by him, to fail to keep a complete record of the eggs or processed eggs handled by him, or to fail to preserve the records for a period of not less than two years from the time the eggs or processed eggs are handled."

## —INSPECTION OF ICE CREAM PLANTS, CREAMERIES, AND CHEESE FACTORIES

Sec. 752. G.S. 106-255 reads as rewritten:

### "**§ 106-255. Violation of Article a misdemeanor; punishment.**

Any person, firm, or corporation who shall violate any of the provisions of this Article shall be guilty of a Class 3 misdemeanor, and upon conviction thereof shall only be fined not to exceed twenty-five dollars (\$25.00) for the first offense, and for each subsequent offense in the discretion of the court."

## —RECORDS AND REPORTS OF MILK PRODUCERS AND PROCESSORS

Sec. 753. G.S. 106-266 reads as rewritten:"

### "**§ 106-266. Violation made misdemeanor.**

Any person, firm, or corporation violating any of the provisions of this Article and/or any rule, regulation or order promulgated in accordance with the provisions of this Article shall be guilty of a misdemeanor, and shall, upon conviction thereof, be fined not more than one thousand dollars (\$1,000), or be imprisoned for not more than one year, or both fined and imprisoned in the discretion of the court. Class 1 misdemeanor."

## —REGULATION OF MILK AND CREAM

Sec. 754. G.S. 106-266.14 reads as rewritten:

### "**§ 106-266.14. Penalties.**

Any person violating any provisions of this Article, or order promulgated under the provisions thereof, or of any license issued by the Commission shall be guilty of a Class 1 misdemeanor and may be prosecuted and punished therefor, and upon conviction, shall be punished by a fine of not less than twenty five dollars (\$25.00) and not more than one hundred dollars (\$100.00), or by imprisonment in the county jail for not less than 30 days nor more than one year, or by both fine and imprisonment, and each day during which such violation shall continue shall be deemed a separate violation. Prosecutions for violations of this Article shall be instituted by the Attorney General or otherwise, in any county or city of the State of North Carolina in which such violations occur."

## —REPRESENTATIVE AVERAGE SAMPLE OF CREAM OR MILK

Sec. 755. G.S. 106-267.4 reads as rewritten:

### "**§ 106-267.4. Representative average sample; misdemeanor, what deemed.**

In taking samples of milk or cream from any milk can, cream can or any container of milk or cream, the contents of such milk can, cream can, or container of milk and cream shall first be thoroughly mixed either by stirring or otherwise, and the sample shall be taken immediately after mixing or by any other method which gives a representative

average sample of the contents, and it is hereby made a Class 2 misdemeanor to take samples by any method or to fraudulently manipulate such samples so as not to give an accurate and representative average sample where milk or cream is bought or sold and where the value of said milk or cream is determined by the butterfat contained therein."

#### **—INSPECTION, GRADING, AND TESTING OF DAIRY PRODUCTS**

Sec. 756. G.S. 106-268.1 reads as rewritten:

##### **"§ 106-268.1. Penalties.**

Any person, firm or corporation violating any of the provisions of this Article, or any of the rules, regulations or standards promulgated hereunder, shall be deemed guilty of a ~~misdemeanor and upon conviction thereof shall be punished by a fine of not more than one hundred dollars (\$100.00) and the cost of prosecution, or by imprisonment in the county jail for a period of not more than two months, or both such fine and imprisonment in the discretion of the court.~~ Class 2 misdemeanor."

#### **—FALSE CERTIFICATION OF PUREBRED CROP SEEDS MADE MISDEMEANOR**

Sec. 757. G.S. 106-275 reads as rewritten:

##### **"§ 106-275. False certification of purebred crop seeds made misdemeanor.**

It shall be a Class 1 misdemeanor, ~~punishable by fine or imprisonment in the discretion of the court,~~ for any person, firm, association, or corporation, selling seeds, tubers, plants, or plant parts in North Carolina, to use any evidence of certification, such as a blue tag or the word 'certified' or both, on any package of seed, tubers, plants, or plant parts, nor shall the word 'certified' be used in any advertisement of seeds, tubers, plants, or plant parts, unless such commodities used for plant propagation shall have been duly inspected and certified by the agency of certification provided for in this Article, or by a similar legally constituted agency of another state or foreign country."

#### **—NORTH CAROLINA SEED LAW**

Sec. 758. G.S. 106-277.24 reads as rewritten:

##### **"§ 106-277.24. Penalty for violations.**

Any person, firm or corporation violating any provision of this Article or any rule or regulation adopted pursuant thereto shall be guilty of a Class 3 misdemeanor and upon conviction thereof shall only pay a fine of not more than five hundred dollars (\$500.00)."

#### **—INTERFERENCE WITH COMMISSIONER OF AGRICULTURE**

Sec. 759. G.S. 106-284.20 reads as rewritten:

##### **"§ 106-284.20. Interference with Commissioner, etc., or other violation a misdemeanor; penalties.**

If anyone shall interfere with or attempt to interfere with the Commissioner or any of his agents, while engaged in the performance of his duties under this law or shall violate any provision of this law or any rule or regulation of the Board of Agriculture adopted pursuant to this law, he shall be guilty of a ~~misdemeanor and shall be fined and imprisoned in the discretion of the court.~~ Class 1 misdemeanor. Each day's violation shall constitute a separate offense."

#### **—COMMERCIAL FEED LAW**

Sec. 760. G.S. 106-284.44(a) reads as rewritten:

"(a) Any person who shall be adjudged to have violated any provision of this Article, or any regulation of the Board adopted pursuant to this Article, shall be guilty of a ~~misdemeanor, and for each violation shall be fined not less than one hundred dollars (\$100.00) nor more than one thousand dollars (\$1,000) or shall be imprisoned for not more than 60 days, or both.~~ Class 2 misdemeanor. In addition, if any person continues to violate or further violates any provision of this Article after written notice from the Commissioner, or his duly designated agent, the court may determine that each day during which the violation continued or is repeated constitutes a separate violation subject to the foregoing penalties."

Sec. 761. G.S. 106-284.44(f) reads as rewritten:

"(f) Any person who uses to his own advantage, or reveals to other than the Board, or officers of the other State agencies whose requests are deemed justifiable by the Commissioner, or to the courts when relevant in any judicial proceeding, any information acquired under the authority of this Article, concerning any method, records, formulations, or processes which as a trade secret is entitled to protection, is guilty of a ~~misdemeanor and shall be subject upon conviction to the penalties contained in subsection (a) of this section.~~ Class 2 misdemeanor. provided, that this prohibition shall not be deemed as prohibiting the Commissioner, or his duly authorized agent, from exchanging information of a regulatory nature with duly appointed officials of the United States government, or of the other states, who are similarly prohibited by law from revealing this information."

## **—RULES ON QUARANTINE OF LIVESTOCK AND POULTRY**

Sec. 762. G.S. 106-307 reads as rewritten:

### **"§ 106-307. Violation of proclamation or rules.**

Any person, firm, or corporation violating the terms of the proclamation of the Governor, or any rule or regulation made by the Commissioner of Agriculture in pursuance thereof, shall be guilty of a ~~misdemeanor and fined not in excess of five hundred dollars (\$500.00) or imprisoned up to six months, or both fined and imprisoned, in the discretion of the court.~~ Class 2 misdemeanor."

### **—FAILURE TO INOCULATE QUARANTINED POULTRY**

Sec. 763. G.S. 106-307.6 reads as rewritten:

### **"§ 106-307.6. Violation made misdemeanor.**

Any person, firm or corporation who shall violate any provisions set forth in G.S. 106-307.1 to 106-307.5 or any rule or regulation duly established by the State Board of Agriculture shall be guilty of a ~~misdemeanor and shall be fined not in excess of five hundred dollars (\$500.00) or imprisoned up to six months, or both fined and imprisoned, in the discretion of the court.~~ Class 2 misdemeanor."

### **—BURIAL OF HOGS DYING NATURAL DEATH REQUIRED**

Sec. 764. G.S. 106-310 reads as rewritten:

### **"§ 106-310. Burial of hogs dying natural death required.**

It shall be the duty of every person, firm, or corporation who shall lose a hog by any form of natural death to have the same buried in the earth to a depth of at least two feet within 12 hours after the death of the animal. Any person, firm, or corporation that shall fail to comply with the terms of this section shall be guilty of a Class 3 misdemeanor,

and shall be fined not less than five dollars (\$5.00) nor more than ten dollars (\$10.00) for each offense, at the discretion of the court."

### **—HOGS AFFECTED WITH CHOLERA TO BE SEGREGATED AND CONFINED**

Sec. 765. G.S. 106-311 reads as rewritten:

#### **"§ 106-311. Hogs affected with cholera to be segregated and confined.**

If any person having swine affected with the disease known as hog cholera, or any other infectious or contagious disease, who discovers the same, or to whom notice of the fact shall be given, shall fail or neglect for one day to secure the diseased swine from the approach of or contact with other hogs not so affected, by penning or otherwise securing and effectually isolating them so that they shall not have access to any ditch, canal, branch, creek, river or other watercourse which passes beyond the premises of the owners of such swine, he shall be guilty of a ~~misdemeanor, and upon conviction shall be fined not exceeding fifty dollars (\$50.00) or imprisoned not exceeding 30 days.~~ Class 3 misdemeanor."

### **—SHIPPING HOGS FROM CHOLERA-INFECTED TERRITORY**

Sec. 766. G.S. 106-312 reads as rewritten:

#### **"§ 106-312. Shipping hogs from cholera-infected territory.**

It shall be unlawful for any person, firm or corporation in any district or territory infected by cholera to bring, carry, or ship hogs into any stock-law section or territory, unless such hogs have been certified to be free from cholera either by the farm demonstration agent of the county or some other suitable person to be designated by the clerk of the superior court. Any violation of this section shall constitute a Class 1 misdemeanor."

### **—MANUFACTURE AND USE OF SERUM ANTI-HOG-CHOLERA AND VIRUS**

Sec. 767. G.S. 106-314 reads as rewritten:

#### **"§ 106-314. Manufacture and use of serum and virus restricted.**

It shall be unlawful for any person, firm, or corporation to distribute, sell, or use in the State anti-hog-cholera serum unless said anti-hog-cholera serum is produced at the serum plant of the State Department of Agriculture, or produced in a plant which is licensed by the Biological Products Licensing Section, Animal Inspection and Quarantine Division, Agricultural Research Service of the United States Department of Agriculture, allowing said plant to do an interstate business.

It shall be unlawful for any person, firm, or corporation to distribute, sell, or use in the State of North Carolina, virulent blood from hog-cholera-infected hogs, or virus, unless said virulent blood, or virus, is produced at the serum plant of the State Department of Agriculture or produced in a plant which is licensed by the Biological Products Licensing Section, Animal Inspection and Quarantine Division, Agricultural Research Service of the United States Department of Agriculture, allowing said plant to do an interstate business. No virulent blood from hog-cholera-infected hogs, or virus, shall be distributed, sold or used in the State unless and until permission has been given in writing by the State Veterinarian for such distribution, sale or use. Said permission to be cancelled by the State Veterinarian when necessary.

Any person, firm, or corporation guilty of violating the provisions of this section or failing or refusing to comply with the requirements thereof shall be guilty of a Class 1 misdemeanor."

#### **—RESTRICTING USE OF VIRULENT HOG-CHOLERA VIRUS**

Sec. 768. G.S. 106-316.4 reads as rewritten:

#### **"§ 106-316.4. Penalties for violation of §§ 106-316.1 to 106-316.5.**

Any person, firm or corporation violating the provisions of G.S. 106-316.1 to 106-316.5 shall be guilty of a ~~misdemeanor, and upon the first conviction shall be fined not less than fifty dollars (\$50.00) or imprisoned in the discretion of the court. For a second offense, any such violator shall be fined not less than two hundred dollars (\$200.00) or imprisoned in the discretion of the court, or both.~~ Class 1 misdemeanor."

#### **—HOG CHOLERA**

Sec. 769. G.S. 106-321 reads as rewritten:

#### **"§ 106-321. Penalties for violation.**

Any person, firm or corporation who shall violate any provision set forth in this Article or any rule or regulation duly established by the State Board of Agriculture or emergency rules and regulations established by the Commissioner of Agriculture shall be guilty of a ~~misdemeanor and shall be fined or imprisoned, or both, in the discretion of the court.~~ Class 1 misdemeanor."

#### **—ANIMAL TUBERCULOSIS**

Sec. 770. G.S. 106-349 reads as rewritten:

#### **"§ 106-349. Violation of law a misdemeanor.**

Any person or persons who shall violate any provision set forth in G.S. 106-336 to 106-350, or any rule or regulation duly established by the State Board of Agriculture or any officer or inspector who shall willfully fail to comply with any provisions of this law, shall be guilty of a Class 1 misdemeanor."

#### **—DUTY OF THE SHERIFF IN TICK ERADICATION**

Sec. 771. G.S. 106-360 reads as rewritten:

#### **"§ 106-360. Duty of sheriff.**

It shall be the duty of the sheriff, in any county in which the work of tick eradication is in progress, to render all quarantine inspectors any assistance necessary in the enforcement of G.S. 106-351 to 106-363 and the regulations of the North Carolina Department of Agriculture. If the sheriff of any county shall neglect, fail or refuse to render his assistance when so required, he shall be guilty of a ~~misdemeanor and be punishable at the discretion of the court.~~ Class 1 misdemeanor."

#### **—CATTLE TICKING**

Sec. 772. G.S. 106-362 reads as rewritten:

#### **"§ 106-362. Penalty for violation.**

Any person, firm or corporation who shall violate any provisions set forth in G.S. 106-351 to 106-363 or any rule or regulation duly established by the State Board of Agriculture, or any officer or inspector who shall willfully fail to comply with any provision of G.S. 106-351 to 106-363 shall be guilty of a Class 1 misdemeanor."

#### **—BRUCELLOSIS**

Sec. 773. G.S. 106-397 reads as rewritten:

**"§ 106-397. Violation made misdemeanor.**

Any person or persons who shall violate any provision set forth in G.S. 106-388 to 106-398, or any rule or regulation duly established pursuant to this Article by the State Board of Agriculture or any inspector who shall willfully fail to comply with any provisions of G.S. 106-388 to 106-398, shall be guilty of a Class 1 misdemeanor."

**—PUNISHMENT FOR SALE OF ANIMALS KNOWN TO BE INFECTED, OR UNDER QUARANTINE**

Sec. 774. G.S. 106-398 reads as rewritten:

**"§ 106-398. Punishment for sale of animals known to be infected, or under quarantine.**

Any person or persons who shall willfully and knowingly sell or otherwise dispose of any animal or animals known to be affected with brucellosis, or under quarantine because of suspected exposure to brucellosis, except as provided for in G.S. 106-388 to 106-398, shall be guilty of a ~~misdemeanor, and punishable by a fine of not less than fifty dollars (\$50.00) and not more than two hundred dollars (\$200.00), or imprisoned for a term of not less than 30 days or more than two years.~~ Class 1 misdemeanor."

**—ANIMALS AFFECTED WITH GLANDERS TO BE KILLED**

Sec. 775. G.S. 106-404 reads as rewritten:

**"§ 106-404. Animals affected with glanders to be killed.**

If the owner of any animal having the glanders or farcy shall omit or refuse, upon discovery or knowledge of its condition, to deprive the same of life at once, he shall be guilty of a ~~misdemeanor, and upon conviction shall be fined not more than fifty dollars (\$50.00) or imprisoned not more than 30 days.~~ Class 3 misdemeanor."

**—CONTROL OF LIVESTOCK DISEASES**

Sec. 776. G.S. 106-405 reads as rewritten:

**"§ 106-405. Violation made misdemeanor.**

Any person or persons who shall knowingly and willfully violate any provision of G.S. 106-400 to 106-403 shall be guilty of a ~~misdemeanor and punishable by a fine not in excess of five hundred dollars (\$500.00) or imprisonment not in excess of six months, or both fine and imprisonment.~~ Class 2 misdemeanor."

**—FEEDING GARBAGE TO SWINE**

Sec. 777. G.S. 106-405.9 reads as rewritten:

**"§ 106-405.9. Penalties.**

Any person, firm or corporation who shall knowingly violate any provisions set forth in this Part or any rule or regulation duly established by the State Board of Agriculture, or any officer or inspector who shall willfully fail to comply with any provisions of this Part shall be guilty of a ~~misdemeanor and shall be fined or imprisoned, or both, in the discretion of the court.~~ Class 1 misdemeanor. Such person, firm, or corporation may be enjoined from continuing such violation."

**—EQUINE INFECTIOUS ANEMIA**

Sec. 778. G.S. 106-405.19 reads as rewritten:

**"§ 106-405.19. Violation made misdemeanor.**

Any person who shall willfully move, direct the movement, or allow to be moved, from the premises where quartered any animal or animals known to be infected with

equine infectious anemia, or under quarantine because of suspected exposure to equine infectious anemia, or who shall violate any provision of this Part or any rule or regulation promulgated by the Board of Agriculture under this Part shall be guilty of a ~~misdemeanor and shall be fined not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00), or imprisoned, or both, in the discretion of the court.~~ Class 1 misdemeanor."

#### **—REGULATION OF USE OF LIVESTOCK REMOVED FROM MARKET; SWINE SHIPPED OUT OF STATE**

Sec. 779. G.S. 106-411 reads as rewritten:

#### **"§ 106-411. Regulation of use of livestock removed from market; swine shipped out of State.**

Any person or persons who shall remove, or whose agent or employee at the direction of the employer, shall remove from a public livestock market any cattle, swine, or other livestock for immediate slaughter shall use them for immediate slaughter only or resale for immediate slaughter only in compliance with this Article and the applicable regulations of the Department of Agriculture. It shall be a Class 1 misdemeanor for the owner of any cattle, swine or other livestock purchased for immediate slaughter, to order, direct or procure his agent or employee to transport said cattle, swine, or other livestock to any place other than a recognized slaughter plant or as provided in G.S. 106-409 and 106-410; and the agent or employee who transports said animal or animals shall likewise be guilty of a Class 1 misdemeanor.

Provided that, it shall not be a violation of law to ship swine out of this State to holding or feeding lots as provided for in G.S. 106-410."

#### **—TRANSPORTATION, SALE, ETC., OF DISEASED LIVESTOCK**

Sec. 780. G.S. 106-414 reads as rewritten:

#### **"§ 106-414. Transportation, sale, etc., of diseased livestock; burden of proving health; movement to laboratory; removal of identification.**

No cattle, swine, or other livestock with visible symptoms of a contagious or infectious disease shall be transported or otherwise moved on any public highway or street in this State except upon written permission of the Commissioner of Agriculture or his authorized representative. The burden of proof to establish the health of any animal transported on the public highways of this State, or sold, traded, or otherwise disposed of in any public place shall be upon the vendor. Any person who shall sell, trade, or otherwise dispose of any animal affected with, or exposed to, a contagious or infectious disease, or one he has or should have reason to believe is so affected, or exposed, shall be civilly liable for all damages resulting from such sale or trade; provided that, nothing in this section shall prevent an individual who owns or has custody of sick animals from transporting sick or dead animals to a disease diagnostic laboratory operated or approved by the North Carolina Department of Agriculture if reasonable and proper precautions to prevent the exposure of other animals is taken by the owner or transporter thereof.

It shall be a Class 1 misdemeanor to remove before slaughter any ear tag, back tag, or other mark of identification approved by the Commissioner of Agriculture for

identifying animals for disease control purposes unless prior written authorization has been obtained from the State Veterinarian or his authorized representative."

#### **—RESPONSIBILITY FOR HEALTH, ETC., OF ANIMALS**

Sec. 781. G.S. 106-417 reads as rewritten:

#### **"§ 106-417. Violation made misdemeanor; responsibility for health, etc., of animals.**

Any person, firm, or corporation who shall knowingly violate any provisions set forth in this Article or any rule or regulation duly established by the State Board of Agriculture, or any officer or inspector who shall willfully fail to comply with any provisions of this Article, shall be guilty of a ~~misdemeanor, and shall be fined or imprisoned or both, in the discretion of the court.~~ Class 1 misdemeanor. A market operating under this Article shall not be responsible for the health or death of an animal sold through such market if the provisions of this Article have been complied with."

#### **—ATTEMPT TO PREVENT INSPECTION OF PREMISES INTERFERENCE WITH THE COMMISSIONER OF AGRICULTURE**

Sec. 782. G.S. 106-423.1 reads as rewritten:

#### **"§ 106-423.1. Criminal penalties; violation of laws or regulations.**

If anyone shall attempt to prevent inspection of his premises as provided in the preceding sections, or shall otherwise interfere with the Commissioner of Agriculture, or any of his agents, while engaged in the performance of his duties under this Article, or shall violate any provisions of this Article or any regulations of the Board of Agriculture adopted pursuant to this Article, he shall be guilty of a ~~misdemeanor and shall be fined not less than five (\$5.00) nor more than fifty dollars (\$50.00), or imprisoned for not less than 10 nor more than 30 days, for each offense.~~ Class 3 misdemeanor. Each day's violation shall constitute a separate offense."

#### **—LEASING AND LICENSING OF PROPERTY BY SUPERINTENDENT; MANNER OF OPERATING WAREHOUSE SYSTEM**

Sec. 783. G.S. 106-439 reads as rewritten:

#### **"§ 106-439. Leasing and licensing of property by superintendent; manner of operating warehouse system.**

The State warehouse superintendent shall have the power to lease for State operation by State employees and for stated terms property for the warehousing by the State of cotton and other agricultural commodities. The State warehouse superintendent shall also have the power to lease from, and to license private or corporate warehouse property for the warehousing of such agricultural commodities under State license, general supervision and control, as a component unit of the State warehouse system. The terms and conditions of the State license shall prevail over the stated terms and conditions of the lease. In no event, however, regardless of the terms and conditions of the lease, shall any rental be paid by the State until the operating expenses of the leased warehouse facility shall have been paid from the income from the leased warehouse facility. The State shall not be responsible in any case for the payment of rental, except from the income of any leased warehouse facility in excess of the operating expenses of the facilities. The State warehouse superintendent shall fix the terms upon which private or corporate warehouses may be permitted to operate under State license and

supervision, and obtain the benefits thereof, regardless of the terms and conditions of any lease agreement between the private or corporate warehouse and the State. It shall be his special duty to foster and encourage the erection of warehouses in the various cotton-growing and agricultural counties of the State for operation under the terms of this Article, and to provide an adequate system of inspection, and of rules, forms, and reports to insure the security of the system, such matters to be approved by the State Board of Agriculture. The violation of such rules shall be a Class 1 misdemeanor. Cotton and other agricultural products may be stored in such warehouses by any person owning them, and receive all of the benefits accruing from operation of such warehouses under direct State management, or as the case may be, under State license, general supervision and regulation, as component units of the State warehouse system and any person permitted to store cotton or other products in any such warehouse shall pay to the manager of the warehouse such sum or sums for rent or storage as may be agreed upon, subject to G.S. 106-432, by the manager, and such person desiring storage therein."

## —NUMBERING OF COTTON BALES BY PUBLIC GINNORIES

Sec. 784. G.S. 106-451.1 reads as rewritten:

### "§ 106-451. Numbering of cotton bales by public ginnories; public gin defined.

(a) Any person, firm or corporation operating any public cotton gin, that is, any cotton gin other than one ginning solely for the individual owner, owners, or operators thereof, shall hereafter be required to distinctly and clearly number, serially, each and every bale of cotton ginned, in one of the following ways:

- (1) Attach a metal strip carrying the serial number to one of the ties of the bale and ahead of the tie lock, and so secure it that ordinary handling will not remove or disfigure the number.
- (2) Impress the serial number upon one of the bands or ties around the bale.

Any person, firm or corporation failing or refusing to comply with this section shall be guilty of a ~~misdemeanor for each and every offense, and upon conviction shall be fined not exceeding fifty dollars (\$50.00) or imprisoned not more than 30 days.~~ Class 3 misdemeanor.

(b) Any person, firm or corporation buying a bale of cotton on which this number has: (i) been removed; (ii) defaced by cutting; (iii) or otherwise altered, unless a new metal strip is attached and impression made by the original gin ginning said bale or bales of cotton, shall be guilty of a ~~Class 3~~ Class 3 misdemeanor for each and every offense ~~and upon conviction shall be fined not exceeding fifty dollars (\$50.00) or imprisoned not more than 30 days.~~

(c) Every public ginnery, as defined in subsection (a) of this section, shall keep a book in which shall be registered all cotton received at the gin to be ginned in the name of the owner of the cotton and the name of the person from whom the cotton is received for ginning. Any person giving false information for entry in this book shall be guilty of a Class 1 misdemeanor. There shall be furnished by the ginner for each bale of cotton ginned, to the owner thereof, a gin ticket bearing the name of the gin, the serial number of the bale prescribed by subsection (a) of this section, the weight of the bale and the

name of the owner of the cotton. Such gin ticket shall be presented, for comparison with the serial number prescribed in subsection (a) of this section, at the time such bale is sold or offered for sale, as *prima facie* evidence of ownership thereof."

#### **—PURCHASERS OF COTTON TO KEEP RECORDS OF PURCHASES**

Sec. 785. G.S. 106-451 reads as rewritten:

##### **"§ 106-451.1. Purchasers of cotton to keep records of purchases.**

Every cotton broker or other person buying cotton from the producer after it is ginned shall keep a record of such purchase for a period of one year from date of purchase. This record shall contain the name and address of the seller of the cotton, the date on which purchased, the weight or amount and the serial number of the bales provided for by G.S. 106-451. Any person violating the provisions of this section shall be guilty of a ~~misdemeanor and shall, upon conviction, be fined or imprisoned in the discretion of the court.~~ Class 1 misdemeanor: Provided, any person, firm or corporation who purchases cotton which has been ginned outside this State shall be required to keep only so much of the records hereinabove specified as purchasers are required to keep by the law of the state where said cotton was ginned."

#### **—COTTON WAREHOUSE ACT**

Sec. 786. G.S. 106-451.28 reads as rewritten:

##### **"§ 106-451.28. Violation a misdemeanor; fraudulent or deceptive acts.**

Any person who shall violate any provision of this Article or who shall engage in any fraudulent or deceptive practice in the operation of a warehouse licensed under this Article shall be guilty of a ~~misdemeanor, and upon conviction thereof shall be fined not more than ten thousand dollars (\$10,000) or double the value of the cotton involved, whichever is more, or imprisoned for not more than two years, or both, in the discretion of the court.~~ Class 1 misdemeanor."

#### **—WAREHOUSE PROPRIETOR, ETC., TO RENDER BILL OF CHARGES; PENALTY**

Sec. 787. G.S. 106-454 reads as rewritten:

##### **"§ 106-454. Warehouse proprietor, etc., to render bill of charges; penalty.**

The owner, operator, or person in charge of each warehouse shall render to each seller of tobacco at the warehouse a bill plainly stating the amount charged for weighing and handling, the amount charged for auction fees, and the commission charged on such sale, and it shall be unlawful for any other charge or fees to be made or accepted. Any person, firm, corporation, or any employee thereof, violating the provisions of this section shall be guilty of a ~~Class 3 misdemeanor and fined not less than one hundred dollars (\$100.00) nor more than two hundred and fifty dollars (\$250.00) and/or imprisoned not to exceed 30 days for the first offense, and for the second or additional offenses a Class 2 misdemeanor, fined not less than five hundred dollars (\$500.00) nor more than one thousand dollars (\$1,000) or imprisoned for not less than 30 days or more than six months, or both fined and imprisoned, in the discretion of the court.~~ Class 2 misdemeanor, fined not less than five hundred dollars (\$500.00) nor more than one thousand dollars (\$1,000) or imprisoned for not less than 30 days or more than six months, or both fined and imprisoned, in the discretion of the court."

#### **—TOBACCO PURCHASES TO BE PAID FOR BY CASH OR CHECK TO ORDER**

Sec. 788. G.S. 106-455 reads as rewritten:

##### **"§ 106-455. Tobacco purchases to be paid for by cash or check to order.**

The proprietor of each and every warehouse shall pay for all tobacco sold in said warehouse either in cash or by giving to the seller a check payable to his order in his full name or in his surname and initials and it shall be unlawful to use any other method. Every person, firm or corporation violating the provisions hereof shall, in addition to any and all civil liability which may arise by law, be guilty of a ~~misdemeanor and, upon conviction thereof, shall be punishable by fine not exceeding one hundred dollars (\$100.00) or imprisonment not exceeding 30 days, or both, in the discretion of the court.~~ Class 3 misdemeanor."

#### **--LEAF TOBACCO SALES**

Sec. 789. G.S. 106-464 reads as rewritten:

#### **"§ 106-464. Violation made misdemeanor.**

Any person, firm or corporation violating the provisions of G.S. 106-461 to 106-463 shall be guilty of a ~~misdemeanor, and upon conviction shall be fined not more than fifty dollars (\$50.00) or imprisoned not more than 30 days.~~ Class 3 misdemeanor."

#### **--TOBACCO BOARDS OF TRADE; PRICE FIXING PROHIBITED**

Sec. 790. G.S. 106-465 reads as rewritten:

#### **"§ 106-465. Organization and membership of tobacco boards of trade; rules and regulations; fire insurance and extended coverage required; price fixing prohibited.**

Tobacco warehousemen and the purchasers of leaf tobacco, at auction, on warehouse floors, are hereby authorized to organize, either as nonstock corporations, or voluntary associations, tobacco boards of trade in the several towns and cities in North Carolina in which leaf tobacco is sold on warehouse floors, at auction.

Such tobacco boards of trade as may now exist, or which may hereafter be organized, are authorized to make reasonable rules and regulations for the economical and efficient handling of the sale of leaf tobacco at auction on the warehouse floors in the several towns and cities in North Carolina in which an auction market is situated.

Each tobacco board of trade organized pursuant to this section shall, on or before June 1, 1973, by regulation, require that all auction warehouse firms which are members of, or may hereafter request membership in, such board of trade for the purpose of displaying for sale and selling leaf tobacco, deposit with the board of trade prior to the market opening, a copy of a policy of fire insurance and extended coverage in a company licensed to do business in North Carolina to fully insure, as determined by the board of trade, the market value of the maximum volume of tobacco that will be weighed and left displayed for sale on said warehouse floor at any time during the marketing season. Warehouses using mechanized conveyor-line auction sales where tobacco is not displayed for sale on sales floor would be excluded from the requirement of this regulation.

In determining the market value and maximum volume of tobacco that will be weighed and placed on said warehouse floor at any one time, the board of trade shall use as criteria the prior season's official gross average price for that belt, as recorded by the North Carolina Department of Agriculture and the maximum limit of daily sales, as recommended by the currently functioning flue-cured and burley tobacco marketing organizations, applied to each warehouse based on the firm's pro rata share of the

market's maximum limit daily sales opportunity, multiplied times the number of days of sales that said warehouse plans to place on sales floor at any one time, including any and all tobacco weighed and deposited with the warehouse as bailee for future sale. The data relating to the official average price and the maximum limits of daily sales shall be assembled and supplied by the North Carolina Commissioner of Agriculture or his representative to the board of trade in each tobacco market in North Carolina, at least 30 days prior to the opening of markets in each belt.

It shall be unlawful for any person, firm, or corporation to operate an auction sale in said market until said policy is so deposited with and approved by the board of trade. The board of trade shall enjoin the sale of tobacco by any warehouse firm that fails to so deposit a policy of fire insurance and extended coverage with the board.

The tobacco boards of trade in the several towns and cities in North Carolina are authorized to require as a condition to membership therein the applicants to pay a reasonable membership fee and the following schedule of maximum fees shall be deemed reasonable, to wit:

A membership fee of fifty dollars (\$50.00) in those towns in which less than 3,000,000 pounds of tobacco was sold at auction between the dates of August 20, 1931, and May 1, 1932; a fee of one hundred dollars (\$100.00) in those towns in which during said period of time more than 3,000,000 and less than 10,000,000 pounds of tobacco was sold; a fee of one hundred fifty dollars (\$150.00) in those towns in which during said period of time more than 10,000,000 and less than 25,000,000 pounds of tobacco was sold; a fee of three hundred dollars (\$300.00) in those towns in which during said period of time more than 25,000,000 pounds of tobacco was sold.

Membership, in good standing, in a local board of trade shall be deemed a reasonable requirement by such board of trade as a condition to participating in the business of operating a tobacco warehouse or the purchase of tobacco at auction therein.

Membership in the several boards of trade may be divided into two categories:

- (1) Warehousemen;
- (2) Purchasers of leaf tobacco other than warehousemen.

Purchasers of leaf tobacco may be: (i) participating or (ii) nonparticipating. The holder of a membership as a purchaser of leaf tobacco shall have the option of becoming, upon written notice to the board of trade, either a participating or a nonparticipating member. Individuals, partnerships, and/or corporations who are members of tobacco boards of trade, established under this section or coming within the provisions of this section, as nonparticipating members shall not participate in or have any voice or vote in the management, conduct, activities, allotment of sales time, and/or hours, the fixing of dates for the opening or closing of tobacco auction markets, or in any other manner or respect. Individuals, partnerships, and/or corporations who are such nonparticipating members in any of the several tobacco boards of trade shall not be responsible or liable for any of the acts, omissions or commissions of the several tobacco boards of trade.

It shall be unlawful and punishable as of a Class 1 misdemeanor for any bidder or purchaser of tobacco upon warehouse floors to refuse to take and pay for any basket or baskets so bid off from the seller when the seller has or has not accepted the price

offered by the purchaser or bidder of other baskets. Any person suspended or expelled from a tobacco board of trade under the provisions of this section may appeal from such suspension to the superior court of the county in which said board of trade is located.

Nothing in this section shall authorize the organization of any association having for its purpose the control of prices or the making of rules and regulations in restraint of trade."

#### **—DEALERS IN SCRAP TOBACCO**

Sec. 791. G.S. 106-469 reads as rewritten:

##### **"§ 106-469. Violation made misdemeanor.**

Any person, firm or corporation violating any of the provisions of this Article shall be guilty of a ~~misdemeanor, and upon conviction shall be fined and/or imprisoned in the discretion of the court.~~ Class 1 misdemeanor."

#### **—PRACTICES BY HANDLERS OF FRUITS**

Sec. 792. G.S. 106-501 reads as rewritten:

##### **"§ 106-501. Violation of Article or rules made misdemeanor.**

Any person who violates the provisions of this Article or the rules and regulations promulgated thereunder shall be guilty of a ~~misdemeanor, and shall be punishable by a fine of not more than five hundred dollars (\$500.00) or by imprisonment for not more than one year, or both.~~ Class 1 misdemeanor."

#### **—UNLAWFUL ENTRY ON FAIRGROUNDS A MISDEMEANOR**

Sec. 793. G.S. 106-514 reads as rewritten:

##### **"§ 106-514. Unlawful entry on grounds a misdemeanor.**

If any person, after having been expelled from the fairgrounds of any agricultural or horticultural society, shall offer to enter the same again without permission from such society; or if any person shall break over [open] the enclosing structure of said fairgrounds and enter the same, or shall enter the enclosure of said fairgrounds by means of climbing over, under or through the enclosing structure surrounding the same, or shall enter the enclosure through the gates without the permission of its gatekeeper or the proper officer of said fair association, he shall be guilty of a ~~misdemeanor, and upon conviction shall be fined not more than fifty dollars (\$50.00) or imprisoned not more than 30 days.~~ Class 3 misdemeanor."

#### **—ASSISTING UNLAWFUL ENTRY ON FAIRGROUNDS A MISDEMEANOR**

Sec. 794. G.S. 106-515 reads as rewritten:

##### **"§ 106-515. Assisting unlawful entry on grounds a misdemeanor.**

It shall be unlawful for any person or persons to assist any other person or persons to enter upon the grounds of any fair association when an admission fee is charged, by assisting such other person or persons to climb over or go under the fence or by pulling off a plank or to enter the enclosed grounds by any trick or device or by passing out a ticket or a pass or in any other way. Any violation of this section shall be a ~~misdemeanor and punishable by a fine not exceeding twenty dollars (\$20.00) or imprisonment not exceeding 10 days.~~ Class 3 misdemeanor."

#### **—CARNIVALS AND SIMILAR AMUSEMENTS NOT TO OPERATE WITHOUT PERMIT**

Sec. 795. G.S. 106-516.1 reads as rewritten:

**"§ 106-516.1. Carnivals and similar amusements not to operate without permit.**

Every person, firm, or corporation engaged in the business of a carnival company or a show of like kind, including menageries, merry-go-rounds, Ferris wheels, riding devices, circus and similar amusements and enterprises operated and conducted for profit, shall, prior to exhibiting in any county annually staging an agricultural fair, apply to the sheriff of the county in which the exhibit is to be held for a permit to exhibit. The sheriff of the county shall issue a permit without charge; provided, however, that no permit shall be issued if he shall find the requested exhibition date is less than 30 days prior to a regularly advertised agricultural fair and so in conflict with G.S. 105-37.1(d). Exhibition without a permit from the sheriff of the county in which the exhibition is to be held shall constitute a ~~misdemeanor and be punished by a fine or imprisonment, or both, in the discretion of the court.~~ Class 1 misdemeanor: Provided, that nothing contained in this section shall prevent veterans' organizations and posts chartered by Congress or organized and operated on a statewide or nationwide basis from holding fairs or tobacco festivals on any dates which they may select if such fairs or festivals have heretofore been held as annual events."

**—UNLICENSED VENDING, ETC., NEAR FAIRS**

Sec. 796. G.S. 106-518 reads as rewritten:

**"§ 106-518. Unlicensed vending, etc., near fairs a misdemeanor.**

Any person violating the provisions of G.S. 106-516 and 106-517 shall be guilty of a ~~misdemeanor, punishable by a fine not to exceed fifty dollars (\$50.00) or imprisonment not to exceed 30 days, at the discretion of the court.~~ Class 3 misdemeanor."

**—SUPERVISION OF FAIRS**

Sec. 797. G.S. 106-520.7 reads as rewritten:

**"§ 106-520.7. Violations made misdemeanor.**

Any person who violates any provision of G.S. 106-520.1 through G.S. 106-520.6 is guilty of a ~~misdemeanor punishable by a fine or imprisonment in the discretion of the court.~~ Class 1 misdemeanor."

**—POULTRY, HATCHERIES, CHICK DEALERS**

Sec. 798. G.S. 106-549 reads as rewritten:

**"§ 106-549. Violation a misdemeanor.**

Any person, firm or corporation who shall willfully violate any provision of this Article or any rule or regulation duly established by authority of this Article, shall be guilty of a ~~misdemeanor and shall be fined not in excess of five hundred dollars (\$500.00) or imprisoned not in excess of six months, or both fined and imprisoned, in the discretion of the court.~~ Class 2 misdemeanor."

**—INSPECTION OF THE SLAUGHTER OF ANIMALS**

Sec. 799. G.S. 106-549.27(d) reads as rewritten:

"(d) The slaughter of animals and preparation of articles referred to in paragraphs (a) (2) and (b) of this section shall be conducted in accordance with such sanitary conditions as the Board may by regulations prescribe. Willful violation of any such regulation is a ~~misdemeanor and punishable by a fine of not over five hundred dollars (\$500.00) and imprisonment for not over six months or both fine and imprisonment.~~ Class 2 misdemeanor."

## —REGULATION OF STORAGE OF MEAT

Sec. 800. G.S. 106-549.28 reads as rewritten:

### "§ 106-549.28. Regulation of storage of meat.

The Board may by regulations prescribe conditions under which carcasses, parts of carcasses, meat, and meat food products of cattle, sheep, swine, goats, fallow deer, horses, mules, or other equines, capable of use as human food, shall be stored or otherwise handled by any person, firm, or corporation engaged in the business of buying, selling, freezing, storing, or transporting, in or for intrastate commerce, such articles, whenever the Board deems such action necessary to assure that such articles will not be adulterated or misbranded when delivered to the consumer. Willful violation of any such regulation is a ~~misdemeanor and punishable by a fine of not over five hundred dollars (\$500.00) and imprisonment for not over six months or both fine and imprisonment.~~ Class 2 misdemeanor."

## —INTERFERENCE WITH MEAT AND POULTRY INSPECTION SERVICE

Sec. 801. G.S. 106-549.34 reads as rewritten:

### "§ 106-549.34. Interference with inspector.

Any person who willfully assaults, resists, opposes, impedes, intimidates, or interferes with any person while engaged in or on account of the performance of his official duties under this or the previous Article shall be guilty of a ~~misdemeanor and fined not more than five hundred dollars (\$500.00) or imprisoned for not more than six months or both fined and imprisoned.~~ Class 2 misdemeanor. For the purposes of this section, 'impede,' 'oppose,' and 'intimidate,' or 'interfere' shall include, but not be limited to, the use of profane and indecent language, or any act or gesture, verbal or nonverbal, which tends to cast disrespect on an inspector or the Meat and Poultry Inspection Service. Whoever, in the commission of any such acts, uses a deadly weapon, shall be ~~fined not less than two hundred fifty dollars (\$250.00) or not more than one thousand dollars (\$1,000) or imprisoned not less than one year or not more than two years, or both.~~ guilty of a Class 1 misdemeanor."

## —FEDERAL AND STATE COOPERATION AS TO MEAT INSPECTION; IMPLEMENTATION OF INSPECTION

Sec. 802. G.S. 106-549.36(c) reads as rewritten:

"(c) Any person, firm, or corporation that shall neglect or refuse to attend and testify or to answer any lawful inquiry, or to produce documentary evidence, if in his or its power to do so, in obedience to the subpoena or lawful requirement of the Commissioner shall be guilty of a ~~misdemeanor and upon conviction thereof by a court of competent jurisdiction shall be punished by a fine of not more than five hundred dollars (\$500.00) or by imprisonment for not more than six months or by both such fine and imprisonment.~~ Class 2 misdemeanor."

- (1) Any person, firm, or corporation that shall willfully make, or cause to be made, any false entry or statement of fact in any report required to be made under this Article, or that shall willfully make, or cause to be made, any false entry in any account, record, or memorandum kept by any person, firm, or corporation subject to this Article or that shall willfully neglect or fail to make, or to cause to be made, full, true, and

correct entries in such accounts, records, or memoranda, of all facts and transactions appertaining to the business of such person, firm, or corporation, or that shall willfully remove out of the jurisdiction of this State, or willfully mutilate, alter, or by any other means falsify any documentary evidence of any such person, firm, or corporation or that shall willfully refuse to submit to the Commissioner or to any of his authorized agents, for the purpose of inspection and taking copies, any documentary evidence of any such person, firm, or corporation in his possession or within his control, shall be deemed guilty of ~~an offense and shall be subject, upon conviction in any court of competent jurisdiction to a fine of not more than five hundred dollars (\$500.00) or to imprisonment for a term of not more than six months or to both such fine and imprisonment.~~ a Class 2 misdemeanor.

- (2) If any person, firm, or corporation required by this Article to file any annual or special report shall fail so to do within the time fixed by the Commissioner for filing the same, and such failure shall continue for 30 days after notice of such default, such person, firm, or corporation shall forfeit to this State the sum of one hundred dollars (\$100.00) for each and every day of the continuance of such failure, which forfeiture shall be payable into the general fund of this State, and shall be recoverable in a civil suit in the name of the State brought in the superior court where the person, firm, or corporation has his or its principal office or in Wake County. It shall be the duty of the Attorney General of this State, to prosecute for the recovery of such forfeitures. The costs and expenses of such prosecution shall be paid out of the amount recovered in such action.
- (3) Any officer or employee of this State who shall make public any information obtained by the Commissioner without his authority, unless directed by a court, shall be deemed guilty of a ~~misdemeanor, and, upon conviction thereof, shall be punished by a fine not exceeding five hundred dollars (\$500.00) or by imprisonment, not exceeding six months or by both such fine and imprisonment, in the discretion of the court.~~ Class 2 misdemeanor."

#### **—POULTRY PRODUCTS INSPECTION ACT**

Sec. 803. G.S. 106-549.68(c)(1) reads as rewritten:

- "(1) Any person that shall neglect or refuse to attend and testify or to answer any lawful inquiry, or to produce documentary evidence, if in his or its power to do so, in obedience to the subpoena or lawful requirement of the Commissioner shall be guilty of ~~an offense and upon conviction thereof by a court of competent jurisdiction shall be punished by a fine of not less than one thousand dollars (\$1,000) nor more than five thousand dollars (\$5,000), or by imprisonment for not more than one year, or by both such fine and imprisonment.~~ Class 1 misdemeanor."

Sec. 804. G.S. 106-549.68(c)(2) reads as rewritten:

"(2) Any person that shall willfully make, or cause to be made, any false entry or statement of fact in any report required to be made under this Article, or that shall willfully make, or cause to be made, any false entry in any account, record, or memorandum kept by any person subject to this Article or that shall willfully neglect or fail to make, or to cause to be made, full, true, and correct entries in such accounts, records, or memoranda, of all facts and transactions appertaining to the business of any person subject to this Article or that shall willfully remove out of the jurisdiction of this State, or willfully mutilate, alter, or by any other means falsify any documentary evidence of any such person, or that shall willfully refuse to submit to the Commissioner or to any of his authorized agents, for the purpose of inspection and taking copies, any documentary evidence of any person subject to this Article in his or its possession or within his or its control, shall be deemed guilty of a ~~misdemeanor and shall be subject, upon conviction in any court of competent jurisdiction to a fine of not less than five hundred dollars (\$500.00) nor more than five thousand dollars (\$5,000), or to imprisonment for a term of not more than two years, or to both such fine and imprisonment.~~ Class 1 misdemeanor."

Sec. 805. G.S. 106-549.68(c)(4) reads as rewritten:

"(4) Any officer or employee of this State who shall make public any information obtained by the Commissioner without his authority, unless directed by a court, shall be deemed guilty of a ~~misdemeanor, and, upon conviction thereof, shall be punished by a fine not exceeding two thousand dollars (\$2,000), or by imprisonment, not exceeding one year, or by both such fine and imprisonment, in the discretion of the court.~~ Class 1 misdemeanor."

#### —SUBMISSION OF FORMULA TO SELL ANTIFREEZE

Sec. 806. G.S. 106-579.11 reads as rewritten:

#### **"§ 106-579.11. Submission of formula.**

When application for a license or permit to sell antifreeze in this State is made to the Commissioner, he may require the applicant to furnish a statement of the formula or contents of such antifreeze, which said statement shall conform to rules and regulations established by the Commissioner; provided, however, that the statement of formula or contents may state the content of inhibitor ingredients in generic terms if such inhibitor ingredients total less than five percent (5%) by weight of the antifreeze and if in lieu thereof the manufacturer, packer, seller or distributor furnishes the Commissioner with satisfactory evidence, other than by disclosure of the actual chemical names and percentages of the inhibitor ingredients, that the said antifreeze is in conformity with this Article and any rules and regulations promulgated and adopted by the Board. All statements of content, formulas or trade secrets furnished under this section shall be privileged and confidential and shall not be made public or open to the inspection of any person, firm, association or corporation other than the Commissioner. All such

statements of contents shall not be subject to subpoena nor shall the same be exhibited or disclosed before any administrative or judicial tribunal by virtue of any order or subpoena of such tribunal unless with the consent of the applicant furnishing such statements to the Commissioner; provided, however, that in emergency situations information may be revealed to physicians or to other qualified persons for use in preparation of antidotes. The disclosure of any such information, except as provided in this section, shall be a Class 2 misdemeanor."

#### —NORTH CAROLINA ANTIFREEZE LAW

Sec. 807. G.S. 106-579.12(a) reads as rewritten:

"(a) Any person who shall be adjudged to have violated any provision of this Article, or any regulation of the Board adopted pursuant to this Article, shall be guilty of a ~~misdemeanor, and for each violation shall be fined not less than one hundred dollars (\$100.00) nor more than one thousand dollars (\$1,000) or shall be imprisoned for not more than 60 days, or both.~~ Class 2 misdemeanor. In addition, if any person continues to violate or further violates any provision of this Article after written notice from the Commissioner, the court may determine that each day during which the violation continued or is repeated constitutes a separate violation subject to the foregoing penalties."

#### —GRAIN DEALERS

Sec. 808. G.S. 106-614 reads as rewritten:

#### "§ 106-614. Violation a misdemeanor.

Any person who violates any provision of this Article or any rule or regulation of the Board of Agriculture promulgated hereunder shall be guilty of a ~~misdemeanor and upon conviction thereof fined not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00) or imprisoned for not more than 60 days, or both fined and imprisoned.~~ Class 2 misdemeanor. In case of a continuing violation or violations, each day and each violation occurring constitutes a separate and distinct offense."

#### —BEE AND HONEY ACT OF 1977

Sec. 809. G.S. 106-644(a) reads as rewritten:

"(a) If anyone shall attempt to prevent inspection as provided in this Article or shall otherwise interfere with the Commissioner of Agriculture, or any of his agents, while engaging in the performance of his duties under this Article, or shall violate any provisions of this Article or any regulation of the Board of Agriculture adopted pursuant to this Article, he shall be guilty of a ~~misdemeanor and shall be fined not less than fifty dollars (\$50.00) or imprisoned for not more than 30 days, for each offense.~~ Class 3 misdemeanor. Each day's violation shall constitute a separate offense."

#### —MANUFACTURE AND SALE OF COMMERCIAL FERTILIZER

Sec. 810. G.S. 106-668 reads as rewritten:

#### "§ 106-668. Punishment for violations.

Each of the following offenses shall be a Class 1 misdemeanor and any person upon conviction thereof shall be punished as provided by law for the punishment of Class 1 misdemeanors:

- (1) To manufacture, offer for sale, or sell in this State any mixed fertilizer or fertilizer materials containing any substance that is injurious to crop

growth or deleterious to the soil, or to use in such mixed fertilizer or fertilizer materials as a filler any substance with the effect of defrauding the purchaser.

- (2) To offer for sale or to sell in this State for fertilizer purposes any raw or untreated leather, hair, wool waste, hoof, horn, rubber or similar nitrogenous materials, the plant food content of which is largely unavailable, either as such or mixed with other fertilizer materials.
- (3) To make any false or misleading representation in regard to any mixed fertilizer or fertilizer material shipped, sold or offered for sale by him in this State, or to use any misleading or deceptive trademark or brand in connection therewith. The sale or offer for sale of any mixture of nitrogenous fertilizer materials under a name or other designation descriptive of only one of the components of the mixture shall be considered deceptive and fraudulent.  
The Commissioner is authorized to refuse registration for any commercial fertilizer with respect to which this section is violated.
- (4) The filing with the Commissioner of any false statement of fact in connection with the registration under G.S. 106-660 of any commercial fertilizer.
- (5) Forcibly obstructing the Commissioner or any official inspector authorized by the Commissioner in the lawful performance by him of his duties in the administration of this Article.
- (6) Knowingly taking a false sample of commercial fertilizer for use under provisions of this Article; or knowingly submitting to the Commissioner for analysis a false sample thereof; or making to any person any false representation with regard to any commercial fertilizer sold or offered for sale in this State for the purpose of deceiving or defrauding such other person.
- (7) The fraudulent tampering with any lot of commercial fertilizer so that as a result thereof any sample of such commercial fertilizer taken and submitted for analysis under this Article may not correctly represent the lot; or tampering with any sample taken or submitted for analysis under this Article, if done prior to such analysis and disposition of the sample under the direction of the Commissioner.
- (8) The delivery to any person by the fertilizer chemist or his assistants or other employees of the Commissioner of a report that is willfully false and misleading on any analysis of commercial fertilizer made by the Department in connection with the administration of this Article.
- (9) Selling or offering for sale in this State commercial fertilizer without marking the same as required by G.S. 106-661.
- (10) Selling or offering for sale in this State commercial fertilizer containing less than the minimum content required by G.S. 106-659.
- (11) Failure of any manufacturer, importer, jobber, agent, or dealer to have applied for and to have been issued a permit as required by G.S. 106-

671 before selling, offering, or exposing for sale or distributing commercial fertilizers in this State.

(12) Failure of any manufacturer or contractor to procure a license under the provisions of G.S. 106-660(d) before beginning operations within the State."

## —NORTH CAROLINA BIOLOGICS LAW OF 1981

Sec. 811. G.S. 106-714(a) reads as rewritten:

"(a) Any person adjudged to have violated any provision of this Article or the rules and regulations promulgated thereunder is guilty of a ~~misdemeanor punishable by a fine of no less than one hundred dollars (\$100.00) per violation and no more than one thousand dollars (\$1,000), or imprisonment for no less than 60 days and no more than six months, or both~~ Class 2 misdemeanor. The Attorney General or his representative has concurrent jurisdiction with the district attorneys of this State to prosecute violations under this section."

## —GENETICALLY ENGINEERED ORGANISMS ACT

Sec. 812. G.S. 106-776(c) reads as rewritten:

"(c) A person who interferes with or attempts to interfere with the Commissioner or any of his agents while engaged in the performance of their duties under this Article, or violates any provision of this Article or any rule of the Board, is guilty of a Class 3 misdemeanor and is punishable only by a fine of not less than two hundred fifty dollars (\$250.00) nor more than one thousand dollars (\$1,000) for each offense. Each day's violation shall constitute a separate offense."

## —FRAUDULENT MISREPRESENTATION OF PUBLIC ASSISTANCE

Sec. 813. G.S. 108A-39 reads as rewritten:

### “§ 108A-39. Fraudulent misrepresentation.

(a) Any person whether provider or recipient, or person representing himself as such, who willfully and knowingly and with intent to deceive makes a false statement or representation or who fails to disclose a material fact and as a result of making a false statement or representation or failing to disclose a material fact obtains, for himself or another person, attempts to obtain for himself or another person, or continues to receive or enables another person to continue to receive public assistance in the amount of not more than four hundred dollars (\$400.00) is guilty of a ~~misdemeanor, and upon conviction or plea of guilty shall be fined or imprisoned or both at the discretion of the court~~ Class 1 misdemeanor.

(b) Any person, whether provider or recipient, or person representing himself as such who willfully and knowingly with the intent to deceive makes a false statement or representation or fails to disclose a material fact and as a result of making a false statement or representation or failing to disclose a material fact, obtains for himself or another person, attempts to obtain for himself or another person, or continues to receive or enables another person to continue to receive public assistance in an amount of more than four hundred dollars (\$400.00) is guilty of a Class I felony.

(c) As used in this section the word "person" means person, association, consortium, corporation, body politic, partnership, or other group, entity, or organization."

## —FRAUDULENT MISREPRESENTATION OF FOSTER CARE AND ADOPTION ASSISTANCE PAYMENTS

Sec. 814. G.S. 108A-53 reads as rewritten:

### "§ 108A-53. Fraudulent misrepresentation.

(a) Any person, whether provider or recipient or person representing himself as such, who knowingly obtains or attempts to obtain, or aids or abets any person to obtain by means of making a willfully false statement or representation or by impersonation or by failing to disclose material facts or in any manner not authorized by this Part or the regulations issued pursuant thereto, transfers with intent to defraud any food stamps or authorization cards to which he is not entitled in the amount of two thousand dollars (\$2,000) or less shall be guilty of a Class 1 misdemeanor. Whoever knowingly obtains or attempts to obtain, or aids or abets any person to obtain by means of making a willfully false statement or representation or by impersonation or by failing to disclose material facts or in any manner not authorized by this Part or the regulations issued pursuant thereto, transfers with intent to defraud any food stamps or authorization cards to which he is not entitled in an amount more than two thousand dollars (\$2,000) shall be guilty of a felony and shall be punished as in cases of larceny.

(b) Whoever presents, or causes to be presented, food stamps or authorization cards for payment or redemption, knowing the same to have been received, transferred, or used in any manner in violation of the provisions of this Part or the regulations issued pursuant to this Part shall be guilty of a ~~misdemeanor and upon conviction or plea of guilty shall be fined or imprisoned or both at the discretion of the court.~~ Class 1 misdemeanor.

(c) Whoever receives any food stamps for any consumable item knowing that such food stamps were procured fraudulently under subsections (a) and/or (b) of this section shall be guilty of a ~~misdemeanor and upon conviction or plea of guilty shall be fined or imprisoned or both at the discretion of the court.~~ Class 1 misdemeanor.

(d) Whoever receives any food stamps for any consumable item whose exchange is prohibited by the United States Department of Agriculture shall be guilty of a ~~misdemeanor and upon conviction or plea of guilty shall be fined or imprisoned or both at the discretion of the court.~~ Class 1 misdemeanor."

## —SUBROGATION RIGHTS UNDER A MEDICAL ASSISTANCE PROGRAM

Sec. 815. G.S. 108A-57(b) reads as rewritten:

"(b) It shall be a Class 1 misdemeanor for any person seeking or having obtained assistance under this Part for himself or another to willfully fail to disclose to the county department of social services or its attorney the identity of any person or organization against whom the recipient of assistance has a right of recovery, contractual or otherwise."

## —PROTECTION OF PATIENT PROPERTY UNDER A MEDICAL ASSISTANCE PROGRAM

Sec. 816. G.S. 108A-60(b) reads as rewritten:

"(b) A violation of subdivision (a)(1) of this section shall be a ~~misdemeanor punishable by a fine of not more than two thousand dollars (\$2,000) or imprisonment for not more than two years, or both, in the discretion of the court.~~ Class 1

misdemeanor. A violation of subdivision (a)(2) of this section shall be a Class I felony."

#### **—MEDICAL ASSISTANCE RECIPIENT FRAUD**

Sec. 817. G.S. 108A-64(c)(2) reads as rewritten:

"(2) A person who violates a provision of this section shall be guilty of a Class 1 misdemeanor if the value of the assistance wrongfully obtained is four hundred dollars (\$400.00) or less, and shall be punished by a term of imprisonment of not more than two years or a fine of not more than five hundred dollars (\$500.00), or both, at the discretion of the court."

#### **—CONFLICTS WITH STATE PERSONNEL IN STATE MEDICAL ASSISTANCE PROGRAMS**

Sec. 818. G.S. 108A-65(b) reads as rewritten:

"(b) Violation of this statute is a general Class 1 misdemeanor."

#### **—RECIPIENT CHECK REGISTER/ LIST OF ALL RECIPIENTS OF AFDC AND STATE-COUNTY SPECIAL ASSISTANCE**

Sec. 819. G.S. 108A-80(b) reads as rewritten:

"(b) The Department shall furnish a copy of the recipient check register monthly to each county auditor showing a complete list of all recipients of Aid To Families with Dependent Children and State-County Special Assistance for Adults, their addresses, and the amounts of the monthly grants. This register shall be a public record open to public inspection during the regular office hours of the county auditor, but said register or the information contained therein may not be used for any commercial or political purpose. Any violation of this section shall constitute a Class 1 misdemeanor."

Sec. 820. G.S. 108A-80(c) reads as rewritten:

"(c) Any listing of recipients of benefits under any public assistance or social services program compiled by or used for official purposes by a county board of social services or a county department of social services shall not be used as a mailing list for political purposes. This prohibition shall apply to any list of recipients of benefits of any federal, State, county or mixed public assistance or social services program. Further, this prohibition shall apply to the use of such listing by any person, organization, corporation, or business, including but not limited to public officers or employees of federal, State, county, or other local governments, as a mailing list for political purposes. Any violation of this section shall be punishable as a general Class 1 misdemeanor."

#### **—EXHIBITION OF CHILDREN**

Sec. 821. G.S. 110-20.1(e) reads as rewritten:

"(e) Any violation of this Article shall be a misdemeanor which, upon conviction, shall be punished by a fine of not less than five dollars (\$5.00) nor more than fifty dollars (\$50.00) or imprisonment for not more than 30 days, or both such fine and imprisonment. Class 3 misdemeanor. Each day during which any violation of this Article continues after notice to the violator, from any county social services director, to cease and desist from any violation of this section shall constitute a separate and distinct

offense. Any act or omission forbidden by this Article shall, with respect to each child described therein constitute a separate and distinct offense."

### **—CONTROL OVER CHILD CARE FACILITIES**

Sec. 822. G.S. 110-48 reads as rewritten:

#### **"§ 110-48. Violation a misdemeanor.**

Any person violating any of the provisions of G.S. 110-45, 110-46 and 110-47 shall be guilty of a ~~misdemeanor, and upon conviction shall be fined or imprisoned, or both, in the discretion of the court.~~ Class 1 misdemeanor."

### **—PLACING OR ADOPTION OF JUVENILE DELINQUENTS OR DEPENDENTS**

Sec. 823. G.S. 110-55 reads as rewritten:

#### **"§ 110-55. Violation of Article a misdemeanor.**

Every person acting for himself or for an agency who violates any of the provisions of this Article or who shall intentionally make any false statements to the Social Services Commission or the Secretary of Human Resources or an employee thereof acting for the Department in an official capacity in the placing or adoption of juvenile delinquents or dependents shall, upon conviction thereof, be guilty of a ~~misdemeanor and punished by a fine of not more than two hundred dollars (\$200.00) or by imprisonment for not more than six months, or by both such fine and imprisonment.~~ Class 2 misdemeanor."

### **—DAY CARE FACILITIES**

Sec. 824. G.S. 110-103 reads as rewritten:

#### **"§ 110-103. Criminal penalty.**

Any person who violates the provisions of G.S. 110-98 through G.S. 110-100 or G.S. 110-102 shall be guilty of a ~~general~~ Class 1 misdemeanor. Any person who violates G.S. 110-101 shall be guilty of a ~~misdemeanor punishable by a fine not to exceed three hundred dollars (\$300.00), imprisonment for not more than 30 days, or both.~~ Class 3 misdemeanor."

### **—FRAUD IN OBTAINING ASSISTANCE FOR THE NEEDY BLIND**

Sec. 825. G.S. 111-23 reads as rewritten:

#### **"§ 111-23. Misrepresentation or fraud in obtaining assistance.**

Any person who shall obtain, or attempt to obtain, by means of a willful, false statement, or representation, or impersonation, or other fraudulent devices, assistance to which he is not entitled shall be guilty of a ~~misdemeanor and upon conviction shall be punished by a fine of not more than five hundred dollars (\$500.00), or by imprisonment in the county jail for not more than three months, or by both such fine and imprisonment.~~ Class 2 misdemeanor. The superior court and the recorders' courts shall have concurrent jurisdiction in all prosecutions arising under this Article."

### **—SPECULATION IN PENSION CLAIMS A MISDEMEANOR**

Sec. 826. G.S. 112-32 reads as rewritten:

#### **"§ 112-32. Speculation in pension claims a misdemeanor.**

Any person who shall speculate or purchase for a less sum than that to which each may be entitled the claims of any soldier or sailor or widow of a deceased soldier or sailor, allowed under the provisions of this Article, shall be guilty of a ~~misdemeanor,~~

~~and upon conviction shall be fined or imprisoned, or both in the discretion of the court. Class 1 misdemeanor."~~

### **—TAKING FEES FOR ACKNOWLEDGMENTS BY PENSIONERS**

Sec. 827. G.S. 112-36 reads as rewritten:

#### **"§ 112-36. Taking fees for acknowledgments by pensioners.**

It shall be unlawful for any clerk of the superior court, notary public or any magistrate to charge any Confederate pensioner or the widow of such Confederate pensioner receiving a pension from the State of North Carolina for taking acknowledgments in connection with pension papers.

Any person violating any of the provisions of this section shall be deemed guilty of a ~~misdemeanor and upon conviction shall be fined not more than fifty dollars (\$50.00) or imprisoned not more than 30 days. Class 3 misdemeanor."~~

### **—NOTICE BEFORE MANUFACTURING FROM MINERAL RESOURCES**

Sec. 828. G.S. 113-25 reads as rewritten:

#### **"§ 113-25. Notice to Department before beginning business of manufacturing products from mineral resources of State.**

Every person, firm or corporation engaging in the manufacture or production of any product from any natural resources, classified as mineral products, shall before beginning such operation, or if already engaged in such business, within 90 days after March 9, 1927, notify the Department of its intention to begin or continue such business, and also notify said Department of the product or products it intends to produce.

Every person, firm or corporation now engaged or hereafter engaging in the manufacture or production of any product from any natural resources of the State classified as mineral products, shall notify the Department when such person, firm or corporation shall discontinue such manufacture or production.

Any person, firm or corporation failing to comply with the provisions of this section shall be guilty of a Class 3 misdemeanor, and upon conviction shall only be fined not more than twenty-five dollars (\$25.00) and not less than five dollars (\$5.00), in the discretion of the court."

### **—POWER TO ACQUIRE LAND AS STATE FORESTS, PARKS, ETC.**

Sec. 829. G.S. 113-34(e) reads as rewritten:

"(e) The Department may make reasonable rules for the regulation of the use by the public of said lands and waters and of public service facilities and conveniences constructed thereon, and said rules shall have the force and effect of law and any violation of such rules shall constitute a ~~misdemeanor and shall be punishable by a fine of not more than fifty dollars (\$50.00) or imprisonment of not more than 30 days. Class 3 misdemeanor."~~

### **—DEHNR; FOREST NURSERIES; PARKS; FACILITIES**

Sec. 830. G.S. 113-35(a) reads as rewritten:

"(a) Timber and other products of such State forestlands may be sold, cut and removed under rules of the Department. The Department shall have authority to establish and operate forest tree nurseries and forest tree seed orchards. Forest tree seedlings and seed from these nurseries and seed orchards may be sold to landowners of

the State for purposes of forestation under rules of the Department. When the Secretary determines that a surplus of seedlings or seed exists, this surplus may be sold, and such sale shall be in conformity with the following priority of sale: first, to agencies of the federal government for planting in the State of North Carolina; second, to commercial nurseries and nurserymen within this State; and third, without distinction, to federal agencies, to other states, and to recognized research organizations for planting either within or outside of this State. The Department shall make reasonable rules for the regulation of the use by the public of such and all State forests, State parks, State lakes, game refuges and public shooting grounds under its charge, which rules, after having been posted in conspicuous places on and adjacent to such properties of the State and at the courthouse of the county or counties in which such properties are situated shall have the force and effect of law and any violation of such rules shall constitute a ~~misdemeanor and shall be punishable by a fine of not more than fifty dollars (\$50.00) or by imprisonment for not exceeding 30 days. Class 3 misdemeanor.~~"

Sec. 831. G.S. 113-35(d) reads as rewritten:

"(d) The Department may also grant to private individuals or companies concessions for operation of public service facilities for such periods and upon such conditions as the Department shall deem to be in the public interest. The Department may make reasonable rules for the regulation of the use by the public of the public service facilities and conveniences herein authorized, which rules shall have the force and effect of law, and any violation of such rules shall constitute a ~~misdemeanor and shall be punishable by a fine of not more than fifty dollars (\$50.00) or by imprisonment for not exceeding 30 days. Class 3 misdemeanor.~~"

#### —POWERS OF FOREST RANGERS/FIRES

Sec. 832. G. S. 113-55(a) reads as rewritten:

"(a) Forest rangers shall prevent and extinguish forest fires and shall have control and direction of all persons and equipment while engaged in the extinguishing of forest fires. During a season of drought, the Secretary or his designate may establish a fire patrol in any district, and in case of fire in or threatening any forest or woodland, the forest ranger shall attend forthwith and use all necessary means to confine and extinguish such fire. The forest ranger or deputy forest ranger may summon any resident between the ages of 18 and 45 years, inclusive, to assist in extinguishing fires and may require the use of crawler tractors and other property needed for such purposes; any person so summoned and who is physically able who refuses or neglects to assist or to allow the use of equipment and such other property required shall be guilty of a Class 3 misdemeanor and upon conviction shall only be subject to a fine of not less than fifty dollars (\$50.00) nor more than one hundred dollars (\$100.00). No action for trespass shall lie against any forest ranger, deputy forest ranger, or person summoned by him for crossing lands, backfiring, burning out or performing his duties as a forest ranger or deputy forest ranger."

#### —MISDEMEANOR TO DESTROY POSTED FORESTRY NOTICE

Sec. 833. G.S. 113-58 reads as rewritten:

**"§ 113-58. Misdemeanor to destroy posted forestry notice.**

Any person who shall maliciously or willfully destroy, deface, remove, or disfigure any sign, poster, or warning notice, posted by order of the Secretary, under the provisions of this Article, or any other act which may be passed for the purpose of protecting and developing the forests in this State, shall be guilty of a ~~misdemeanor and upon conviction shall be punishable by a fine of not less than ten dollars (\$10.00) nor more than fifty dollars (\$50.00), or imprisoned not exceeding 30 days. Class 3 misdemeanor.~~

## —ENTRY UPON WOODLANDS OR WATERS FOR HUNTING, FISHING OR TRAPPING/CAMPFIRE OR BURNING BRUSH, GRASS OR OTHER DEBRIS

Sec. 834. G.S. 113-60.3 reads as rewritten:

### "§ 113-60.3. Violation of proclamation a misdemeanor.

Any person, firm or corporation who enters upon any woodlands or inland waters of the State for the purpose of hunting, fishing or trapping, or who builds a campfire or burns brush, grass or other debris within 500 feet of any woodland, after a proclamation has been issued by the Governor forbidding such activities, or who violates any other provisions of the Governor's proclamation with regard to permissible activities in closed woodlands shall be guilty of a ~~misdemeanor and, upon conviction thereof, shall be fined or imprisoned in the discretion of the court.~~ Class 1 misdemeanor."

## —REGULATION OF OPEN FIRES

Sec. 835. G.S. 113-60.29 reads as rewritten:

### "§ 113-60.29. Penalties.

Any person violating the provisions of this Article or of any permit issued under the authority of this Article shall be guilty of a ~~misdemeanor and upon conviction shall be fined not more than fifty dollars (\$50.00) or imprisoned for a period of not more than 30 days, or both, in the discretion of the court.~~ Class 3 misdemeanor. The penalties imposed by this section shall be separate and apart and not in lieu of any civil or criminal penalties which may be imposed by G.S. 143-215.114A or G.S. 143-215.114B. The penalties imposed are also in addition to any liability the violator incurs as a result of actions taken by the Department under G.S. 113-60.28."

## —JURISDICTION OF CONSERVATION AGENCIES

Sec. 836. G.S. 113-135 reads as rewritten:

### "§ 113-135. General penalties for violating Subchapter or rules; increased penalty for prior convictions; interpretive provisions.

(a) Any person who violates any provision of this Subchapter or any rule adopted by the Marine Fisheries Commission or the Wildlife Resources Commission, as appropriate, pursuant to the authority of this Subchapter, is guilty of a misdemeanor except that punishment for violation of the rules of the Wildlife Resources Commission is limited as set forth in G.S. 113-135.1. Unless a different level of punishment is elsewhere set out, anyone convicted of a misdemeanor under this section is punishable as follows:

- (1) For a first conviction, a ~~fine of not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100.00) or imprisonment not to exceed 30 days.~~ as a Class 3 misdemeanor.

(2) For a second or subsequent conviction within one year, ~~a fine of not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00), imprisonment not to exceed 90 days, or both, as a Class 2 misdemeanor.~~

(b) In interpreting this section, provisions elsewhere in this Subchapter making an offense a misdemeanor 'punishable in the discretion of the court' must be considered to set a different level of punishment, to be interpreted in the light of G.S. 14-3 or any equivalent or successor statute. Noncriminal sanctions, however, such as license revocation or suspension, and exercise of powers auxiliary to criminal prosecution, such as seizure of property involved in the commission of an offense, do not constitute different levels of punishment so as to oust criminal liability. Any previous conviction of an offense under this Subchapter, or under rules authorized by it, serves to increase the punishment under subsection (a) even though for a different offense than the second or subsequent one.

(c) For the purposes of this Subchapter, violations of laws or rules administered by the Wildlife Resources Commission under any former general or local law replaced by the present provisions of this Subchapter are deemed to be violations of laws or rules under this Subchapter."

## **—DEPOSITION OF CONFISCATED PROPERTY**

Sec. 837. G.S. 113-137(f) reads as rewritten:

"(f) Subject to orders of his administrative superiors, an inspector or protector in his discretion may leave property which he is authorized to seize in the possession of the defendant with the understanding that such property will be subject to the orders of the court upon disposition of the case. Willful failure or inexcusable neglect of the defendant to keep such property subject to the orders of the court is a ~~misdemeanor punishable in the discretion of the court~~ Class 1 misdemeanor. In exercising his discretion, the inspector or protector should not permit property to be retained by the defendant if there is any substantial risk of its being used by the defendant in further unlawful activity."

## **—USE OF PLANES IN COMMERCIAL FISHING OPERATIONS**

Sec. 838. G.S. 113-167(b) reads as rewritten:

"(b) Unlawful Activity. — The following activities involving the use of a spotter plane in a commercial fishing operation are unlawful:

- (1) To use a spotter plane directed at food fish, except in connection with a purse seine operation authorized by a rule of the Marine Fisheries Commission;
- (2) To use or permit the use of an unlicensed spotter plane or a licensed spotter plane whose license application does not identify the specific commercial fishing operation involved;
- (3) To participate knowingly in a commercial fishing operation that uses an unlicensed spotter plane or a licensed spotter plane whose license application does not identify the specific commercial fishing operation involved.

Violation of this subsection is a ~~misdemeanor punishable by a fine of the greater of one thousand dollars (\$1,000) or the value of any plane, vessel, or catch seized in accordance with G.S. 113-137, by imprisonment for up to two years, or both. Class 1 misdemeanor.~~

## —REGULATION OF COASTAL FISHERIES

Sec. 839. G.S. 113-187 reads as rewritten:

### “§ 113-187. Penalties for violations of Subchapter and rules.

(a) Any person who participates in a commercial fishing operation conducted in violation of any provision of this Subchapter and its implementing rules or in an operation in connection with which any vessel is used in violation of any provision of this Subchapter and its implementing rules is guilty of a ~~misdemeanor punishable in the discretion of the court. Class 1 misdemeanor.~~

(b) Any owner of a vessel who knowingly permits it to be used in violation of any provision of this Subchapter and its implementing rules is guilty of a ~~misdemeanor punishable in the discretion of the court. Class 1 misdemeanor.~~

(c) Any person in charge of a commercial fishing operation conducted in violation of any provision of this Subchapter and its implementing rules or in charge of any vessel used in violation of any provision of this Subchapter and its implementing rules is guilty of a ~~misdemeanor punishable in the discretion of the court. Class 1 misdemeanor.~~

(d) Any person in charge of a commercial fishing operation conducted in violation of the following provisions of this Subchapter or the following rules of the Marine Fisheries Commission; and any person in charge of any vessel used in violation of the following provisions of the Subchapter or the following rules, shall be guilty of a ~~misdemeanor punishable by a fine of not less than two hundred fifty dollars (\$250.00) for the first offense and not less than five hundred dollars (\$500.00) for any offense thereafter, or imprisonment for not more than six months, or both. Class 2 misdemeanor.~~ The violations of the statute or the rules for which the penalty is mandatory are:

- (1) Taking or attempting to take, possess, sell, or offer for sale any oysters, mussels, or clams taken from areas closed by statute, rule, or proclamation because of suspected pollution.
- (2) Taking or attempting to take or have in possession aboard a vessel, shrimp taken by the use of a trawl net, in areas not opened to shrimping, pulled by a vessel not showing lights required by G.S. 75A-6 after sunset and before sunrise.
- (3) Using a trawl net in any coastal fishing waters closed by proclamation or rule to trawl nets.
- (4) Violating the provisions of a special permit or gear license issued by the Department.
- (5) Using or attempting to use any trawl net, long haul seine, swipe net, mechanical methods for oyster or clam harvest or dredge in designated primary nursery areas.”

## —NEW AND RENEWAL LEASES FOR COASTAL FISHERIES

Sec. 840. G.S. 113-202(o) reads as rewritten:

"(o) Every year between January 1 and February 15 the Secretary must mail to all leaseholders a notice of the annual rental due and include forms designed by him for determining the amount of shellfish or shells planted on the leasehold during the preceding calendar year, and the amount of harvest gathered. Such forms may contain other pertinent questions relating to the utilization of the leasehold in the best interests of the shellfish culture of the State, and must be executed and returned by the leaseholder with the payment of his rental. Any leaseholder or his agent executing such forms for him who knowingly makes a false statement on such forms is guilty of a ~~misdemeanor punishable in the discretion of the court.~~ Class 1 misdemeanor."

#### —CLAMMING ON POSTED OYSTER ROCKS FORBIDDEN

Sec. 841. G.S. 113-207(b) reads as rewritten:

"(b) It shall be unlawful for any person to take clams on oyster rocks posted by the Department by use of rakes, tongs, or any other device which will disturb or damage the oysters growing thereon. This section will not apply to the taking of clams by signing. A violation of this section shall constitute a ~~misdemeanor, punishable by imprisonment not to exceed 30 days, or by a fine of one hundred dollars (\$100.00), or by both such fine and imprisonment.~~ Class 3 misdemeanor."

#### —PROTECTION OF PRIVATE SHELLFISH RIGHTS

Sec. 842. G.S. 113-208(a) reads as rewritten:

"(a) It is unlawful for any person, other than the holder of private shellfish rights, to take or attempt to take shellfish from any privately leased, franchised, or deeded shellfish bottom area without written authorization of the holder and with actual knowledge it is a private shellfish bottom area. Actual knowledge will be presumed when the shellfish are taken or attempted to be taken:

- (1) From within the confines of posted boundaries of the area as identified by signs, whether the whole or any part of the area is posted, or
- (2) When the area has been regularly posted and identified and the person knew the area to be the subject of private shellfish rights.

A violation of this section shall constitute a Class 2 misdemeanor, punishable by imprisonment not to exceed six months, or by which may include a fine of not more than five thousand dollars (\$5,000), ~~or both such fine and imprisonment.~~ The written authorization shall include the lease number or deed reference, name and address of authorized person, date of issuance, and date of expiration, and it must be signed by the holder of the private shellfish right. Identification signs shall include the lease number or deed reference and the name of the holder."

#### —MARINE FISHERIES INSPECTORS

Sec. 843. G.S. 113-222 reads as rewritten:

#### “§ 113-222. Arrest, service of process and witness fees of inspectors.

All arrest fees and other fees that may be charged in any bill of costs for service of process by inspectors must be paid to the county in which the trial is held. No witness fee may be taxed in any bill of costs by virtue of the appearance of an inspector as a witness in a criminal case within his enforcement jurisdiction. Acceptance by any

inspector of any arrest fee, witness fee, or any other fee to which he is not entitled is a ~~misdemeanor punishable in the discretion of the court. Class 1 misdemeanor.~~"

#### **—DREDGE OR FILL/ESTUARINE WATERS OR STATE LAKES**

Sec. 844. G.S. 113-229(k) reads as rewritten:

"(k) Any person, firm, or corporation violating the provisions of this section shall be guilty of a ~~misdemeanor, and shall be punished by a fine of not more than five hundred dollars (\$500.00), or by imprisonment of not more than 90 days, or both. Class 2 misdemeanor.~~ Each day's continued operation after notice by the Department to cease shall constitute a separate offense. A notice to cease shall be served personally or by certified mail."

#### **—ORDERS TO CONTROL ACTIVITIES IN COASTAL WETLANDS**

Sec. 845. G.S. 113-230(d) reads as rewritten:

"(d) Any person, firm or corporation that violates any order issued under the provisions of this section shall be guilty of a ~~misdemeanor, and shall be punished by a fine of not more than five hundred dollars (\$500.00), or by imprisonment for not more than six months, or both in the discretion of the court. Class 2 misdemeanor.~~"

#### **—TAKING FISH OR WILDLIFE BY DRUGS, EXPLOSIVES OR ELECTRICITY**

Sec. 846. G.S. 113-262(a) reads as rewritten:

"(a) Except as otherwise provided in this Subchapter, or in rules permitting use of electricity to take certain fish, it is a ~~Class 2 misdemeanor punishable by a fine of not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00), imprisonment not to exceed 90 days, or both to take any fish or wildlife through the use of poisons, drugs, explosives, or electricity.~~ This subsection does not apply to any person lawfully using any poison or pesticide under the Structural Pest Control Act of North Carolina of 1955, as amended, or the North Carolina Pesticide Law of 1971, as amended."

#### **—PROPERTY OF WRC**

Sec. 847. G.S. 113-264(b) reads as rewritten:

"(b) Unless a different level of punishment is elsewhere set out, willful removal of, damage to, or destruction of any property of the Department or the Wildlife Resources Commission is a ~~misdemeanor punishable in the discretion of the court. Class 1 misdemeanor.~~"

#### **—INTERFERENCE WITH ARTIFICIAL REEF MARKING DEVICES**

Sec. 848. G.S. 113-266 reads as rewritten:

#### **"§ 113-266. Interference with artificial reef marking devices.**

It shall be a ~~general Class 1 misdemeanor, punishable in the discretion of the court pursuant to G.S. 14-3,~~ for any person to destroy, injure, relocate, or remove any navigational aids, buoys, markers, or other devices lawfully set out by the Division of Marine Fisheries in connection with the marking of any artificial reef in the coastal waters of the State and in the Atlantic Ocean to the seaward extent of the State's jurisdiction as now or hereafter defined."

#### **—ROBBING OR INJURING NETS, SEINES, BUOYS, POTS, ETC.**

Sec. 849. G.S. 113-268(d) reads as rewritten:

"(d) Violation of subsections (a), (b), or (c) is a Class 2 misdemeanor punishable for a first conviction, by a fine not to exceed two hundred dollars (\$200.00), by imprisonment not to exceed three months, or by both and punishable a Class 1 misdemeanor for a second or subsequent conviction, by a fine not to exceed five hundred dollars (\$500.00), by imprisonment not to exceed one year, or by both."

#### **—ROBBING OR INJURING HATCHERIES AQUACULTURE**

Sec. 850. G.S. 113-269(e) reads as rewritten:

"(e) Violation of subsections (b) or (c) for fish or aquatic species valued at more than four hundred dollars (\$400.00) is punishable under G.S. 14-72. Violation of subsections (b) or (c) for fish or aquatic species valued at four hundred dollars (\$400.00) or less is a misdemeanor punishable by a fine not less than five hundred dollars (\$500.00), by imprisonment not to exceed one year, or both. Class 1 misdemeanor."

Sec. 851. G.S. 113-269(f) reads as rewritten:

"(f) Violation of subsection (d) is a misdemeanor punishable by a fine of not less than one thousand dollars (\$1,000), by imprisonment for not less than one year, or both. Class 1 misdemeanor."

#### **—AGENTS FOR THE WILDLIFE RESOURCES COMMISSION**

Sec. 852. G.S. 113-270.1(d) reads as rewritten:

"(d) The Wildlife Resources Commission may make rules in implementing the authority granted in subsection (c), but it need not set out in its rules details as to forms of license, records and accounting procedures, and other reasonable requirements that may be administratively promulgated by employees of the Wildlife Resources Commission in implementation of the purposes of this Article in order for such administrative requirements to be deemed validly required. It is a Class 1 misdemeanor punishable in the discretion of the court for a license agent:

- (1) To withhold or misappropriate funds from the sale of licenses;
- (2) To falsify records of licenses sold;
- (3) Wilfully and knowingly to assist or allow a person to obtain a license for which he is ineligible;
- (4) Wilfully to issue a backdated license;
- (5) Wilfully on records or licenses to include false information or omit material information as to:
  - a. A person's entitlement to a particular license; or
  - b. The applicability or term of a particular license; or
- (6) To refuse to return all consigned licenses, or to remit the net value of consigned licenses sold or unaccounted for, upon demand from an authorized employee of the Wildlife Resources Commission."

Sec. 853. G.S. 113-270.1(h) reads as rewritten:

"(h) Upon termination of the appointment, the former agent must return to the Wildlife Resources Commission all record books, reports, license forms, moneys, and other property pertaining to the license agency, and must allow agents of the Wildlife Resources Commission to conduct necessary inspections and audits required in terminating the license agency. Each day's refusal after termination to return, upon

demand, the record books, reports, license forms, moneys, and other property pertaining to the license agency is a separate offense. Each instance of refusal, after termination, to allow agents of the Wildlife Resources Commission to conduct necessary inspections and audits during regular business hours is a separate offense. A violation of this subsection is a ~~misdemeanor punishable by a fine of not more than five hundred dollars (\$500.00), imprisonment not to exceed 90 days, or both. Class 2 misdemeanor.~~ Before termination, violations by license agents are punishable under G.S. 113-135, subsection (d) above, or other provision of this Subchapter, as appropriate."

#### **—DEALER LICENSES FOR COMMERCIAL GAME AND FISH DEALERS**

Sec. 854. G.S. 113-273(h) reads as rewritten:

"(h) Game Bird Propagation License. — No person may propagate game birds in captivity or possess game birds for propagation without first procuring a license under this subsection. The Wildlife Resources Commission may by rule prescribe the activities to be covered by the propagation license, which species of game birds may be propagated, and the manner of keeping and raising the birds, in accordance with the overall objectives of conservation of wildlife resources. Except as limited by this subsection, propagated game birds may be raised and sold for purposes of propagation, stocking, food, or taking in connection with dog training as authorized in G.S. 113-291.1(d). Migratory game bird operations authorized under this subsection must also comply with any applicable provisions of federal law and rules. The Wildlife Resources Commission may impose requirements as to shipping, marking packages, banding, tagging, or wrapping the propagated birds and other restrictions designed to reduce the chance of illicit game birds being disposed of under the cover of licensed operations. The Wildlife Resources Commission may make a reasonable charge for any bands, tags, or wrappers furnished propagators. The game bird propagation license is issued by the Wildlife Resources Commission upon payment of a fee of five dollars (\$5.00). It authorizes a person or individual to propagate and sell game birds designated in the license, in accordance with the rules of the Wildlife Resources Commission, except:

- (1) Wild turkey and ruffed grouse may not be sold for food.
- (2) Production and sale of pen-raised quail for food purposes is under the exclusive control of the Department of Agriculture. The Wildlife Resources Commission, however, may regulate the possession, propagation, and transportation of live pen-raised quail.

Wild turkey acquired or raised under a game bird propagation license shall be confined in a cage or pen approved by the Wildlife Resources Commission and no such wild turkey shall be released for any purpose or allowed to range free. It is a ~~Class 3 misdemeanor punishable by a fine of not less than one hundred dollars (\$100.00) in addition to such other punishment the court may impose in its discretion to sell wild turkey or ruffed grouse for food purposes, to sell quail other than lawfully acquired pen-raised quail for food purposes, or to release or allow wild turkey to range free.~~"

#### **—LICENSES AND PERMITS DISTRIBUTED BY THE WRC**

Sec. 855. G.S. 113-275(j) reads as rewritten:

"(j) It is a ~~Class 1 misdemeanor punishable in the discretion of the court for any person:~~

- (1) Knowingly to engage in any activity regulated under this Article with an improper, false, or altered license or permit;
- (2) Knowingly to make any application for a license or permit to which he is not entitled;
- (3) Knowingly to make any false, fraudulent, or misleading statement in applying for a license or permit under this Article; or
- (4) To counterfeit, alter, or falsify any application, license, or permit under this Article."

### **—OBSTRUCTING WILDLIFE AGENT**

Sec. 856. G.S. 113-276.2(g) reads as rewritten:

"(g) Upon revocation of a license or permit, the Executive Director or his agent must request return of the license or permit and all associated forms, tags, record books, inventories, invoice blanks, and other property furnished by the Wildlife Resources Commission or required to be kept by the Commission solely in connection with the license or permit. If the person needs to retain a copy of the property returned to the Wildlife Resources Commission for tax purposes or other lawful reason, the person may copy items returned if the copies are clearly marked in a manner that they could not be mistaken for the originals. In securing property to be returned or in otherwise closing out the affairs conducted under the license or permit, agents of the Wildlife Resources Commission may enter at reasonable hours the premises of the person in which wildlife resources or items of property pertaining to the license or permit are kept, or reasonably believed to be kept, to inspect, audit, inventory, remove, or take other appropriate action. Any wildlife resources in the possession of the person which he may no longer possess must be disposed of in accordance with the most nearly appropriate provision of G.S. 113-137. If a person fails to return to an agent of the Wildlife Resources Commission all wildlife resources and other property covered by this subsection; refuses to allow entry by the agent to inspect, audit, remove property, or perform other duties; or otherwise obstructs an agent of the Wildlife Resources Commission in performing his duties under this subsection, he is guilty of a ~~misdemeanor punishable by a fine of not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00), imprisonment not to exceed 90 days, or both.~~ Class 2 misdemeanor. Each day's violation is a separate offense."

Sec. 857. G.S. 113-276.2(i) reads as rewritten:

"(i) The Executive Director is required to make necessary investigations and cause necessary disclosure of information by all persons subject to administrative control, and all applicants for a license or permit that would place them in this category, to determine that the real party in interest is seeking or has been issued the license or permit. Any attempt to circumvent the provisions of this section is a ~~misdemeanor punishable in the discretion of the court.~~ Class 1 misdemeanor."

### **—SUSPENSION AND REVOCATION OF WILDLIFE RESOURCES COMMISSION LICENSES**

Sec. 858. G.S. 113-277(b) reads as rewritten:

"(b) It is a ~~Class 1 misdemeanor punishable in the discretion of the court~~ for any person during a period of suspension or revocation under the terms of this Article:

- (1) To engage in any activity licensed in this Article without the appropriate license or permit;
- (2) Knowingly to make any application for a license or permit to which he is not entitled;
- (3) Knowingly to make any false, fraudulent, or misleading statement in applying for a license or permit under this Article;
- (4) To counterfeit, alter, or falsify any application, license, or permit under this Article;
- (5) Knowingly to retain and use any license or permit which has been ordered revoked or suspended under the terms of this Article; or
- (6) Willfully to circumvent the terms of suspension or revocation in any manner whatsoever."

#### **—REMOVAL, DESTRUCTION, OR MUTILATION OF POSTED NOTICES**

Sec. 859. G.S. 113-286 reads as rewritten:

##### **"§ 113-286. Removal, destruction, or mutilation of posted notices.**

Unauthorized removal, destruction, or mutilation of posted notices on registered property is a ~~misdemeanor punishable by a fine of not less than fifty dollars (\$50.00), imprisonment not to exceed 90 days, or both. Class 2 misdemeanor.~~

#### **—PENALTIES FOR CRIMINALLY NEGIGENT HUNTING**

Sec. 860. G.S. 113-290.1(a) reads as rewritten:

"(a) A person who violates the provisions of this Article is guilty of a misdemeanor punishable as follows:

- (1) If property damage only results from the unlawful activity, a ~~fine of not less than two hundred fifty dollars (\$250.00) nor more than one thousand dollars (\$1,000), or imprisonment not to exceed 60 days, or both, in the discretion of the court, Class 2 misdemeanor~~, and the court shall order the payment of restitution to the property owner;
- (2) If bodily injury not leading to the disfigurement or total or partial permanent disability of another person results from the unlawful activity, a ~~fine of not less than five hundred dollars (\$500.00) nor more than two thousand dollars (\$2,000), or imprisonment not to exceed two years, or both, in the discretion of the court, Class 1 misdemeanor~~; if property damage also results from the unlawful activity, the court shall order the payment of restitution to the property owner;
- (3) If bodily injury leading to the disfigurement or total or partial permanent disability of another person results from the unlawful activity, a ~~fine of not less than seven hundred fifty dollars (\$750.00) nor more than two thousand dollars (\$2,000), and imprisonment for not less than 15 days nor more than two years, Class 1 misdemeanor~~; if property damage also results from the unlawful activity, the court shall order the payment of restitution to the property owner;
- (4) If death results from the unlawful activity, a ~~fine of not less than one thousand dollars (\$1,000) nor more than two thousand dollars (\$2,000), and imprisonment for not less than 30 days nor more than~~

~~two years; Class 1 misdemeanor; if property damage also results from the unlawful activity, the court shall order the payment of restitution to the property owner."~~

Sec. 861. G.S. 113-290.1(d) reads as rewritten:

"(d) A person convicted of hunting or taking wild animals or wild birds while his hunting license is suspended under this section shall be ~~fined not less than five hundred dollars (\$500.00) nor more than two thousand dollars (\$2,000), or imprisoned not to exceed two years, or both, guilty of a Class 1 misdemeanor~~, and shall have all hunting privileges suspended for an additional five years. The person shall not be issued another hunting license until he has satisfactorily completed the hunter safety course established in G.S. 113-270.1A."

### —MANNER OF TAKING WILD ANIMALS AND WILD BIRDS

Sec. 862. G.S. 113-291.1(c) reads as rewritten:

"(c) It is a ~~Class 1 misdemeanor punishable in the discretion of the court~~ for any person taking wildlife to have in his possession any:

- (1) Firearm equipped with a silencer or any device designed to silence, muffle, or minimize the report of the firearm. The firearm is considered equipped with the silencer or device whether it is attached to the firearm or separate but reasonably accessible for attachment during the taking of the wildlife.
- (2) Weapon of mass death and destruction as defined in G.S. 14-288.8.

The Wildlife Resources Commission may prohibit individuals training dogs or taking particular species from carrying axes, saws, tree-climbing equipment, and other implements that may facilitate the unlawful taking of wildlife, except tree-climbing equipment may be carried and used by persons lawfully taking raccoons and opossums during open season."

### —SPECIFIC VIOLATIONS FOR POSSESSION AND SALE OF WILDLIFE

Sec. 863. G.S. 113-294 reads as rewritten:

#### "§ 113-294. Specific violations.

(a) Any person who unlawfully sells, possesses for sale, or buys any wildlife is guilty of a ~~misdemeanor. Unless Class 2 misdemeanor, unless~~ a greater penalty is prescribed for the offense in question, ~~any person convicted under this subsection is punishable by a fine of not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00), imprisonment not to exceed 90 days, or both.~~ question.

(b) Any person who unlawfully sells, possesses for sale, or buys any deer or wild turkey is guilty of a ~~misdemeanor. Unless Class 3 misdemeanor, unless~~ a greater penalty is prescribed for the offense in question, ~~any person convicted under this subsection is punishable by a fine of not less than two hundred fifty dollars (\$250.00), in addition to such other punishment the court may impose in its discretion.~~ question.

(c) Any person who unlawfully takes, possesses, or transports any wild turkey is guilty of a ~~misdemeanor. Unless Class 3 misdemeanor, unless~~ a greater penalty is prescribed for the offense in question, ~~any person convicted under this subsection is punishable by a fine of not less than two hundred fifty dollars (\$250.00) in addition to such other punishment the court may impose in its discretion.~~ question.

(c1) Any person who unlawfully takes, possesses, transports, sells, possesses for sale, or buys any bear or bear part is guilty of a Class 1 misdemeanor. Unless misdemeanor, unless a greater penalty is prescribed for the offense in question, any person convicted under this subsection is punishable by a fine of not less than two thousand dollars (\$2,000) or imprisonment not to exceed two years, or both, in addition to such other punishment the court may impose in its discretion. question. Each of the acts specified shall constitute a separate offense.

(c2) Any person who unlawfully takes, possesses, transports, sells, possesses for sale, or buys any cougar (*Felis concolor*) is guilty of a misdemeanor. Unless Class 1 misdemeanor, unless a greater penalty is prescribed for the offense in question, any person convicted under this subsection is punishable by a fine of not less than ten thousand dollars (\$10,000) or imprisonment not to exceed two years, or both, in addition to such other punishment as the court may impose in its discretion. question.

(d) Any person who unlawfully takes, possesses, or transports any deer is guilty of a misdemeanor. Unless Class 3 misdemeanor, unless a greater penalty is prescribed for the offense in question, any person convicted under this subsection is punishable by a fine of not less than one hundred dollars (\$100.00) in addition to such other punishment the court may impose in its discretion. question.

(e) Any person who unlawfully takes deer between a half hour after sunset and a half hour before sunrise with the aid of an artificial light is guilty of a misdemeanor. Unless Class 3 misdemeanor, unless a greater penalty is prescribed for the offense in question, any person convicted under this subsection is punishable by a fine of not less than two hundred fifty dollars (\$250.00) in addition to such other punishment the court may impose in its discretion. question.

(f) Any person who unlawfully takes, possesses, transports, sells, or buys any beaver, or violates any rule of the Wildlife Resources Commission adopted to protect beavers, is guilty of a misdemeanor. Unless Class 2 misdemeanor, unless a greater penalty is prescribed for the offense in question, any person convicted under this subsection is punishable by a fine of not less than fifty dollars (\$50.00) nor more than two hundred dollars (\$200.00), imprisonment not to exceed 90 days, or both. question.

(g) Any person who unlawfully takes wild animals or birds from or with the use of a vessel equipped with a motor or with motor attached is guilty of a misdemeanor. Unless Class 2 misdemeanor, unless a greater penalty is prescribed for the offense in question, any person convicted under this subsection is punishable by a fine of not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00), imprisonment not to exceed 90 days, or both. question.

(h) Any person who wilfully makes any false or misleading statement in order to secure for himself or another any license, permit, privilege, exemption, or other benefit under this Subchapter to which he or the person in question is not entitled is guilty of a misdemeanor punishable in the discretion of the court. Class 1 misdemeanor.

(i) Any person who violates any provision of G.S. 113-291.6, regulating trapping, is guilty of a misdemeanor. Unless Class 2 misdemeanor, unless a greater penalty is prescribed for the offense in question, any person convicted under this

~~subsection is punishable by a fine of not less than fifty dollars (\$50.00) nor more than two hundred dollars (\$200.00), imprisonment not to exceed 90 days, or both. question.~~

(j) Any person who takes any fox by unlawful trapping or with the aid of any electronic calling device is guilty of a ~~misdemeanor. Unless Class 2 misdemeanor, unless~~ a greater penalty is prescribed for the offense in question, any person convicted under this subsection is punishable by a fine of not less than fifty dollars (\$50.00) nor more than two hundred dollars (\$200.00), imprisonment not to exceed 90 days, or both. question.

(k) Any person who has been convicted of one of the fox offenses listed below who subsequently commits the same or another one of the fox offenses listed below is guilty of a ~~misdemeanor. Unless Class 3 misdemeanor, unless~~ a greater penalty is prescribed for the offense in question, any person convicted of a second or subsequent fox offense under this subsection is punishable by a fine of not less than two hundred fifty dollars (\$250.00) in addition to such other punishment the court may impose in its discretion. The fox offenses covered by this subsection are unlawfully selling, possessing for sale, or buying a fox; taking a fox by unlawful trapping; or unlawfully taking a fox with the aid of any electronic calling device.

(l) Any person who unlawfully takes, possesses, transports, sells or buys any bald eagle or golden eagle, alive or dead, or any part, nest or egg of a bald eagle or golden eagle is guilty of a ~~misdemeanor. Unless Class 1 misdemeanor, unless~~ a greater penalty is prescribed for the offense in question, any person convicted under this subsection is punishable by a fine of not more than one thousand dollars (\$1,000), or imprisonment of not more than one year, or both. question.

(m) Any person who unlawfully takes any migratory game bird with a rifle; or who unlawfully takes any migratory game bird with the aid of live decoys or any salt, grain, fruit, or other bait; or who unlawfully takes any migratory game bird during the closed season or during prohibited shooting hours; or who unlawfully exceeds the bag limits or possession limits applicable to any migratory game bird is guilty of a ~~Class 3 misdemeanor. In addition to any other penalty prescribed in this Subchapter for the offense in question, any person convicted under this subsection is punishable by a fine of not less than one hundred fifty dollars (\$150.00) in addition to any other punishment that the court, in its discretion, may impose."~~

## **—UNLAWFUL HARASSMENT OF PERSONS TAKING WILDLIFE RESOURCES**

Sec. 864. G.S. 113-295(a) reads as rewritten:

"(a) It is unlawful for a person to interfere intentionally with the lawful taking of wildlife resources or to drive, harass, or intentionally disturb any wildlife resources for the purpose of disrupting the lawful taking of wildlife resources. It is unlawful to take or abuse property, equipment, or hunting dogs that are being used for the lawful taking of wildlife resources. This subsection does not apply to a person who incidentally interferes with the taking of wildlife resources while using the land for other lawful activity such as agriculture, mining, or recreation. This subsection also does not apply to activity by a person on land he owns or leases.

Violation of this subsection is a Class 2 misdemeanor punishable for a first conviction ~~by a fine not to exceed two hundred dollars (\$200.00), by imprisonment not to exceed three months, or by both and punishable a Class 1 misdemeanor~~ for a second or subsequent conviction ~~by a fine not to exceed five hundred dollars (\$500.00), by imprisonment not to exceed one year, or by both."~~

#### **—USE OF POISONS AND PESTICIDES**

Sec. 865. G.S. 113-300.3(c) reads as rewritten:

"(c) Any person taking a wild animal or bird declared a pest with the use of poison or pesticide who neglects to observe applicable restrictions imposed by the Commissioner of Agriculture, the Structural Pest Control Committee, the Pesticide Board, or the Wildlife Resources Commission is guilty of a ~~misdemeanor. Unless Class 3 misdemeanor, unless~~ a greater penalty is prescribed for the offense in ~~question, any person convicted under this subsection is punishable by a fine of not more than one hundred dollars (\$100.00), imprisonment not to exceed 30 days, or both.~~ question."

#### **—FEES OF WILDLIFE PROTECTORS**

Sec. 866. G.S. 113-303 reads as rewritten:

#### **"§ 113-303. Arrest, service of process and witness fees of protectors.**

All arrest fees and other fees that may be charged in any bill of costs for service of process by protectors must be paid to the county in which the trial is held. No witness fee may be taxed in any bill of costs by virtue of the appearance of a protector as a witness in a criminal case within his enforcement jurisdiction. Acceptance by any protector of any arrest fee, witness fee, or any other fee to which he is not entitled is a ~~misdemeanor punishable in the discretion of the court. Class 1 misdemeanor.~~ Class 1 misdemeanor."

#### **—ASSENT TO FEDERAL ACTS WITH RESPECT TO GAME AND FISH**

Sec. 867. G.S. 113-307.1(a) reads as rewritten:

"(a) The consent of the General Assembly of North Carolina is hereby given to the making by the Congress of the United States, or under its authority, of all such rules and regulations as the federal government shall determine to be needful in respect to game animals, game and nongame birds, and fish on such lands in the western part of North Carolina as shall have been, or may hereafter be, purchased by the United States under the terms of the act of Congress of March 1, 1911, entitled 'An act to enable any state to cooperate with any other state or states, or with the United States, for the protection of the watersheds of navigable streams, and to appoint a commission for the acquisition of lands for the purposes of conserving the navigability of navigable rivers' (36 Stat. 961), and acts of Congress supplementary thereto and amendatory thereof, and in or on the waters thereon.

Nothing in this subsection shall be construed as conveying the ownership of wildlife from the State of North Carolina or permit the trapping, hunting, or transportation of any game animals, game or nongame birds, or fish by any person, including any agency, department, or instrumentality of the United States or agents thereof, on the lands in North Carolina, as shall have been or may hereafter be purchased by the United States under the terms of any act of Congress, except in accordance with the provisions of this Subchapter and its implementing regulations. Provided, that the provisions of G.S. 113-39 apply with respect to licenses.

Any person, including employees or agents of any department or instrumentality of the United States, violating the provisions of this subsection is guilty of a ~~misdemeanor punishable in the discretion of the court~~ Class 1 misdemeanor."

#### —BOND OF OFFICER OF FISHING AND SEAFOOD AGENCIES

Sec. 868. G.S. 113-315.9(b) reads as rewritten:

"(b) The chairman or executive head of such agency shall cause an annual certified audit to be made of the financial records of the agency. Such audit shall include, among other things, total annual compensation of each employee of the agency and detailed expenses incurred and reimbursed for each employee of the agency. The chairman or executive head of such agency shall cause a copy of the certified audit to be submitted to the Department within 60 days of the end of the agency's fiscal year and shall cause a copy of the audit, or a summary thereof, to be published at least once in one or more newspapers having general circulation in the area where the assessments are made within 60 days of the end of the agency's fiscal year. If the chairman or executive head of the agency shall fail to carry out the provisions of this paragraph, he shall be guilty of a Class 1 misdemeanor."

#### —NORTH CAROLINA SEAFOOD INDUSTRIAL PARK AUTHORITY

Sec. 869. G.S. 113-315.34(c) reads as rewritten:

"(c) The Authority shall post copies of rules concerning traffic and parking at appropriate places on property of the Authority. Violation of a rule concerning traffic or parking on property of the Authority is a ~~misdemeanor, punishable by a fine of up to fifty dollars (\$50.00), imprisonment for up to 30 days, or both~~ Class 3 misdemeanor."

#### —DRILLING FOR OIL OR GAS TO REGISTER AND FURNISH BOND

Sec. 870. G.S. 113-380 reads as rewritten:

#### “§ 113-380. Violation a misdemeanor.

Any person, firm or officer of a corporation violating any of the provisions of G.S. 113-378 or 113-379, shall upon conviction thereof be guilty of a ~~misdemeanor and shall be fined not less than two thousand five hundred dollars (\$2,500) nor more than ten thousand dollars (\$10,000) and may, in the discretion of the court, be imprisoned for not more than two years~~ Class 1 misdemeanor."

#### —MAKING FALSE ENTRIES/OIL AND GAS DRILLING

Sec. 871. G.S. 113-409 reads as rewritten:

#### “§ 113-409. Punishment for making false entries, etc.

Any person who, for the purpose of evading this law, or of evading any rule or order made thereunder, shall intentionally make or cause to be made any false entry or statement of fact in any report required to be made by this law or by any rule or order made hereunder; or who, for such purpose, shall make or cause to be made any false entry in any account, record, or memorandum kept by any person in connection with the provisions of this law or of any rule or order made thereunder; or who, for such purpose, shall omit to make, or cause to be omitted, full, true and correct entries in such accounts, records, or memoranda, of all facts and transactions pertaining to the interest or activities in the petroleum industry of such person as may be required by the Department under authority given in this law or by any rule or order made hereunder; or who, for such purpose shall remove out of the jurisdiction of the State, or who shall

mutilate, alter, or by any other means falsify, any book, record, or other paper, pertaining to the transactions regulated by this law, or by any rule or order made hereunder, shall be deemed guilty of a ~~misdemeanor and shall be subject, upon conviction in any court of competent jurisdiction, to a fine of not more than five hundred dollars (\$500.00), or imprisonment for a term of not more than six months, or both such fine and imprisonment.~~ Class 2 misdemeanor."

## —VIOLATIONS OF THE NATURAL AND SCENIC RIVERS ACT

Sec. 872. G.S. 113A-42(b) reads as rewritten:

"(b) Penalties. – Whoever violates, fails, neglects or refuses to obey any provision of this Article or rule or order of the Secretary is guilty of a Class 3 misdemeanor and may be punished only by a fine of not more than fifty dollars (\$50.00) for each violation, and each day such person shall fail to comply, where feasible, after having been officially notified by the Department shall constitute a separate offense subject to the foregoing penalty."

## —VIOLATION OF THE POLLUTION CONTROL ACT

Sec. 873. G.S. 113A-64(b) reads as rewritten:

"(b) Criminal Penalties. – Any person who knowingly or willfully violates any provision of this Article or any ordinance, rule, regulation, or order duly adopted or issued by the Commission or a local government, or who knowingly or willfully initiates or continues a land-disturbing activity for which an erosion control plan is required, except in accordance with the terms, conditions, and provisions of an approved plan, shall be guilty of a Class 2 misdemeanor ~~punishable by imprisonment not to exceed 90 days, or by which may include~~ a fine not to exceed five thousand dollars (\$5,000), ~~or by both, in the discretion of the court.~~"

## —PENALTIES FOR VIOLATION OF CAMA

Sec. 874. G.S. 113A-126(c) reads as rewritten:

"(c) Any person who shall be adjudged to have knowingly or willfully violated any provision of this Article, or any rule or order adopted pursuant to this Article, shall be guilty of a ~~misdemeanor, and for each violation shall be liable for a penalty of not less than one hundred dollars (\$100.00) nor more than one thousand dollars (\$1,000) or shall be imprisoned for not more than 60 days, or both.~~ Class 2 misdemeanor. In addition, if any person continues to violate or further violates, any such provision, rule or order after written notice from the Secretary or (in the case of a permit for a minor development issued by a local government) written notice from the designated local official, the court may determine that each day during which the violation continues or is repeated constitutes a separate violation subject to the foregoing penalties."

## —OUTDOOR ADVERTISING NEAR THE BLUE RIDGE PARKWAY

Sec. 875. G.S. 113A-170 reads as rewritten:

### “§ 113A-170. Violation a misdemeanor; injunctive relief.

Any person, firm, corporation or association placing or erecting outdoor advertising structure or junkyard along the Blue Ridge Parkway in violation of this Article or a rule adopted under this Article shall be guilty of a Class 1 misdemeanor. In addition thereto, the Department of Environment, Health, and Natural Resources may seek injunctive relief in the superior court of the county in which the said nonconforming outdoor

advertising is located and require the outdoor advertising to conform to the provisions of this Article or a rule adopted under this Article, or require the removal of the said nonconforming outdoor advertising."

#### **—COLLECTION OF THE FOREST PRODUCT ASSESSMENT**

Sec. 876. G.S. 113A-195(f) reads as rewritten:

"(f) Any official or employee of the State who discloses information obtained from a production report, except as may be necessary for administration and collection of the assessment, or in the performance of official duties, or in administration or judicial proceedings related to the levy or collection of the assessment, shall be guilty of a Class 3 misdemeanor punishable only by a fine not to exceed fifty dollars (\$50.00)."

#### **—ENFORCEMENT OF THE AQUATIC WEED CONTROL ACT**

Sec. 877. G.S. 113A-226(a) reads as rewritten:

"(a) Any person who violates this Article or any rule adopted pursuant to this Article shall be guilty of a Class 2 misdemeanor ~~and, upon conviction, shall be fined not less than fifty dollars (\$50.00) nor more than one thousand dollars (\$1,000), or imprisoned for not less than 10 days nor more than 180 days, or both,~~ for each offense."

#### **—VIOLATIONS OF THE ENERGY CRISIS ADMINISTRATION**

Sec. 878. G.S. 113B-24(b) reads as rewritten:

"(b) Any person who violates this Article or any rules, orders or regulations promulgated pursuant to G.S. 113B-22 or knowingly or willfully submits false information in any report required herein shall be guilty of a ~~misdemeanor punishable as provided in G.S. 14-3.~~ Class 1 misdemeanor."

#### **—MISREPRESENTATION OF ELIGIBILITY FOR TUITION BENEFITS**

Sec. 879. G.S. 115B-6 reads as rewritten:

#### **"§ 115B-6. Misrepresentation of eligibility.**

Any applicant who willfully misrepresents his eligibility for the tuition benefits provided under this Chapter, or any person who knowingly aids or abets such applicant in misrepresenting his eligibility for such benefits, shall be deemed guilty of a ~~misdemeanor and, upon conviction, shall be fined not more than fifty dollars (\$50.00) or imprisoned for not more than 30 days, or both.~~ Class 3 misdemeanor."

#### **—EDUCATION MAINTAIN CONFIDENTIALITY OF RECORDS**

Sec. 880. G.S. 115C-13 reads as rewritten:

#### **"§ 115C-13. Duty to maintain confidentiality of certain records.**

Except as otherwise provided by federal law, local boards of education and their officers and employees shall provide to the State Board and to the Superintendent all information needed to carry out their duties. It is unlawful for any member of the State Board of Education, the Superintendent of Public Instruction, or any employee or officer of the State Board of Education or the Department of Public Instruction to disclose any of this information that the local board or its officers or employees could not lawfully disclose. This disclosure is a ~~misdemeanor, punishable by a fine of not less than two hundred dollars (\$200.00) nor more than one thousand dollars (\$1,000), imprisonment, or both.~~ Class 1 misdemeanor."

#### **—JUDICIAL FUNCTIONS OF THE BOARD OF EDUCATION**

Sec. 881. G.S. 115C-45(b) reads as rewritten:

"(b) Witness Failing to Appear; misdemeanor. – Any witness who shall wilfully and without legal excuse fail to appear before a local board of education to testify in any manner under investigation by the board shall be guilty of a ~~misdemeanor, and shall be fined not more than fifty dollars (\$50.00) or imprisoned not more than 30 days.~~ Class 3 misdemeanor."

#### **—DUTIES OF SUPERINTENDENT OF PUBLIC INSTRUCTION**

Sec. 882. G.S. 115C-276(p) reads as rewritten:

"(p) To Require Teachers and Principals to Make Reports. – The superintendents may require teachers to make reports to the principals and principals to make reports to the superintendent. Any superintendent who knowingly and willfully makes or procures another to make any false report or records, requisitions, or payrolls, respecting daily attendance of pupils in the public schools, payroll data sheets, or other reports required to be made to any board or officer in the performance of his duties, shall be guilty of a ~~Class 1 misdemeanor and upon conviction shall be fined or imprisoned in the discretion of the court~~ and the certificate of such person to teach in the public schools of North Carolina shall be revoked by the Superintendent of Public Instruction."

#### **—POWERS OF PRINCIPAL**

Sec. 883. G.S. 115C-288(b) reads as rewritten:

"(b) To Make Accurate Reports to the Superintendent and to the Local Board. – The principal shall make all reports to the superintendent. Every principal of a public school shall make such reports as are required by the boards of education, and the superintendent shall not approve the vouchers for the pay of principals until the required monthly and annual reports are made: Provided, that the superintendents may require teachers to make reports to the principals and principals to make reports to the superintendent: Provided further, that any principal or supervisor who knowingly and willfully makes or procures another to make any false report or records, requisitions, or payrolls, respecting daily attendance of pupils in the public schools, payroll data sheets, or other reports required to be made to any board or officer in the performance of his duties, shall be guilty of a ~~Class 1 misdemeanor and upon conviction shall be fined or imprisoned in the discretion of the court~~ and the certificate of such person to teach in the public schools of North Carolina shall be revoked by the Superintendent of Public Instruction."

#### **—DUTIES OF TEACHERS IN PUBLIC SCHOOLS**

Sec. 884. G.S. 115c-307(g) reads as rewritten:

"(g) To Make Required Reports. – Every teacher of a public school shall make such reports as are required by the boards of education, and the superintendent shall not approve the vouchers for the pay of teachers until the required monthly and annual reports are made: Provided, that the superintendents may require teachers to make reports to the principals. Provided further, that any teacher who knowingly and willfully makes or procures another to make any false report or records, requisitions, or payrolls, respecting daily attendance of pupils in the public schools, payroll data sheets, or other reports required to be made to any board or officer in the performance of their duties, shall be guilty of a ~~Class 1 misdemeanor and upon conviction shall be fined or imprisoned in the discretion of the court~~ and the certificate of such person to teach in the

public schools of North Carolina shall be revoked by the Superintendent of Public Instruction."

#### **—SCHOOL EMPLOYEE TO MAKE FALSE REPORTS OR RECORDS**

Sec. 885. G.S. 115C-317 reads as rewritten:

##### **"§ 115C-317. Penalty for making false reports or records.**

Any school employee of the public schools other than a superintendent, principal, or teacher, who knowingly and willfully makes or procures another to make any false report or records, requisitions, or payrolls, respecting daily attendance of pupils in the public schools, payroll data sheets, or other reports required to be made to any board or officer in the performance of his duties, shall be guilty of a Class 1 misdemeanor and ~~upon conviction shall be fined or imprisoned in the discretion of the court~~ and the certificate of such person to teach in the public schools of North Carolina shall be revoked by the Superintendent of Public Instruction."

#### **—PUBLIC SCHOOL EMPLOYEE HEALTH CERTIFICATE REQUIREMENT**

Sec. 886. G.S. 115C-323 reads as rewritten:

##### **"§ 115C-323. Employee health certificate.**

All public school employees upon initial employment, and those who have been separated from public school employment more than one school year, including superintendents, supervisors, principals, teachers, and any other employees in the public schools of the State, shall file in the office of the superintendent, before assuming his duties, a certificate from a physician licensed to practice medicine in the State of North Carolina, certifying that said person does not have tuberculosis in the communicable form, or other communicable disease, or any disease, physical or mental, which would impair the ability of the said person to perform effectively his duties. A local school board or a superintendent may require any person herein named to take a physical examination when deemed necessary.

Any public school employee who has been absent for more than 40 successive school days because of a communicable disease must, before returning to work, file with the superintendent a physician's certificate certifying that the individual is free from any communicable disease.

The examining physician shall make the aforesaid certificates on an examination form supplied by the Superintendent of Public Instruction. The certificate shall be issued only after a physical examination has been made at the time of the certification, and such examination shall be in accordance with rules and regulations adopted by the Superintendent of Public Instruction, with approval of the Secretary of Environment, Health, and Natural Resources, and such rules and regulations may include the requirement of an X-ray chest examination for all new employees of the public school system.

It shall be the duty of the superintendent of the school in which the person is employed to enforce the provisions of this section.

Any person violating any of the provisions of this section shall be guilty of a ~~misdemeanor and subject to a fine or imprisonment in the discretion of the court~~ Class 1 misdemeanor."

#### **—ENFORCEMENT OF COMPULSORY SCHOOL ATTENDANCE**

Sec. 887. G.S. 115C-379 reads as rewritten:

**"§ 115C-379. Method of enforcement.**

It shall be the duty of the State Board of Education to formulate such rules and regulations as may be necessary for the proper enforcement of the provisions of this Part. The Board shall prescribe what shall constitute unlawful absence, what causes may constitute legitimate excuses for temporary nonattendance due to physical or mental inability to attend, and under what circumstances teachers, principals, or superintendents may excuse pupils for nonattendance due to immediate demands of the farm or the home in certain seasons of the year in the several sections of the State. It shall be the duty of all school officials to carry out such instructions from the State Board of Education, and any school official failing to carry out such instructions shall be guilty of a Class 3 misdemeanor: Provided, that the compulsory attendance law herein prescribed shall not be in force in any local school administrative unit that has a higher compulsory attendance feature than that provided herein."

Sec. 888. G.S. 115C-380 reads as rewritten:

**"§ 115C-380. Penalty for violation.**

Any parent, guardian or other person violating the provisions of this Part shall be guilty of a ~~misdemeanor and upon conviction shall be fined not more than fifty dollars (\$50.00) or imprisoned not more than 30 days, or both, in the discretion of the court.~~ Class 3 misdemeanor."

**§ 115C-383. Attendance of deaf and blind children.**

Sec. 889. G.S. 115C-383(b) reads as rewritten:

"(b) Parents, etc., Failing to Enroll Deaf Child in School Guilty of misdemeanor; Provisos. – The parents, guardians, or custodians of any deaf child between the ages of six and 18 years failing to enroll such deaf child or children in some school for instruction as provided herein, shall be guilty of a ~~misdemeanor, and upon conviction shall be fined or imprisoned, at the discretion of the court.~~ Class 1 misdemeanor: Provided, that this subsection shall not apply to or be enforced against the parent, guardian, or custodian of any deaf child until such time as the superintendent of any school for the instruction of the deaf shall in his discretion serve written notice on such parent, guardian, or custodian, directing that such child be sent to the institution, advising such parents, guardians, or custodians of the legal requirements of this subsection: Provided, further, that the willful failure of such parent, guardian, or custodian shall constitute a continuing offense and shall not be barred by the statute of limitations."

Sec. 890. G.S. 115C-383(c) reads as rewritten:

"(c) Parents, etc., Failing to Send Blind Child to School Guilty of misdemeanor; Provisos. – The parents, guardians, or custodians of any blind child between the ages of six and 18 years failing to send such child to some school for the instruction of the blind or public school shall be guilty of a ~~misdemeanor, and upon conviction shall be fined or imprisoned, at the discretion of the court.~~ Class 1 misdemeanor. This subsection shall not be enforced against the parents, guardians, or custodians of any blind child until such time as the superintendent of some school for the instruction of the blind shall in his discretion serve written notice on such parents, guardians, or custodians directing

that such child be sent to the said school or to a public school, advising such parents, guardians, or custodians of the legal requirements of this subsection: Provided, further, that the willful failure of such parents, guardians, or custodians shall constitute a continuing offense and shall not be barred by the statute of limitations. The authorities of the Governor Morehead School shall not be compelled to retain in their custody or under their instruction any incorrigible person of confirmed immoral habits."

#### —AUDIT OF EACH SCHOOL ADMINISTRATIVE UNIT

Sec. 891. G.S. 115C-447 reads as rewritten:

##### **"§ 115C-447. Annual independent audit.**

Each local school administrative unit shall have its accounts and the accounts of individual schools therein audited as soon as possible after the close of each fiscal year by a certified public accountant or by an accountant certified by the Local Government Commission as qualified to audit local government accounts. The auditor who audits the accounts of a local school administrative unit shall also audit the accounts of its individual schools. The auditor shall be selected by and shall report directly to the board of education. The audit contract shall be in writing, shall include all its terms and conditions, and shall be submitted to the Secretary of the Local Government Commission for his approval as to form, terms and conditions. The terms and conditions of the audit contract shall include the scope of the audit, and the requirement that upon completion of the examination the auditor shall prepare a typewritten or printed report embodying financial statements and his opinion and comments relating thereto. The financial statements accompanying the auditor's report shall be prepared in conformity with generally accepted accounting principles. The auditor shall file a copy of the audit report with the Secretary of the Local Government Commission, the State Board of Education, the board of education and the board of county commissioners, and shall submit all bills or claims for audit fees and costs to the Secretary of the Local Government Commission for his approval. It shall be unlawful for any local school administrative unit to pay or permit the payment of such bills or claims without this approval. Each officer, employee and agent of the local school administrative unit having custody of public money or responsibility for keeping records of public financial or fiscal affairs shall produce all books and records requested by the auditor and shall divulge such information relating to fiscal affairs as he may request. If any member of a board of education or any other public officer, employee or agent shall conceal, falsify, or refuse to deliver or divulge any books, records, or information, with an intent thereby to mislead the auditor or impede or interfere with the audit, he is guilty of a ~~misdemeanor and upon conviction thereof may be fined not more than one thousand dollars (\$1,000), or imprisoned for not more than one year, or both, in the discretion of the court.~~ Class 1 misdemeanor.

The State Auditor shall have authority to prescribe the manner in which funds disbursed by administrative units by warrants on the State Treasurer shall be audited."

#### —FIRE PREVENTION IN PUBLIC SCHOOL

Sec. 892. G.S. 115C-525(c) reads as rewritten:

"(c) Liability for Failure to Perform Duties Imposed by G.S. 115C-288 and 115C-525(a) or 115C-525(b). – Any person willfully failing to perform any of the duties

imposed by G.S. 115C-288, 115C-525(a) or 115C-525(b) shall be guilty of a Class 3 misdemeanor and shall only be fined not more than five hundred dollars (\$500.00) in the discretion of the court."

#### **—DUTY TO INSURE PUBLIC SCHOOL PROPERTY**

Sec. 893. G.S. 115C-534(c) reads as rewritten:

"(c) Willful failure to comply with the provisions of (a) and (b) above, is declared a ~~misdemeanor punishable by a fine of not more than fifty dollars (\$50.00) or imprisonment for not more than 30 days. Class 3 misdemeanor.~~ Every 24 hours without such insurance constitutes a separate offense."

#### **—OPERATING SCHOOL WITHOUT LICENSE OR BOND**

Sec. 894. G.S. 115D-96 reads as rewritten:

#### **"§ 115D-96. Operating school without license or bond made misdemeanor.**

Any person, or each member of any association of persons or each officer of any corporation who opens and conducts a proprietary business school, a proprietary technical school, a proprietary trade school, or a correspondence school, without first having obtained the license herein required, and without first having executed the bond required, shall be guilty of a Class 3 misdemeanor ~~and be punishable by a fine of not less than one hundred dollars (\$100.00), nor more than five hundred dollars (\$500.00) or 30 days imprisonment, or both, at the discretion of the court,~~ and each day said school continues to be open and operated shall constitute a separate offense."

#### **—CURFEW AT STATE INSTITUTION OF HIGHER EDUCATION**

Sec. 895. G.S. 116-213 reads as rewritten:

#### **"§ 116-213. Violation of curfew a misdemeanor; punishment.**

(a) Any person who during such period of curfew utilizes sound-amplifying equipment of any kind or nature upon the premises subject to such curfew in an educational, administrative building, or in any facility owned or controlled by the State or a State institution of higher learning, or upon the campus or grounds of any such institution, without the permission of the administrative head of the institution or his designated agent, shall be guilty of a ~~misdemeanor and punished as hereinafter set forth.~~ Class 2 misdemeanor. For the purposes of this section the term 'sound-amplifying equipment' shall mean any device, machine, or mechanical contrivance which is capable of amplifying sound and capable of delivering an electrical input of one or more watts to the loudspeaker, but this section shall not include radios and televisions.

(b) Any person convicted of violating any provision of G.S. 116-212 or 116-213, or who shall enter a plea of guilty to such violation or a plea of **nolo contendere**, shall be ~~fined not exceeding five hundred dollars (\$500.00) or imprisoned not exceeding six months, or both such fine and imprisonment, in the discretion of the court.~~ guilty of a Class 2 misdemeanor."

#### **—SCHOOL OF SCIENCE AND MATH; POWERS AND DUTIES**

Sec. 896. G.S. 116-235(b)(2) reads as rewritten:

"(2) School Attendance. – Every parent, guardian, or other person in this State having charge or control of a child who is enrolled in the School and who is less than 16 years of age shall cause such child to attend school continuously for a period equal to the time which the School

shall be in session. No person shall encourage, entice, or counsel any child to be unlawfully absent from the School. Any person who aids or abets a student's unlawful absence from the School shall, upon conviction, be guilty of a ~~misdemeanor punishable by a fine of not more than fifty dollars (\$50.00) or imprisonment for not more than 30 days, or both, in the discretion of the court.~~ Class 3 misdemeanor. The Director of the School shall be responsible for implementing such additional policies concerning compulsory attendance as shall be adopted by the Board of Trustees, including regulations concerning lawful and unlawful absences, permissible excuses for temporary absences, maintenance of attendance records, and attendance counseling."

Sec. 897. G.S. 116-235(c)(8) reads as rewritten:

"(8) Violation of an ordinance adopted under any portion of this subsection is a ~~misdemeanor punishable by a fine of not more than fifty dollars (\$50.00) or imprisonment for not more than 30 days, in the discretion of the court.~~ Class 3 misdemeanor. An ordinance may provide that certain acts prohibited thereby shall not be enforced by criminal sanctions, and in such cases a person committing any such act shall not be guilty of a misdemeanor."

#### **—NOTICE BY HOLDERS OF ABANDONED PROPERTY**

Sec. 898. G.S. 116B-28(e) reads as rewritten:

"(e) Certification of Mailing; Penalties; Right of Owners. – Every holder filing a report pursuant to G.S. 116B-29 shall certify to the Treasurer therewith that the notices required by subsections (a) and (b) of this section have been mailed to the last known address of every owner named in the report. Failure or refusal to certify after written demand by the Treasurer or filing false certification shall be a Class 3 misdemeanor, punishable, upon conviction, only by a fine of not less than five hundred dollars (\$500.00) nor more than five thousand dollars (\$5,000) as the court, in its discretion, shall determine. Any owner who has suffered loss or damage by reason of the failure of a holder to mail the notice required by this section may recover actual loss or damage from the holder in an appropriate action at law."

#### **—LUBRICATING OILS**

Sec. 899. G.S. 119-4 reads as rewritten:

#### **"§ 119-4. Misdemeanor.**

Any person, firm or corporation violating any of the provisions of this Article shall for each offense be deemed guilty of a ~~misdemeanor and punished by a fine of not less than fifty dollars (\$50.00) or more than three hundred dollars (\$300.00), or by imprisonment in the county jail for not less than 20 or more than 90 days, or both.~~ Class 2 misdemeanor."

#### **—LIQUID FUELS; LUBRICATING OILS; GREASES, ETC.**

Sec. 900. G.S. 119-13 reads as rewritten:

#### **"§ 119-13. Violation made misdemeanor.**

Every person, firm or firms, partnership or copartnership, corporation or corporations, or any of their agents, servants or employees, violating any of the provisions of this Article shall be guilty of a ~~misdemeanor, and upon conviction, shall be punished by a fine not more than one thousand dollars (\$1,000) and by imprisonment not to exceed 12 months, or by either or both in the discretion of the trial judge.~~ Class 1 misdemeanor."

#### **—REGULATION OF REFINED OR REPROCESSED OIL**

Sec. 901. G.S. 119-13.3 reads as rewritten:

##### **"§ 119-13.3. Violation a misdemeanor.**

Any person, firm, or corporation violating any of the provisions of this Article shall for each offense be guilty of a ~~misdemeanor and punished by a fine of not less than one hundred dollars (\$100.00) or not more than five hundred dollars (\$500.00) or imprisoned for not more than one year, or both, in the discretion of the court.~~ Class 1 misdemeanor."

#### **—APPLICATION FOR LICENSE TO POSSESS KEROSENE**

Sec. 902. G.S. 119-16.2 reads as rewritten:

##### **"§ 119-16.2. Application for license.**

Any person, firm or corporation having in his possession kerosene on which the inspection fee has not been paid, and who is not required to be licensed under the provisions of G.S. 105-433, shall, prior to the commencement of doing business, file a duly acknowledged application for a license with the Secretary of Revenue on a form prescribed by the Secretary setting forth the name under which such distributor transacts or intends to transact business within this State, the address of each place of business and a designation of the principal place of business. If such distributor is a firm or association, the application shall set forth the name and address of each person constituting the firm or association, and if a corporation, the names and addresses of the principal officers and such other information as the Secretary of Revenue may require. Each distributor shall at the same time file a bond in such amount, not exceeding twenty thousand dollars (\$20,000) in such form and with such surety or sureties as may be required by the Secretary of Revenue, conditioned upon the rendition of the reports and the payment of the tax hereinafter provided for. Upon approval of the application and bond, the Secretary of Revenue shall issue to the distributor a nonassignable license with a duplicate copy of each place of business of said distributor in this State, a copy of which shall be displayed conspicuously at each such place of business and shall continue in force until surrendered or cancelled. No distributor shall sell, offer for sale, or use any kerosene within this State, until such license has been issued. Any distributor failing to comply with or violating any of the provisions of this section shall be guilty of a ~~misdemeanor and upon conviction thereof shall be fined not less than one hundred dollars (\$100.00), nor more than five thousand dollars (\$5,000), or imprisoned for not more than 24 months or both.~~ Class 1 misdemeanor."

#### **—CERTAIN KEROSENE SALES PROHIBITED**

Sec. 903. G.S. 119-16.3 reads as rewritten:

##### **"§ 119-16.3. Certain kerosene sales prohibited.**

It shall be a Class 1 misdemeanor for any distributor to sell kerosene dispensed from a pump located on the same island where there are pumps dispensing gasoline or gasohol. An island is a group of two or more dispensing pumps within 15 feet of each other. This section shall apply only to pumps installed after October 1, 1985."

#### **—INSPECTORS FOR GASOLINE AND OIL INSPECTION**

Sec. 904. G.S. 119-25 reads as rewritten:

#### **"§ 119-25. Inspectors, clerks and assistants.**

The Secretary of Revenue and the Commissioner of Agriculture, respectively, shall appoint and employ such number of inspectors, clerks and assistants as may be necessary to administer and effectively enforce all the provisions of the gasoline and oil inspection law with the administration or enforcement of which each said Commissioner [or Secretary] is charged. All inspectors shall be bonded in the sum of one thousand dollars (\$1,000) in the usual manner provided for the bonding of State employees, and the expense of such bonding shall be paid from the Gasoline and Oil Inspection Fund created by this Article. Each inspector, before entering upon his duties, shall take an oath of office before some person authorized to administer oaths. Any inspector who, while in office, shall be interested directly or indirectly in the manufacture or vending of any illuminating oils or gasoline or other motor fuels shall be guilty of a ~~misdemeanor, and upon conviction shall be fined not less than three hundred dollars (\$300.00), or be imprisoned for not less than three months nor more than 12 months, or both in the discretion of the court.~~ Class 1 misdemeanor."

#### **—DISPLAY OF GRADE; SALE OF GASOLINE NOT MEETING STANDARD**

Sec. 905. G.S. 119-27 reads as rewritten:

#### **"§ 119-27. Display of grade rating on pumps, etc.; sales from pumps or devices not labeled; sale of gasoline not meeting standard indicated on label.**

In the event that the Gasoline and Oil Inspection Board shall adopt standards for grades of gasoline, at all times there shall be firmly attached to or painted on each dispensing pump or other dispensing device used in the retailing of gasoline a label stating that the gasoline contained therein is North Carolina ..... grade. Any person, firm, partnership, or corporation who shall offer or expose for sale gasoline from any dispensing pump or other dispensing device which has not been labeled as required by this section, and/or offer and expose for sale any gasoline which does not meet the required standard for the grade indicated on the label attached to the dispensing pump or other dispensing device, shall be guilty of a Class 2 misdemeanor, ~~and upon conviction shall be fined not more than five hundred dollars (\$500.00) and be imprisoned for not more than six months, or either, in the discretion of the court,~~ and the gasoline offered or exposed for sale shall be confiscated.

The gasoline and oil inspectors shall have the authority to immediately seize and seal, to prevent further sales, any dispensing pump or other dispensing device from which gasoline is offered or exposed for sale in violation of or without complying with the provisions of this Article. Provided, however, that this section shall not be construed to permit the destruction of any gasoline which may be blended or rerefined or offered for sale as complying with the legal specifications of a lower grade except under order of the court in which an indictment is brought for violation of the provisions of this

Article. Provided, further, that gasoline that has been confiscated and sealed by the gasoline and oil inspectors for violation of the provisions of this Article shall not be offered or exposed for sale until the Director of the Gasoline and Oil Inspection Division has been fully satisfied that the gasoline offered or exposed for sale has been blended or rerefined or properly labeled to meet the requirements of this Article and the owners of said gasoline have been notified in writing of this fact by said Director and, provided, further, that the permitting of blending, rerefining or properly labeling of confiscated gasoline shall not be construed to in any manner affect any indictment which may be brought for violation of this section."

#### **—AUTHORITY OF GASOLINE AND OIL INSPECTORS**

Sec. 906. G.S. 119-32 reads as rewritten:

##### **"§ 119-32. Powers and authority of inspectors.**

The gasoline and oil inspectors shall have the right of access to the premises and records of any place where petroleum products are stored for the purpose of examination, inspection and/or drawing of samples, and said inspectors are hereby vested with the authority and powers of peace and police officers in the enforcement of motor fuel tax and inspection laws throughout the State, including the authority to arrest, with or without warrants, and take offenders before the several courts of the State for prosecution or other proceedings, and seize or hold or deliver to the sheriff of the proper county all motor or other vehicles and all containers used in transporting motor fuels and/or other liquid petroleum products in violation of or without complying with the provisions of this Article or the rules, regulations or requirements of the Commissioner of Agriculture and/or the Gasoline and Oil Inspection Board and also all motor fuels contained therein. Said inspectors shall have power and authority on the public highways or any other place to stop and detain for inspection and investigation any vehicle containing any motor fuel and/or other liquid petroleum products in excess of 100 gallons or commonly used in the transportation of such fuels and the driver or person in charge thereof, and to require the production by such driver or person in charge of all records, documents and papers required by law to be carried and exhibited by persons in charge of vehicles engaged in transporting such fuels; and whenever said inspectors shall find or see any person engaged in handling, selling, using, or transporting any fuels in violation of any of the provisions of the motor fuel tax or inspection laws of this State, or whenever any such person shall fail or refuse to exhibit to said inspectors, upon demand therefor, any records, documents or papers required by law to be kept subject to inspection or to be exhibited by such person, said person shall be guilty of a Class 1 misdemeanor, and it shall be the duty of said inspectors to immediately arrest such violator and take him before some proper peace officer of the county in which the offense was committed and institute proper prosecution."

#### **—LIQUID PETROLEUM MEASURING; DEVICES TO FALSIFY MEASURES**

Sec. 907. G.S. 119-33 reads as rewritten:

##### **"§ 119-33. Investigation and inspection of measuring equipment; devices calculated to falsify measures.**

The gasoline and oil inspectors shall be required to investigate and inspect the equipment for measuring gasoline, kerosene, lubricating oil, and other liquid petroleum

products. Said inspectors shall be under the supervision of the Commissioner of Agriculture, and are hereby vested with the same power and authority now given by law to inspectors of weights and measures, insofar as the same may be necessary to effectuate the provisions of this Article. The rules, regulations, specifications and tolerance limits as promulgated by the National Conference of Weights and Measures, and recommended by the United States Bureau of Standards, shall be observed by said inspectors insofar as they apply to the inspection of equipment used in measuring gasoline, kerosene, lubricating oil and other petroleum products. Inspectors of weights and measures appointed and maintained by the various counties and cities of the State shall have the same power and authority given by this section to inspectors under the supervision of the Commissioner of Agriculture. In all cases where it is found, after inspection, that the measuring equipment used in connection with the distribution of such products is inaccurate, the inspector shall condemn and seize all incorrect devices which in his best judgment are not susceptible of satisfactory repair, but such as are incorrect, and in his best judgment may be repaired, he shall mark or tag as 'condemned for repairs' in a manner prescribed by the Commissioner of Agriculture. After notice in writing the owners or users of such measuring devices which have been condemned for repairs shall have the same repaired and corrected within 10 days, and the owners and/or users thereof shall neither use nor dispose of said measuring devices in any manner, but shall hold the same at the disposal of the gasoline and oil inspector. The inspector shall confiscate and destroy all measuring devices which have been condemned for repairs and have not been repaired as required by this Article. The gasoline and oil inspectors shall officially seal all dispensing pumps or other dispensing devices found to be accurate on inspection, and if, upon inspection at a later date, any pump is found to be inaccurate and the seal broken, the same shall constitute *prima facie* evidence of intent to defraud by giving inaccurate measure, and the owner and/or user thereof shall be guilty of a ~~misdemeanor, and upon conviction shall be fined not less than two hundred dollars (\$200.00) nor more than one thousand dollars (\$1,000), or be imprisoned for not less than three months, or both, in the discretion of the court.~~ Class 2 misdemeanor. Any person who shall remove or break any seal placed upon said measuring and/or dispensing devices by said inspectors until the provisions of this section have been complied with shall be guilty of a ~~misdemeanor, and upon conviction shall be fined not less than fifty dollars (\$50.00) nor more than two hundred dollars (\$200.00), or be imprisoned for not less than 30 days nor more than 90 days, or both, in the discretion of the court.~~ Class 2 misdemeanor. Any person, firm, or corporation who shall sell or have in his possession for the purpose of selling or using any measuring device to be used or calculated to be used to falsify any measure shall be guilty of a ~~misdemeanor, and shall be fined or imprisoned in the discretion of the court.~~ Class 1 misdemeanor."

#### —ADULTERATION OF LIQUID MOTOR FUEL PRODUCTS

Sec. 908. G.S. 119-35 reads as rewritten:

#### **"§ 119-35. Adulteration of products offered for sale.**

It shall be unlawful for any person, firm, or corporation who has purchased gasoline or other liquid motor fuel upon which a road tax has been paid to in anywise adulterate

the same by the addition thereto of kerosene or any other liquid substance and sell or offer for sale the same. Any person violating the provisions of this section shall be guilty of a ~~misdemeanor, and upon conviction shall be fined not less than two hundred dollars (\$200.00) nor more than one thousand dollars (\$1,000) or be imprisoned for not more than 12 months, or both, in the discretion of the court. Class 1 misdemeanor.~~"

#### **—GASOLINE AND OIL INSPECTION**

Sec. 909. G.S. 119-39 reads as rewritten:

#### **"§ 119-39. Violation a misdemeanor.**

Unless another penalty is provided in this Article, any person violating any of the provisions of this Article or any of the rules and regulations of the Secretary of Revenue or the Commissioner of Agriculture and/or the Gasoline and Oil Inspection Board shall be guilty of a ~~misdemeanor, and upon conviction shall be fined not more than one thousand dollars (\$1,000) or be imprisoned for not more than 12 months, or both, in the discretion of the court. Class 1 misdemeanor.~~"

#### **—TRANSPORTING LIQUID MOTOR FUEL SUBJECT TO INSPECTION**

Sec. 910. G.S. 119-41(c) reads as rewritten:

"(c) Any person violating any of the provisions of this section shall be guilty of a Class 3 misdemeanor and upon conviction shall only be fined not more than twenty-five dollars (\$25.00) for each offense."

#### **—LIQUEFIED PETROLEUM GASES**

Sec. 911. G.S. 119-59 reads as rewritten:

#### **"§ 119-59. Penalty; injunction of violations.**

A dealer violating any of the provisions of this Article, or any of the rules and regulations made and promulgated in accordance with the provisions of this Article, shall be deemed guilty of a ~~misdemeanor, and upon conviction thereof shall be punished by fine or imprisonment. Class 1 misdemeanor.~~"

In addition the Commissioner or his agent may apply to any superior court judge and the court may temporarily restrain or preliminarily or permanently enjoin any violation of this Article or any of the rules or regulations made and promulgated thereunder."

#### **—DUTIES OF LEGISLATIVE SERVICES COMMISSION**

Sec. 912. G.S. 120-32(3) reads as rewritten:

"(3) Acquire and dispose of furnishings, furniture, equipment, and supplies required by the General Assembly, its agencies and commissions and maintain custody of same between sessions. It shall be a Class 1 misdemeanor for any person(s) to remove any state-owned furniture, fixtures, or equipment from the State Legislative Building for any purpose whatsoever, except as approved by the Legislative Services Commission;".

#### **—RULES ADOPTED BY THE LEGISLATIVE SERVICES COMMISSION**

Sec. 913. G.S. 120-32.1(b) reads as rewritten:

"(b) The Legislative Administrative Officer shall have posted the rules adopted by the Legislative Services Commission under the authority of this section in a conspicuous place in the State Legislative Building and the Legislative Office Building. The Legislative Administrative Officer shall have filed a copy of the rules, certified by

the chairman of the Legislative Services Commission, in the office of the Secretary of State and in the office of the Clerk of the Superior Court of Wake County. When so posted and filed, these rules shall constitute notice to all persons of the existence and text of the rules. Any person, whether on his own behalf or for another, or acting as an agent or representative of any person, firm, corporation, partnership or association, who knowingly violates any of the rules adopted, posted and filed under the authority of this section is guilty of a ~~misdemeanor and upon conviction shall be punished by a fine or imprisonment in the discretion of the court, or by both such fine and imprisonment.~~ Class 1 misdemeanor. Any person, firm, corporation, partnership or association who combines, confederates, conspires, aids, abets, solicits, urges, instigates, counsels, advises, encourages or procures another or others to knowingly violate any of the rules adopted, posted and filed under the authority of this section is guilty of a ~~misdemeanor and upon conviction shall be punished by a fine or imprisonment in the discretion of the court, or by both such fine and imprisonment.~~ Class 1 misdemeanor."

#### —LOBBYING

Sec. 914. G.S. 120-47.9 reads as rewritten:

#### "§ 120-47.9. Punishment for violation.

Whoever willfully violates any provision of this Article shall be guilty of a ~~misdemeanor and upon conviction shall be fined not less than fifty dollars (\$50.00) nor more than one thousand dollars (\$1,000), or imprisoned not exceeding two years, or both.~~ Class 1 misdemeanor. In addition, no lobbyist who is convicted of a violation of the provisions of this Article shall in any way act as a lobbyist for a period of two years following his conviction."

#### —POWERS OF THE DEPARTMENT OF CULTURAL RESOURCES

Sec. 915. G.S. 121-4(9) reads as rewritten:

"(9) To administer and enforce reasonable rules adopted and promulgated by the Historical Commission for the regulation of the use by the public of such historical, architectural, archaeological, or cultural properties under its charge, which regulations, after having been posted in conspicuous places on and adjacent to such State properties and having been filed according to law, shall have the force and effect of law and any violation of such regulations shall constitute a ~~misdemeanor and shall be punishable by a fine of not more than fifty dollars (\$50.00) or by imprisonment not to exceed 30 days.~~ Class 3 misdemeanor."

#### —PUBLIC RECORDS AND ARCHIVES

Sec. 916. G.S. 121-5(b) reads as rewritten:

"(b) Destruction of Records Regulated. – No person may destroy, sell, loan, or otherwise dispose of any public record without the consent of the Department of Cultural Resources. Whoever unlawfully removes a public record from the office where it is usually kept, or alters, mutilates, or destroys it shall be guilty of a Class 3 misdemeanor and upon conviction only fined at the discretion of the court."

When the custodian of any official State records certifies to the Department of Cultural Resources that such records have no further use or value for official and

administrative purposes and when the Department certifies that such records appear to have no further use or value for research or reference, then such records may be destroyed or otherwise disposed of by the agency having custody of them.

When the custodian of any official records of any county, city, municipality, or other subdivision of government certifies to the Department that such records have no further use or value for official business and when the Department certifies that such records appear to have no further use or value for research or reference, then such records may be authorized by the governing body of said county, city, municipality, or other subdivision of government to be destroyed or otherwise disposed of by the agency having custody of them. A record of such certification and authorization shall be entered in the minutes of the governing body granting the authority.

The North Carolina Historical Commission is hereby authorized and empowered to make such orders, rules, and regulations as may be necessary and proper to carry into effect the provisions of this section. When any State, county, municipal, or other governmental records shall have been destroyed or otherwise disposed of in accordance with the procedure authorized in this subsection, any liability that the custodian of such records might incur for such destruction or other disposal shall cease and determine."

## **—SALVAGE OF SHIPWRECKS AND OTHER UNDERWATER ARCHAEOLOGY**

Sec. 917. G.S. 121-28 reads as rewritten:

### **"§ 121-28. Violation of Article a misdemeanor.**

Any person violating the provisions of this Article or any rules or regulations established thereunder shall be guilty of a ~~misdemeanor and upon conviction thereof shall be punished as in cases of misdemeanor. Class 1 misdemeanor.~~

## **—MENTAL HEALTH FACILITIES CONFIDENTIALITY**

Sec. 918. G.S. 122C-25(b) reads as rewritten:

"(b) Notwithstanding G.S. 8-53, G.S. 8-53.3 or any other law relating to confidentiality of communications involving a patient or client, in the course of an inspection conducted under this section, representatives of the Secretary may review any writing or other record concerning the admission, discharge, medication, treatment, medical condition, or history of any individual who is or has been a patient, resident, or client of a licensable facility and the personnel records of those individuals employed by the licensable facility.

A licensable facility, its employees, and any other individual interviewed in the course of an inspection are immune from liability for damages resulting from disclosure of any information to the Secretary.

Except as required by law, it is unlawful for the Secretary or an employee of the Department to disclose the following information to someone not authorized to receive the information:

- (1) Any confidential or privileged information obtained under this section unless the client or his legally responsible person authorizes disclosure in writing; or
- (2) The name of anyone who has furnished information concerning a licensable facility without the individual's consent.

Violation of this subsection is a Class 3 misdemeanor punishable only by a fine, not to exceed five hundred dollars (\$500.00).

All confidential or privileged information obtained under this section and the names of persons providing this information are exempt from Chapter 132 of the General Statutes."

#### **—MENTAL HEALTH FACILITY WITHOUT A LICENSE**

Sec. 919. G.S. 122C-28 reads as rewritten:

##### **“§ 122C-28. Penalties.**

Operating a licensable facility without a license is a Class 3 misdemeanor and is punishable only by a fine not to exceed fifty dollars (\$50.00), for the first offense and a fine, not to exceed five hundred dollars (\$500.00), for each subsequent offense. Each day's operation of a licensable facility without a license is a separate offense."

#### **—CONFIDENTIALITY OF A CLIENT AT MENTAL HEALTH FACILITY**

Sec. 920. G.S. 122C-52(e) reads as rewritten:

"(e) Except as required or permitted by law, disclosure of confidential information to someone not authorized to receive the information is a Class 3 misdemeanor and is punishable only by a fine, not to exceed five hundred dollars (\$500.00)."

#### **—TREATMENT IN A 24-HOUR MENTAL HEALTH FACILITY**

Sec. 921. G.S. 122C-65(b) reads as rewritten:

"(b) Violation of this section is a ~~misdemeanor and is punishable as provided in G.S. 14-3.~~ Class 1 misdemeanor."

#### **—ABUSE AND EXPLOITATION AT A MENTAL HEALTH FACILITY**

Sec. 922. G.S. 122C-66(a) reads as rewritten:

"(a) An employee of or a volunteer at a facility who, other than as a part of generally accepted medical or therapeutic procedure, knowingly causes pain or injury to a client or borrows or takes personal property from a client is guilty of a ~~misdemeanor and is punishable as provided in G.S. 14-3.~~ Class 1 misdemeanor. Any employee or volunteer who uses reasonable force to carry out the provisions of G.S. 122C-60 or to protect himself or others from a violent client does not violate this subsection."

Sec. 923. G.S. 122C-66(b) reads as rewritten:

"(b) An employee of a facility who witnesses or has knowledge of a violation of subsection (a) or of an accidental injury to a client shall report the violation or accidental injury to authorized personnel designated by the facility. No employee making a report may be threatened or harassed by any other employee or volunteer on account of the report. Violation of this subsection is a Class 3 misdemeanor punishable only by a fine, not to exceed five hundred dollars (\$500.00)."

#### **—PERSONNEL RECORDS OF MENTAL HEALTH FACILITIES**

Sec. 924. G.S. 122C-158(g) reads as rewritten:

"(g) Permitting access, other than that authorized by this section, to a personnel file of an employee of an area authority is a Class 3 misdemeanor and is punishable only by a fine, not to exceed five hundred dollars (\$500.00)."

Sec. 925. G.S. 122C-158(h) reads as rewritten:

"(h) Anyone who, knowing that he is not authorized to do so, examines, removes, or copies information in a personnel file of an employee of an area authority is guilty of

a Class 3 misdemeanor and is punishable only by a fine, not to exceed five hundred dollars (\$500.00)."

#### **—CONFIDENTIAL INFORMATION CONCERNING CLIENTS AT MENTAL HEALTH FACILITIES**

Sec. 926. G.S. 122C-192(b) reads as rewritten:

"(b) An area authority, State facility, its employees, and any other individual interviewed in the course of an inspection are immune from liability for damages resulting from disclosure of any information to the Secretary.

Except as required by law, it is unlawful for the Secretary or his representative to disclose:

- (1) Any confidential or privileged information obtained under this section unless the client or his legally responsible person authorizes disclosure in writing; or
- (2) The name of anyone who has furnished information concerning an area authority or State facility without that individual's consent.

Violation of this subsection is a Class 3 misdemeanor punishable only by a fine, not to exceed five hundred dollars (\$500.00)."

#### **—COMMUNITY OF BUTNER; CAMP BUTNER**

Sec. 927. G.S. 122C-406 reads as rewritten:

#### **"§ 122C-406. Violations made misdemeanor.**

A person who violates an ordinance or rule adopted under this Part is guilty of a ~~misdemeanor and is punishable by a fine, not to exceed fifty dollars (\$50.00), and imprisonment, not to exceed 30 days. Class 3 misdemeanor.~~

#### **—REPORT OF THE CHIEF OFFICER OF EVERY RAILROAD**

Sec. 928. G.S. 124-3 reads as rewritten:

#### **"§ 124-3. Report of railroad, canal, etc.; contents.**

The president or other chief officer of every railroad, canal, or other public work of internal improvement in which the State owns an interest, shall, when required to do so by the Governor, make or cause to be made to the Governor and Council of State a written report of its affairs. This report shall show:

- (1) Number of shares owned by the State.
- (2) Number of shares owned otherwise.
- (3) Face value of such shares.
- (4) Market value of each of such shares.
- (5) Amount of bonded debt, and for what purpose contracted.
- (6) Amount of other debt, and how incurred.
- (7) If interest on bonded debt has been punctually paid as agreed; if not, how much in arrears.
- (8) Amount of gross receipts for past year, and from what sources derived.
- (9) An itemized account of expenditures for past year.
- (10) Any lease or sale of said property, or any part thereof, to whom made, for what consideration, and for what length of time.
- (11) Suits at law pending against his company concerning its bonded debt, or in which title to all or any part of such road or canal is concerned.

(12) Any sales of stock owned by the State, by whose order made, and disposition of the proceeds.

Any person failing to report as required by this section shall be guilty of a ~~misdemeanor and be fined or imprisoned at the discretion of the court. Class 1 misdemeanor.~~

#### **—FAILURE TO RETURN BOOKS TO PUBLIC LIBRARY**

Sec. 929. G.S. 125-11 reads as rewritten:

##### **"§ 125-11. Failure to return books.**

Any person who shall fail to return any book, periodical, or other material withdrawn by him from the Library shall be guilty of a ~~Class 3 misdemeanor punishable by a fine of not more than fifty dollars (\$50.00) or imprisonment for not more than 30 days~~ if he shall fail to return the borrowed material within 30 days after receiving a notice from the State Librarian that the material is overdue. The provisions of this section shall not be in effect unless a copy of this section is attached to the overdue notice by the State Librarian."

#### **—POLITICAL ACTIVITY OF STATE EMPLOYEES DEFINED**

Sec. 930. G.S. 126-13(b) reads as rewritten:

"(b) No head of any State department, agency, or institution or other State employee exercising supervisory authority shall make, issue, or enforce any rule or policy the effect of which is to interfere with the right of any State employee as an individual to engage in political activity while not on duty or at times during which he is not performing services for which he receives compensation from the State. A State employee who is or may be expected to perform his duties on a twenty-four hour per day basis shall not be prevented from engaging in political activity except during regularly scheduled working hours or at other times when he is actually performing the duties of his office. The willful violation of this subdivision shall be a Class 1 misdemeanor."

#### **—THREAT TO STATE EMPLOYEE TO OBTAIN POLITICAL CONTRIBUTION**

Sec. 931. G.S. 126-14(b) reads as rewritten:

"(b) Any person violating this section shall be guilty of a ~~misdemeanor punishable by a fine not to exceed one thousand dollars (\$1,000), imprisonment for not more than six months, or both. Class 2 misdemeanor.~~"

Sec. 932. G.S. 126-14.1(b) reads as rewritten:

"(b) Any person violating this section shall be guilty of a ~~misdemeanor punishable by a fine not to exceed one thousand dollars (\$1,000), imprisonment for not more than six months, or both. Class 2 misdemeanor.~~"

#### **—COMPENSATION/ASSISTING PERSON OBTAINING STATE EMPLOYMENT**

Sec. 933. G.S. 126-18 reads as rewritten:

##### **"§ 126-18. Compensation for assisting person in obtaining State employment barred; exception.**

It shall be unlawful for any person, firm or corporation to collect, accept or receive any compensation, consideration or thing of value for obtaining on behalf of any other

person, or aiding or assisting any other person in obtaining employment with the State of North Carolina; provided, however, any person, firm, or corporation that is duly licensed and supervised by the North Carolina Department of Labor as a private employment service acting in the normal course of business, may collect such regular and customary fees for services rendered pursuant to a written contract when such fees are paid by someone other than the State of North Carolina; however, any person, firm, or corporation collecting fees for this service must have been licensed by the North Carolina Department of Labor for a period of not less than one year.

Any person, firm or corporation collecting fees for this service must make a monthly report to the Department of Labor listing the name of the person, firm or corporation collecting fees and the person for whom a job was found, the nature and purpose of the job obtained, and the fee collected by the person, firm or corporation collecting the fee. Violation of this section shall constitute a ~~misdemeanor punishable by fine or imprisonment, or both, in the discretion of the court. Class 1 misdemeanor.~~"

#### **—OFFICIAL NOT TO PERMIT ACCESS TO CONFIDENTIAL FILE**

Sec. 934. G.S. 126-27 reads as rewritten:

#### **"§ 126-27. Penalty for permitting access to confidential file by unauthorized person.**

Any public official or employee who shall knowingly and willfully permit any person to have access to or custody or possession of any portion of a personnel file designated as confidential by this Article, unless such person is one specifically authorized by G.S. 126- 24 to have access thereto for inspection and examination, shall be guilty of a Class 3 misdemeanor and upon conviction shall only be fined in the discretion of the court but not in excess of five hundred dollars (\$500.00)."

#### **—EXAMINING CONFIDENTIAL STATE PERSONNEL FILE**

Sec. 935. G.S. 126-28 reads as rewritten:

#### **"§ 126-28. Penalty for examining, copying, etc., confidential file without authority.**

Any person, not specifically authorized by G.S. 126-24 to have access to a personnel file designated as confidential by this Article, who shall knowingly and willfully examine in its official filing place, remove or copy any portion of a confidential personnel file shall be guilty of a Class 3 misdemeanor and upon conviction shall only be fined in the discretion of the court but not in excess of five hundred dollars (\$500.00)."

#### **—UNLAWFUL CONVERSION OR WILLFUL DESTRUCTION OF MILITARY PROPERTY**

Sec. 936. G.S. 127A-131 reads as rewritten:

#### **"§ 127A-131. Unlawful conversion or willful destruction of military property.**

(a) If any person shall willfully or wantonly destroy or injure, willfully retain after demand made or otherwise convert to his own use any property of the State or of the United States issued for the purpose of arming or equipping the militia of the State or if any person shall purchase any property of the State or of the United States knowing it to be unlawfully obtained, he shall be guilty of a ~~misdemeanor and shall be punished as provided in G.S. 14-3.~~ Class 1 misdemeanor.

(b) Any person, firm or corporation receiving in pledge or buying from any other person, firm or corporation for the purpose of resale any goods, to include arms, ammunition, explosives, equipment, clothing, supplies and materials, which may reasonably be thought to be the property of the armed forces of the United States and their reserve components or of the militia of the State of North Carolina, shall keep a register and shall enter therein a true and accurate record of each purchase, showing the name, social security number and address of the person from whom purchased, the name and address of the firm or corporation from whom purchased, together with the amount paid for each item or lot of small items, the date of purchase, the serial numbers of all items bearing serial numbers, and any other marks, brands or descriptions which will serve to identify the items purchased. The register shall be at all times open to the inspection of the public. Any person, firm or corporation failing to comply with this provision shall be guilty of a Class 1 misdemeanor; and any person, firm or corporation making a false entry in such register shall be guilty of a Class 1 misdemeanor."

#### **—ORGANIZING MILITARY COMPANY WITHOUT AUTHORITY**

Sec. 937. G.S. 127A-151 reads as rewritten:

#### **"§ 127A-151. Organizing company without authority.**

If any person shall organize a military company, or drill or parade under arms as a military body, except under the militia laws and regulations of the State, or shall exercise or attempt to exercise the power or authority of a military officer in this State, without holding a commission from the Governor, he shall be guilty of a Class 1 misdemeanor."

#### **—PLACING NAME ON MUSTER ROLL WRONGFULLY**

Sec. 938. G.S. 127A-152 reads as rewritten:

#### **"§ 127A-152. Placing name on muster roll wrongfully.**

If any officer of the militia of the State shall knowingly or willfully place, or cause to be placed, on any muster roll the name of any person not regularly or lawfully enlisted, or the name of any enlisted man who is dead or who has been discharged, transferred, or has lost membership for any cause whatsoever, or who has been convicted of any infamous crime, he shall be guilty of a Class 1 misdemeanor."

#### **—MILITARY PROPERTY SALES FACILITIES; PERJURY**

Sec. 939. G.S. 127B-5 reads as rewritten:

#### **"§ 127B-5. Perjury; punishment.**

Any person who shall willfully commit perjury in any application for a permit pursuant to this Article shall be guilty of a Class 1 misdemeanor."

#### **—MILITARY PROPERTY SALES FACILITIES; DEALER VIOLATION**

Sec. 940. G.S. 127B-7 reads as rewritten:

#### **"§ 127B-7. Penalties.**

Any dealer who violates the provisions of this Article shall be guilty of a ~~misdemeanor and upon conviction shall be fined not more than five hundred dollars (\$500.00) or imprisoned for not more than six months, or both. Class 2 misdemeanor.~~ In addition, any dealer convicted of violating this Article shall be ineligible for a dealer's permit for a period of three years from the date of conviction. Each violation shall constitute a separate and distinct offense."

## —DISCRIMINATION AGAINST MILITARY PERSONNEL

Sec. 941. G.S. 127B-15 reads as rewritten:

### "§ 127B-15. Penalties.

Any person who violates the provisions of this Article shall be deemed guilty of a ~~misdemeanor and upon conviction shall be fined not more than five hundred dollars (\$500.00) or imprisoned for not more than six months, or both. Class 2 misdemeanor.~~ Each violation shall constitute a separate and distinct offense."

## —STATE OFFICIAL RECEIVING COMPENSATION OF SUBORDINATES

Sec. 942. G.S. 128-4 reads as rewritten:

### "§ 128-4. Receiving compensation of subordinates for appointment or retention; removal.

Any official or employee of this State or any political subdivision thereof, in whose office or under whose supervision are employed one or more subordinate officials or employees who shall, directly or indirectly, receive or demand, for himself or another, any part of the compensation of any such subordinate, as the price of appointment or retention of such subordinate, shall be guilty of a Class 1 misdemeanor: Provided, that this section shall not apply in cases in which an official or employee is given an allowance for the conduct of his office from which he is to compensate himself and his subordinates in such manner as he sees fit. Any person convicted of violating this section, in addition to the criminal penalties, shall be subject to removal from office. The procedure for removal shall be the same as that provided for removal of certain local officials from office by G.S. 128-16 to 128-20, inclusive."

## —DIRECTOR OF THE LOCAL GOVERNMENT COMMISSION TO REPORT VIOLATION OF PUBLIC MONEY TRUST FUND LAWS

Sec. 943. G.S. 128-12 reads as rewritten:

### "§ 128-12. Violations to be reported; misdemeanors.

It shall be the duty of the director of the Local Government Commission to report to the district attorney of the district any violation of G.S. 128-11 of which he may have knowledge, and any violation of such section shall be unlawful and shall constitute a ~~misdemeanor, punishable by fine or imprisonment, or both, in the discretion of the court. Class 1 misdemeanor.~~"

## —OPERATION OF LOCAL GOVERNMENT RETIREMENT SYSTEM

Sec. 944. G.S. 128-28(q) reads as rewritten:

"(q) Notwithstanding any law, rule, regulation or policy to the contrary, any board, agency, department, institution or subdivision of the State maintaining lists of names and addresses in the administration of their programs may upon request provide to the Retirement System information limited to social security numbers, current name and addresses of persons identified by the System as members, beneficiaries, and beneficiaries of members of the System. The System shall use such information for the sole purpose of notifying members, beneficiaries, and beneficiaries of members of their rights to and accruals of benefits in the Retirement System. Any social security number, current name and address so obtained and any information concluded therefrom and the source thereof shall be treated as confidential and shall not be divulged by any employee of the Retirement System or of the Department of State Treasurer except as

may be necessary to notify the member, beneficiary, or beneficiary of the member of their rights to and accruals of benefits in the Retirement System. Any person, officer, employee or former employee violating this provision shall be guilty of a ~~misdemeanor and fined not less than two hundred dollars (\$200.00) nor more than one thousand (\$1,000) and/or be imprisoned; Class 1 misdemeanor~~; and if such offending person be a public official or employee, he shall be dismissed from office or employment and shall not hold any public office or employment in this State for a period of five years thereafter."

## **—PROTECTION AGAINST FRAUD IN COUNTY RETIREMENT SYSTEM**

Sec. 945. G.S. 128-32 reads as rewritten:

### **"§ 128-32. Protection against fraud.**

Any person who shall knowingly make any false statement or shall falsify or permit to be falsified any record or records of this Retirement System in any attempt to defraud such System as a result of such act shall be guilty of a ~~misdemeanor, and on conviction thereof by any court of competent jurisdiction, shall be punished by a fine not exceeding five hundred dollars (\$500.00), or imprisonment not exceeding 12 months, or both, such fine and imprisonment at the discretion of the court. Class 1 misdemeanor.~~ Should any change or error in the records result in any member or beneficiary receiving from the Retirement System more or less than he would have been entitled to receive had their records been correct, the Board of Trustees shall correct such error, and as far as practicable, shall adjust the payment in such a manner that the actuarial equivalent of the benefit to which such member or beneficiary was correctly entitled shall be paid."

## **—VIOLATION OF PUBLIC HEALTH CHAPTER**

Sec. 946. G.S. 130A-25(a) reads as rewritten:

"(a) A person who violates a provision of this Chapter or the rules adopted by the Commission or a local board of health shall be guilty of a Class 1 misdemeanor."

## **—VITAL STATISTICS**

Sec. 947. G.S. 130A-26 reads as rewritten:

### **"§ 130A-26. Violations of Article 4.**

A person who commits any of the following acts shall be guilty of a ~~general~~ Class 1 misdemeanor:

- (1) Willfully and knowingly makes any false statement in a certificate, record or report required by Article 4 of this Chapter or in an application for a certified copy of a vital record, or who willfully and knowingly supplies false information intending that the information be used in the preparation of any report, record, or certificate, or amendment;
- (2) Without lawful authority and with the intent to deceive makes, counterfeits, alters, amends or mutilates a certificate, record or report required by Article 4 of this Chapter or a certified copy of the certificate, record or report;
- (3) Willfully and knowingly obtains, possesses, uses, sells or furnishes to another person, for any purpose of deception, a certificate, record or report required by Article 4 of this Chapter or a certified copy of the

certificate, record or report, which is counterfeited, altered, amended or mutilated, or which is false in whole or in part or which relates to the birth of another person, whether living or deceased;

- (4) A person employed by the Vital Records Branch or designated under Article 4 of this Chapter who willfully and knowingly furnishes or processes a certificate of birth, or certified copy of a certificate of birth, with the knowledge or intention that it be used for the purposes of deception; or
- (5) Without lawful authority possesses a certificate, record or report required by Article 4 of this Chapter or a certified copy of the certificate, record or report knowing that it was stolen or otherwise unlawfully obtained;
- (6) Remove or permit the removal of a dead body of a human being without authorization provided in Article 4 of this Chapter;
- (7) Refuse or fail to furnish correctly any information in the person's possession or shall furnish false information affecting a certificate or record required by Article 4 of this Chapter;
- (8) Willfully alter, except as provided by G.S. 130A-123 [G.S. 130A-118], or falsify a certificate or record required by Article 4 of this Chapter; or willfully alter, falsify or change a photocopy, certified copy, extract copy or any document containing information obtained from an original or copy of a certificate or record required by Article 4 of this Chapter or willfully make, create or use any altered, falsified or changed record, reproduction, copy or document for the purpose of attempting to prove or establish for any purpose whatsoever any matter purported to be shown on it;
- (9) With the intention to deceive, willfully use or attempt to use a certificate of birth or certified copy of a record of birth knowing that the certificate or certified copy was issued upon a record which is false in whole or in part or which relates to the birth of another person;
- (10) Willfully and knowingly furnish a certificate of birth or certified copy of a record of birth with the intention that it be used by an unauthorized person or for an unauthorized purpose; or
- (11) Fail, neglect or refuse to perform any act or duty required by Article 4 of this Chapter or by the instructions of the State Registrar prepared under authority of the Article."

#### —CORPORATE POWERS OF SANITARY DISTRICT

Sec. 948. G.S. 130A-55(16)e. reads as rewritten:

- "e. Upon the noncompliance by a person of a rule adopted by the sanitary district board, the board shall notify the person of the rule being violated and the facts constituting the violation. The person shall have a reasonable time to comply with the rule as determined by the local health director of the person's residence. Upon failure to comply within the specified time or

within a time extended by the sanitary district board, the person shall be guilty of a Class 1 misdemeanor."

#### **—DISCONNECTION OF SEWER LINES**

Sec. 949. G.S. 130A-65 reads as rewritten:

#### **"§ 130A-65. Liens for sewer service charges in sanitary districts not operating water distribution system; collection of charges; disconnection of sewer lines.**

In sanitary districts which maintain and operate a sewage system but do not maintain and operate a water distribution system, the charges made for sewer service or for use of sewer service facilities shall be a lien upon the property served. If the charges are not paid within 15 days after they become due and payable, suit may be brought in the name of the sanitary district in the county in which the property served is located, or the property, subject to the lien, may be sold by the sanitary district under the same rules, rights of redemption and savings as are prescribed by law for the sale of land for unpaid ad valorem taxes. A sanitary district is authorized to adopt rules for the use of sewage works and the collection of charges. A sanitary district is authorized in accordance with its rules to enter upon the premises of any person using the sewage works and failing to pay the charges, and to disconnect the sewer line of that person from the district sewer line or disposal plant. A person who connects or reconnects with district sewer line or disposal plant without a permit from the sanitary district shall be guilty of a Class 1 misdemeanor."

#### **—CONFINEMENT OF ALL BITING DOGS AND CATS**

Sec. 950. G.S. 130A-196 reads as rewritten:

#### **"§ 130A-196. Confinement of all biting dogs and cats; notice to local health director; reports by physicians; certain dogs exempt.**

When a person has been bitten by a dog or cat, the person or parent, guardian or person standing **in loco parentis** of the person, and the person owning the animal or in control or possession of the animal shall notify the local health director immediately and give the name and address of the person bitten and the owner of the animal. All dogs and cats that bite a person shall be immediately confined for 10 days in a place designated by the local health director. However, the local health director may authorize a dog trained and used by a law enforcement agency to be released from confinement to perform official duties upon submission of proof that the dog has been vaccinated for rabies in compliance with this Part. After reviewing the circumstances of the particular case, the local health director may allow the owner to confine the animal on the owner's property. An owner who fails to confine his animal in accordance with the instructions of the local health director shall be guilty of a misdemeanor and shall be punishable by a fine not to exceed five hundred dollars (\$500.00), imprisonment for six months, or both. Class 2 misdemeanor. If the owner or the person who controls or possesses a dog or cat that has bitten a person refuses to confine the animal as required by this section, the local health director may order seizure of the animal and its confinement for 10 days at the expense of the owner. A physician who attends a person bitten by an animal known to be a potential carrier of rabies shall report within 24 hours to the local health director the name, age and sex of that person."

## —CONFIDENTIAL INFORMATION ON SOLID WASTE MANAGEMENT

Sec. 951. G.S. 130A-304(c) reads as rewritten:

"(c) Except as provided in subsection (b) of this section or as otherwise provided by law, any officer or employee of the State who knowingly discloses information designated as confidential under this section shall be guilty of a Class 1 misdemeanor ~~punishable by a fine of not more than five hundred dollars (\$500.00) or imprisonment for not more than two years or both~~ and shall be removed from office or discharged from employment."

## —CHARITABLE SOLICITATION LICENSURE ACT

Sec. 952. G.S. 131C-22 reads as rewritten:

### **"§ 131C-22. Misdemeanor.**

Any person who willfully violates any provision of this Chapter shall be guilty of a Class 1 misdemeanor."

## —DOMICILIARY HOMES FOR THE AGED AND DISABLED

Sec. 953. G.S. 131D-2(b)(2) reads as rewritten:

"(2) Any individual or corporation that establishes, conducts, manages, or operates a facility subject to licensure under this section without a license is guilty of a Class 3 misdemeanor, and upon conviction shall be punishable only by a fine of not more than fifty dollars (\$50.00) for the first offense and not more than five hundred dollars (\$500.00) for each subsequent offense. Each day of a continuing violation after conviction shall be considered a separate offense."

## —CERTIFICATION OF ADULT DAY CARE PROGRAMS

Sec. 954. G.S. 131D-6(c1) reads as rewritten:

"(c1) Any person, firm, agency, or corporation that harms or willfully neglects a person under its care is guilty of a Class 1 misdemeanor."

## —FAMILY FOSTER HOMES OR ADOPTIVE HOMES WITHOUT A LICENSE

Sec. 955. G.S. 131D-10.7 reads as rewritten:

### **"§ 131D-10.7. Penalties.**

Any person who establishes or provides foster care for children or who receives and places children in residential child-care facilities, family foster homes or adoptive homes without a license shall be guilty of a Class 3 misdemeanor, and upon conviction shall only be punishable by a fine of not more than fifty dollars (\$50.00) for the first offense and not more than five hundred dollars (\$500.00) for each subsequent offense. Each day of a continuing violation after conviction shall be considered a separate offense."

## —LOCAL CONFINEMENT FACILITY FAILING TO FURNISH TO DHR INFORMATION ABOUT ANY LOCAL CONFINEMENT FACILITY

Sec. 956. G.S. 131D-13 reads as rewritten:

### **"§ 131D-13. Failure to provide information.**

If the board of commissioners of any county, the chief of police of any municipality, or any officer or employee of any local confinement facility shall fail or refuse to furnish to the Department of Human Resources any information about any local

confinement facility which is required by law to be furnished, or shall fail to allow the inspection of any such facility, such board or individual shall be guilty of a Class 1 misdemeanor."

## —INSPECTIONS UNDER THE HOSPITAL LICENSURE ACT

Sec. 957. G.S. 131E-80(d) reads as rewritten:

"(d) To enable the Department to determine compliance with this Part and the rules promulgated under the authority of this Part and to investigate complaints made against a hospital licensed under this Part, while maintaining the confidentiality of the complainant, the Department shall have the authority to review any writing or other record in any recording medium which pertains to the admission, discharge, medication, treatment, medical condition, or history of persons who are or have been patients of the hospital licensed under this Part and the personnel records of those individuals employed by the licensed hospital. The examinations of these records is permitted notwithstanding the provisions of G.S. 8-53, 'Communications between physician and patient, or any other provision of law relating to the confidentiality of communications between physician and patient. Proceedings of medical review committees are exempt from the provisions of this section. The hospital, its employees, and any person interviewed during these inspections shall be immune from liability for damages resulting from the disclosure of any information to the Department. Any confidential or privileged information received from review of records or interviews shall be kept confidential by the Department and not disclosed without written authorization of the patient, employee or legal representative, or unless disclosure is ordered by a court of competent jurisdiction. The Department shall institute appropriate policies and procedures to ensure that this information shall not be disclosed without authorization or court order. The Department shall not disclose the name of anyone who has furnished information concerning a hospital without the consent of that person. Any officer, administrator, or employee of the Department who willfully discloses confidential or privileged information without appropriate authorization or court order shall be guilty of a Class 3 misdemeanor and upon conviction shall only be fined in the discretion of the court but not in excess of five hundred dollars (\$500.00). Neither the names of persons furnishing information nor any confidential or privileged information obtained from records or interviews shall be considered 'public records' within the meaning of G.S. 132-1, 'Public Records' defined."

## —OPERATING HOSPITAL WITHOUT A LICENSE

Sec. 958. G.S. 131E-81 reads as rewritten:

### "§ 131E-81. Penalties.

(a) Any person establishing, conducting, managing, or operating any hospital without a license shall be guilty of a Class 3 misdemeanor, and upon conviction shall only be liable for a fine of not more than fifty dollars (\$50.00) for the first offense and not more than five hundred dollars (\$500.00) for each subsequent offense. Each day of a continuing violation after conviction shall be considered a separate offense.

(b) Except as otherwise provided in this Part, any person who willfully violates any provision of this Part or who willfully fails to perform any act required, or who willfully performs any act prohibited by this Part, shall be guilty of a misdemeanor and

~~upon conviction thereof shall be punished by a fine or by imprisonment for a period not to exceed two years or by both such fine and imprisonment in the discretion of the court. Class 1 misdemeanor. However, any person who willfully violates any rule adopted by the Commission under this Part or who willfully fails to perform any act required by, or who willfully does any act prohibited by, these rules shall be guilty of a misdemeanor and upon conviction shall be punished by a fine not to exceed fifty dollars (\$50.00) or by imprisonment for a period not to exceed 30 days. Class 3 misdemeanor."~~

#### **—PATIENT REFUSAL TO LEAVE HOSPITAL AFTER DISCHARGE**

Sec. 959. G.S. 131E-90 reads as rewritten:

#### **"§ 131E-90. Authority of administrator; refusal to leave after discharge.**

The case of a patient who refuses or fails to leave the hospital upon discharge by the attending physician shall be reviewed by two physicians licensed to practice medicine in this State, one of whom may be the attending physician. If in the opinion of the physicians, the patient should be discharged as cured or as no longer needing treatment or for the reason that treatment cannot benefit the patient's case or for other good and sufficient reasons, the patient's refusal to leave shall constitute a trespass. The patient shall be guilty of a ~~misdemeanor, and upon conviction shall be punished by a fine not to exceed fifty dollars (\$50.00) or imprisoned not more than 30 days. Class 3 misdemeanor."~~

#### **—OPERATING A NURSING HOME WITHOUT A LICENSE**

Sec. 960. G.S. 131E-109 reads as rewritten:

#### **"§ 131E-109. Penalties.**

(a) Any person establishing, conducting, managing or operating any nursing home without a license shall be guilty of a Class 3 misdemeanor, and upon conviction shall only be liable for a fine of not more than five hundred dollars (\$500.00) for the first offense and not more than five hundred dollars (\$500.00) for each subsequent offense. Each day of a continuing violation after conviction shall be considered a separate offense.

(b) Any person acting under the authority of the Department who gives advance notice to an operator of a nursing home of the date or time that the nursing home is to be inspected shall be guilty of a ~~misdemeanor, and upon conviction shall be liable for a fine of not more than five hundred dollars (\$500.00) or imprisonment for a period not to exceed 30 days, or both. Class 3 misdemeanor.~~ The inspection of a nursing home for initial licensure shall be exempt from the prohibition of prior notice. All subsequent inspections must comply with the provisions of this subsection.

(c) The Secretary or a designee may suspend the admission of any new patients or residents at any nursing home or domiciliary home where the conditions of the nursing home or domiciliary home are detrimental to the health or safety of the patient or resident. This suspension shall remain in effect until the Secretary is satisfied that conditions or circumstances merit the removal of the suspension. This subsection shall be in addition to authority to suspend or revoke the license of the home. Any facility wishing to contest a suspension of admissions shall be entitled to an administrative hearing as provided in the Administrative Procedure Act, Chapter 150B of the General Statutes. The petition for a contested case shall be filed in the Office of Administrative

Hearings within 20 days after the Department mails a written notice of suspension of admissions to the facility.

(d) Except as otherwise provided in this Part, any person who violates any provision of this Part or who willfully fails to perform any act required, or who willfully performs any act prohibited by this Part, shall be guilty of a ~~misdemeanor and upon conviction shall be punished by a fine or by imprisonment for a period not to exceed two years or by both such fine and imprisonment in the discretion of the court; Class 1 misdemeanor~~: Provided, however, that any person who willfully violates any rule adopted by the Commission under this Part or who willfully fails to perform any act required by, or who willfully performs any act prohibited by, these rules shall be guilty of a ~~misdemeanor and upon conviction shall be punished by a fine not to exceed fifty dollars (\$50.00) or by imprisonment for a period not to exceed 30 days. Class 3 misdemeanor~~"

#### **—HOME CARE AGENCY WITHOUT A LICENSE**

Sec. 961. G.S. 131E-141.1 reads as rewritten:

##### **"§ 131E-141.1. Penalties for violation.**

Any person who knowingly and willfully establishes, conducts, manages or operates any home care agency without a license is guilty of a Class 3 misdemeanor and upon conviction is liable only for a fine of not more than five hundred dollars (\$500.00) for the first offense and not more than five hundred dollars (\$500.00) for each subsequent offense."

#### **—AMBULATORY SURGICAL FACILITY WITHOUT A LICENSE**

Sec. 962. G.S. 131E-151 reads as rewritten:

##### **"§ 131E-151. Penalties.**

A person who owns in whole or in part or operates an ambulatory surgical facility without a license is guilty of a Class 3 misdemeanor, and upon conviction will be subject only to a fine of not more than fifty dollars (\$50.00) for the first offense and not more than five hundred dollars (\$500.00) for each subsequent offense. Each day of continuing violation after conviction is considered a separate offense."

#### **—CONFIDENTIALITY IN HEALTH CARE FACILITY LICENSING**

Sec. 963. G.S. 131E-154.8(b) reads as rewritten:

"(b) The Department shall not disclose:

- (1) Any confidential or privileged information obtained under this section unless the patient or his legal representative authorizes disclosure in writing or unless a court of competent jurisdiction orders disclosure; or
- (2) The name of anyone who has furnished information concerning a nursing pool without that person's consent.

The Department shall institute appropriate policies and procedures to ensure that unauthorized disclosure does not occur. Any Department employee who willfully discloses this information without appropriate authorization or court order shall be guilty of a Class 3 misdemeanor and, upon conviction, only fined at the discretion of the court but not in excess of five hundred dollars (\$500.00)."

#### **—REGULATION OF AMBULANCE SERVICES**

Sec. 964. G.S. 131E-161 reads as rewritten:

### **§ 131E-161. Violation declared misdemeanor.**

It shall be the responsibility of the ambulance provider to ensure that the ambulance operation complies with the provisions of this Article and all rules adopted for this Article. Upon the violation of any part of this Article or any rule adopted under authority of this Article, the Department shall have the power to revoke or suspend the permits of all vehicles owned or operated by the violator. The operation of an ambulance without a valid permit or after a permit has been suspended or revoked or without an emergency medical technician and ambulance attendant aboard as required by G.S. 131E-158, shall constitute a ~~misdemeanor punishable by a fine or imprisonment or both in the discretion of the court.~~ Class 1 misdemeanor."

### **—CONFIDENTIALITY WITH REGARD TO HOSPICE LICENSURE**

Sec. 965. G.S. 131E-207(b) reads as rewritten:

**"(b) The Department shall not disclose:**

- (1) Any confidential or privileged information obtained under this section unless the patient or his legal representative authorizes disclosure in writing or unless a court of competent jurisdiction orders disclosure; or
- (2) The name of anyone who has furnished information concerning a hospice without that person's consent.

The Department shall institute appropriate policies and procedures to ensure that unauthorized disclosure does not occur. Any Department employee who willfully discloses this information without appropriate authorization or court order shall be guilty of a Class 3 misdemeanor and upon conviction only fined at the discretion of the court but not to exceed five hundred dollars (\$500.00)."

### **—DESTRUCTION OF PUBLIC RECORDS BY PUBLIC OFFICIALS**

#### **REGULATED**

Sec. 966. G.S. 132-3 reads as rewritten:

#### **"§ 132-3. Destruction of records regulated.**

No public official may destroy, sell, loan, or otherwise dispose of any public record, except in accordance with G.S. 121-5, without the consent of the Department of Cultural Resources. Whoever unlawfully removes a public record from the office where it is usually kept, or alters, defaces, mutilates or destroys it shall be guilty of a Class 3 misdemeanor and upon conviction only fined not less than ten dollars (\$10.00) nor more than five hundred dollars (\$500.00)."

### **—DISPOSITION OF PUBLIC RECORDS AT END OF OFFICIAL'S TERM**

Sec. 967. G.S. 132-4 reads as rewritten:

#### **"§ 132-4. Disposition of records at end of official's term.**

Whoever has the custody of any public records shall, at the expiration of his term of office, deliver to his successor, or, if there be none, to the Department of Cultural Resources, all records, books, writings, letters and documents kept or received by him in the transaction of his official business; and any such person who shall refuse or neglect for the space of 10 days after request made in writing by any citizen of the State to deliver as herein required such public records to the person authorized to receive them shall be guilty of a ~~misdemeanor and upon conviction imprisoned for a term not~~

~~exceeding two years or fined not exceeding one thousand dollars (\$1,000) or both. Class 1 misdemeanor."~~

## **—DEMANDING CUSTODY OF PUBLIC RECORDS**

Sec. 968. G.S. 132-5 reads as rewritten:

### **"§ 132-5. Demanding custody.**

Whoever is entitled to the custody of public records shall demand them from any person having illegal possession of them, who shall forthwith deliver the same to him. If the person who unlawfully possesses public records shall without just cause refuse or neglect for 10 days after a request made in writing by any citizen of the State to deliver such records to their lawful custodian, he shall be guilty of a ~~misdemeanor and upon conviction imprisoned for a term not exceeding two years or fined not exceeding one thousand dollars (\$1,000) or both. Class 1 misdemeanor."~~

## **—VIOLATION OF PUBLIC WORKS CHAPTER**

Sec. 969. G.S. 133-4 reads as rewritten:

### **"§ 133-4. Violation of Chapter made misdemeanor.**

Any person, firm, or corporation violating the provisions of this Chapter shall be guilty of a Class 3 misdemeanor and upon conviction, license to practice his profession in this State shall be withdrawn for a period of one year and he shall only be subject to a fine of not more than five hundred dollars (\$500.00)."

## **—GIFTS AND FAVORS WITH REGARD TO PUBLIC CONTRACTS**

### **REGULATED**

Sec. 970. G.S. 133-32(b) reads as rewritten:

"(b) A violation of subsection (a) shall be a Class 1 misdemeanor."

## **—AIDING ESCAPES FROM AN INSTITUTION OR YOUTH SERVICES**

Sec. 971. G.S. 134A-25 reads as rewritten:

### **"§ 134A-25. Criminal offense to aid escapes.**

It shall be unlawful for any person to aid, harbor, conceal or assist any child to escape from an institution or youth services program. Any person who renders said assistance to a child shall be guilty of a Class 1 misdemeanor."

## **—TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM**

Sec. 972. G.S. 135-6(p) reads as rewritten:

"(p) Notwithstanding any law, rule, regulation or policy to the contrary, any board, agency, department, institution or subdivision of the State maintaining lists of names and addresses in the administration of their programs may upon request provide to the Retirement System information limited to social security numbers, current name and addresses of persons identified by the System as members, beneficiaries, and beneficiaries of members of the System. The System shall use such information for the sole purpose of notifying members, beneficiaries, and beneficiaries of members of their rights to and accruals of benefits in the Retirement System. Any social security number, current name and address so obtained and any information concluded therefrom and the source thereof shall be treated as confidential and shall not be divulged by any employee of the Retirement System or of the Department of State Treasurer except as may be necessary to notify the member, beneficiary, or beneficiary of the member of their rights to and accruals of benefits in the Retirement System. Any person, officer,

employee or former employee violating this provision shall be guilty of a ~~misdemeanor and fined not less than two hundred dollars (\$200.00) nor more than one thousand (\$1,000) and/or be imprisoned; Class 1 misdemeanor~~; and if such offending person be a public official or employee, he shall be dismissed from office or employment and shall not hold any public office or employment in this State for a period of five years thereafter."

#### **—FRAUDULENT RECORDS OF RETIREMENT SYSTEM FOR TEACHERS**

Sec. 973. G.S. 135-10 reads as rewritten:

##### **"§ 135-10. Protection against fraud.**

Any person who shall knowingly make any false statement or shall falsify or permit to be falsified any record or records of this Retirement System in any attempt to defraud such System as a result of such act shall be guilty of a ~~misdemeanor, and on conviction thereof by any court of competent jurisdiction, shall be punished by a fine not exceeding five hundred dollars (\$500.00), or imprisonment in the county jail not exceeding 12 months, or both such fine and imprisonment at the discretion of the court. Class 1 misdemeanor.~~ Should any change or error in the records result in any member or beneficiary receiving from the Retirement System more or less than he would have been entitled to receive had the records been correct, the Board of Trustees shall correct such error, and as far as practicable, shall adjust the payment in such a manner that the actuarial equivalent of the benefit to which such member or beneficiary was correctly entitled shall be paid."

#### **—POWERS OF DEPARTMENT OF TRANSPORTATION**

Sec. 974. G.S. 136-18(5) reads as rewritten:

"(5) To make rules, regulations and ordinances for the use of, and to police traffic on, the State highways, and to prevent their abuse by individuals, corporations and public corporations, by trucks, tractors, trailers or other heavy or destructive vehicles or machinery, or by any other means whatsoever, and to provide ample means for the enforcement of same; and the violation of any of the rules, regulations or ordinances so prescribed by the Department of Transportation shall constitute a Class 1 ~~misdemeanor~~: Provided, no rules, regulations or ordinances shall be made that will conflict with any statute now in force or any ordinance of incorporated cities or towns, except the Department of Transportation may regulate parking upon any street which forms a link in the State highway system, if said street be maintained with State highway funds."

Sec. 975. G.S. 136-18(9) reads as rewritten:

"(9) To employ appropriate means for properly selecting, planting and protecting trees, shrubs, vines, grasses or legumes in the highway right-of-way in the promotion of erosion control, landscaping and general protection of said highways; to acquire by gift or otherwise land for and to construct, operate and maintain roadside parks, picnic areas, picnic tables, scenic overlooks and other appropriate turnouts for the safety and convenience of highway users; and to cooperate with

municipal or county authorities, federal agencies, civic bodies and individuals in the furtherance of those objectives. None of the roadside parks, picnic areas, picnic tables, scenic overlooks or other turnouts, or any part of the highway right-of-way shall be used for commercial purposes except for vending machines permitted by the Department of Transportation and placed by the Division of Services for the Blind, Department of Human Resources, as the State licensing agency designated pursuant to Section 2(a)(5) of the Randolph-Sheppard Act (20 USC 107a(a)(5)). The Department of Transportation shall regulate the placing of the vending machines in highway rest areas and shall regulate the articles to be dispensed. Every other use or attempted use of any of these areas for commercial purposes shall constitute a Class 1 misdemeanor and each day's use shall constitute a separate offense."

Sec. 976. G.S. 136-18(10) reads as rewritten:

- "(10) To make proper and reasonable rules, regulations and ordinances for the placing or erection of telephone, telegraph, electric and other lines, above or below ground, signboards, fences, gas, water, sewerage, oil, or other pipelines, and other similar obstructions that may, in the opinion of the Department of Transportation, contribute to the hazard upon any of the said highways or in any way interfere with the same, and to make reasonable rules and regulations for the proper control thereof. And whenever the order of the said Department of Transportation shall require the removal of, or changes in, the location of telephone, telegraph, electric or other lines, signboards, fences, gas, water, sewerage, oil, or other pipelines, or other similar obstructions, the owners thereof shall at their own expense, except as provided in G.S. 136-19.5(c), move or change the same to conform to the order of said Department of Transportation. Any violation of such rules and regulations or noncompliance with such orders shall constitute a Class 1 misdemeanor."

Sec. 977. G.S. 136-18(22) reads as rewritten:

- "(22) No airport or aircraft landing area shall be constructed or altered where such construction or alteration when undertaken or completed may reasonably affect motor vehicle operation and safety on adjoining public roads except in accordance with a written permit from the Department of Transportation or its duly authorized officers. The Department of Transportation is authorized and empowered to regulate airport and aircraft landing area construction and alteration in order to preserve safe clearances between highways and airways and the Department of Transportation is authorized and empowered to make rules, regulations, and ordinances for the preservation of safe clearances between highways and airways. The Department of Transportation shall be responsible for determining safe clearances and

shall fix standards for said determination which shall not exceed the standards adopted for similar purposes by the United States Bureau of Public Roads under the Federal Aid Highway Act of 1958. Any person, firm, corporation or airport authority constructing or altering an airport or aircraft landing area without obtaining a written permit as herein provided, or not in compliance with the terms of such permit, or violating the provisions of the rules, regulations or ordinances promulgated under the authority of this section shall be guilty of a ~~misdemeanor punishable in the discretion of the court; Class 1 misdemeanor;~~ provided, that this subdivision shall not apply to publicly owned and operated airports and aircraft landing areas receiving federal funds and subject to regulation by the Federal Aviation Authority."

#### **—PROVISION AND MARKING OF "PULL-OFF" AREAS**

Sec. 978. G.S. 136-18.4 reads as rewritten:

##### **"§ 136-18.4. Provision and marking of 'pull-off' areas.**

The Department of Transportation is hereby authorized and directed (i) to provide as needed within its right-of-way, adjacent to long sections of two-lane primary highway having a steep uphill grade or numerous curves, areas on which buses, trucks and other slow-moving vehicles can pull over so that faster moving traffic may proceed unimpeded and (ii) to erect appropriate and adequate signs along such sections of highway and at the pull-off areas. A driver of a truck, bus, or other slow-moving vehicle who fails to use an area so provided and thereby impedes faster moving traffic following his vehicle shall be guilty of a ~~misdemeanor and upon conviction shall be fined not more than fifty dollars (\$50.00) or imprisoned not more than 30 days or both.~~ Class 3 misdemeanor."

#### **—GRADE CROSSINGS AND INADEQUATE UNDERPASSES OR OVERPASSES**

Sec. 979. G.S. 136-20(e) reads as rewritten:

"(e) If any railroad company so ordered by the Secretary of Transportation to construct an underpass or overpass or to install safety devices at grade crossings as hereinbefore provided for shall fail or refuse to comply with the order of the Secretary of Transportation requiring such construction or installation, said railroad company shall be guilty of a Class 3 misdemeanor and shall only be fined not less than fifty (\$50.00) nor more than one hundred dollars (\$100.00) in the discretion of the court for each day such failure or refusal shall continue, each said day to constitute a separate offense."

#### **—INJURY TO HIGHWAY BARRIERS, WARNING SIGNS**

Sec. 980. G.S. 136-26 reads as rewritten:

##### **"§ 136-26. Closing of State highways during construction; injury to barriers, warning signs, etc.**

If it shall appear necessary to the Department of Transportation, its officers, or appropriate employees, to close any road or highway coming under its jurisdiction so as to permit of proper completion of work which is being performed, such Department of

Transportation, its officers or employees, may close, or cause to be closed, the whole or any portion of such road or highway deemed necessary to be excluded from public travel. While any such road or highway, or portion thereof, is so closed, or while any such road or highway, or portion thereof, is in process of construction or maintenance, such Department of Transportation, its officers or appropriate employees, or its contractor, under authority from such Department of Transportation, may erect, or cause to be erected, suitable barriers or obstruction thereon; may post, or cause to be posted, conspicuous notices to the effect that the road or highway, or portion thereof, is closed; and may place warning signs, lights and lanterns on such road or highway, or portions thereof. When such road or highway is closed to the public or in process of construction or maintenance, as provided herein, any person who willfully drives into new construction work, breaks down, removes, injures or destroys any such barrier or barriers or obstructions on the road closed or being constructed, or tears down, removes or destroys any such notices, or extinguishes, removes, injures or destroys any such warning lights or lanterns so erected, posted or placed, shall be guilty of a Class 1 misdemeanor."

#### **—OTHER THAN OFFICIAL SIGNS PROHIBITED**

Sec. 981. G.S. 136-32 reads as rewritten:

##### **"§ 136-32. Other than official signs prohibited.**

No unauthorized person shall erect or maintain upon any highway any warning or direction sign, marker, signal or light or imitation of any official sign, marker, signal or light erected under the provisions of G.S. 136-30, except in cases of emergency. No person shall erect or maintain upon any highway any traffic or highway sign or signal bearing thereon any commercial advertising: Provided, nothing in this section shall be construed to prohibit the erection or maintenance of signs, markers, or signals bearing thereon the name of an organization authorized to erect the same by the Department of Transportation or by any local authority referred to in G.S. 136-31. Any person who shall violate any of the provisions of this section shall be guilty of a ~~misdemeanor and punished in the discretion of the court.~~ Class 1 misdemeanor. The Department of Transportation may remove any signs erected without authority."

#### **—MISLEADING SIGNS PROHIBITED**

Sec. 982. G.S. 136-32.1 reads as rewritten:

##### **"§ 136-32.1. Misleading signs prohibited.**

No person shall erect or maintain within 100 feet of any highway right-of-way any warning or direction sign or marker of the same shape, design, color and size of any official highway sign or marker erected under the provisions of G.S. 136-30, or otherwise so similar to an official sign or marker as to appear to be an official highway sign or marker. Any person who violates any of the provisions of this section is guilty of a ~~misdemeanor and shall be punished by a fine or imprisonment, or both, in the discretion of the court.~~ Class 1 misdemeanor."

#### **—PLACING BLINDING, DECEPTIVE OR DISTRACTING LIGHTS UNLAWFUL**

Sec. 983. G.S. 136-32.2(a) reads as rewritten:

"(a) If any person, firm or corporation shall place or cause to be placed any lights, which are flashing, moving, rotating, intermittent or steady spotlights, in such a manner and place and of such intensity:

- (1) Which, by the use of flashing or blinding lights, blinds, tends to blind and effectively hampers the vision of the operator of any motor vehicle passing on a public highway; or
- (2) Which involves red, green or amber lights or reflectorized material and which resembles traffic signal lights or traffic control signs; or
- (3) Which, by the use of lights, reasonably causes the operator of any motor vehicle passing upon a public highway to mistakenly believe that there is approaching or situated in his lane of travel some other motor vehicle or obstacle, device or barricade, which would impede his traveling in such lane;

~~[he or it] shall be guilty of a misdemeanor and shall upon conviction be fined not more than fifty dollars (\$50.00) or imprisoned not more than 30 days or both. Class 3 misdemeanor."~~

#### **—DAMAGING OR REMOVING SIGNS; REWARDS**

Sec. 984. G.S. 136-33(b1) reads as rewritten:

~~"(b1) Any person violating the provisions of this section shall be guilty of a misdemeanor punishable by a fine of not more than five hundred dollars (\$500.00) or imprisonment for not more than six months, or both, in the discretion of the court. Class 2 misdemeanor."~~

#### **—LOAD LIMITS FOR BRIDGES; PENALTY FOR VIOLATIONS**

Sec. 985. G.S. 136-72 reads as rewritten:

#### **"§ 136-72. Load limits for bridges; penalty for violations.**

The Department of Transportation shall have authority to determine the safe load-carrying capacity for any and all bridges on highways on the State highway system. It shall be unlawful for any person, firm, or corporation to drive, operate or tow on any bridge on the State highway system, any vehicle or combination of vehicles with a gross weight exceeding the safe load-carrying capacity established by the Department of Transportation and posted at each end of the said bridge. Any person, firm, or corporation violating the provisions of this section shall be guilty of a Class 1 misdemeanor."

#### **—FASTENING VESSELS TO BRIDGES MISDEMEANOR**

Sec. 986. G.S. 136-80 reads as rewritten:

#### **"§ 136-80. Fastening vessels to bridges misdemeanor.**

If any person shall fasten any decked vessel or steamer to any bridge that crosses a navigable stream, he shall be guilty of a Class 1 misdemeanor, and in the case of a bridge that crosses a county line, may be prosecuted in either county."

#### **—SAFETY MEASURES FOR PUBLIC FERRIES**

Sec. 987. G.S. 136-89 reads as rewritten:

#### **"§ 136-89. Safety measures; guard chains or gates.**

Each and every person, firm or corporation, owning or operating a public ferry upon any sound, bay, river, creek or other stream, shall have securely affixed and attached

thereto, at each end of the same, a detachable steel or iron chain, or in lieu thereof a steel or iron gate, and so affixed and arranged that the same shall be closed or fastened across the opposite end from the approach, whenever any motor vehicle, buggy, cart, wagon, or other conveyance shall be driven upon or shall enter upon the same; and shall be securely fastened or closed at each end of the ferry after such motor vehicle, buggy, cart, wagon, or other conveyance shall have been driven or shall have entered upon the same. And the said gates or chains shall remain closed or fastened, at each end, until the voyage across the stream upon which said ferry is operated shall have been completed. The Department of Transportation, as to ferries under its supervision, and the respective boards of county commissioners, as to other ferries, shall fix and determine a standard weight or size of chain, and a standard size, type, or character of gate, for use by said ferries, leaving optional with the said owner or operator the use of chains or gates.

Any person, firm or corporation violating any of the provisions of this section shall be guilty of a Class 1 misdemeanor."

#### —UNLAWFUL USE OF INTERSTATE HIGHWAYS

Sec. 988. G.S. 136-89.58 reads as rewritten:

#### "**§ 136-89.58. Unlawful use of National System of Interstate and Defense Highways and other controlled-access facilities.**

On those sections of highways which are or become a part of the National System of Interstate and Defense Highways and other controlled-access facilities it shall be unlawful for any person:

- (1) To drive a vehicle over, upon or across any curb, central dividing section or other separation or dividing line on said highways.
- (2) To make a left turn or a semicircular or U-turn except through an opening provided for that purpose in the dividing curb section, separation, or line on said highways.
- (3) To drive any vehicle except in the proper lane provided for that purpose and in the proper direction and to the right of the central dividing curb, separation section, or line on said highways.
- (4) To drive any vehicle into the main travel lanes or lanes of connecting ramps or interchanges except through an opening or connection provided for that purpose by the Department of Transportation.
- (5) To stop, park, or leave standing any vehicle, whether attended or unattended, on any part or portion of the right-of-way of said highways, except in the case of an emergency or as directed by a peace officer, or as designated parking areas.
- (6) To willfully damage, remove, climb, cross or breach any fence erected within the rights-of-way of said highways.
- (7) Notwithstanding any other subdivision of this section, a member of the State Highway Patrol may cross the median of a divided highway when he has reasonable grounds to believe that a felony is being or has been committed, has personal knowledge that a vehicle is being operated at a speed or in a manner which is likely to endanger persons or property, or the patrol member has reasonable grounds to believe

that his presence is immediately required at a location which would necessitate his crossing a median of a divided highway for this purpose.

Any person who violates any of the provisions of this section shall be guilty of a ~~misdemeanor and upon conviction thereof shall be punished by a fine not in excess of one hundred dollars (\$100.00) or by imprisonment not in excess of 60 days or by both such fine and imprisonment, in the discretion of the court. Class 2 misdemeanor.~~"

### —OBSTRUCTING HIGHWAYS AND ROADS

Sec. 989. G.S. 136-90 reads as rewritten:

#### "§ 136-90. Obstructing highways and roads misdemeanor.

If any person shall willfully alter, change or obstruct any highway, cartway, mill road or road leading to and from any church or other place of public worship, whether the right-of-way thereto be secured in the manner provided for by law or by purchase, donation or otherwise, such person shall be guilty of a ~~misdemeanor, and fined or imprisoned, or both. Class 1 misdemeanor.~~ If any person shall hinder or in any manner interfere with the making of any road or cartway laid off according to law, he shall be guilty of a ~~misdemeanor, and punished by fine or imprisonment, or both, in the discretion of the court. Class 1 misdemeanor.~~"

### —PLACING GLASS, ETC., OR INJURIOUS OBSTRUCTIONS IN ROAD

Sec. 990. G.S. 136-91(c) reads as rewritten:

"(c) Any person violating the provisions of this section shall be guilty of a ~~misdemeanor punishable by a fine not to exceed two hundred dollars (\$200.00) or imprisonment for not more than 30 days. Class 3 misdemeanor.~~"

### —OBSTRUCTING HIGHWAY DRAINS

Sec. 991. G.S. 136-92 reads as rewritten:

#### "§ 136-92. Obstructing highway drains misdemeanor.

Any person who shall obstruct any drains along or leading from any public road in the State shall be guilty of a Class 3 misdemeanor, and punished only by a fine of not less than ten (\$10.00) nor more than one hundred dollars (\$100.00)."

### —OPENINGS, STRUCTURES, PIPES, TREES, ON HIGHWAYS

Sec. 992. G.S. 136-93 reads as rewritten:

#### "§ 136-93. Openings, structures, pipes, trees, and issuance of permits.

No opening or other interference whatsoever shall be made in any State road or highway other than streets not maintained by the Department of Transportation in cities and towns, nor shall any structure be placed thereon, nor shall any structure which has been placed thereon be changed or removed except in accordance with a written permit from the Department of Transportation or its duly authorized officers, who shall exercise complete and permanent control over such roads and highways. No State road or State highway, other than streets not maintained by the Department of Transportation in cities and towns, shall be dug up for laying or placing pipes, conduits, sewers, wires, railways, or other objects, and no tree or shrub in or on any State road or State highway shall be planted, trimmed, or removed, and no obstruction placed thereon, without a written permit as hereinbefore provided for, and then only in accordance with the regulations of said Department of Transportation or its duly authorized officers or

employees; and the work shall be under the supervision and to the satisfaction of the Department of Transportation or its officers or employees, and the entire expense of replacing the highway in as good condition as before shall be paid by the persons, firms, or corporations to whom the permit is given, or by whom the work is done. The Department of Transportation, or its duly authorized officers, may, in its discretion, before granting a permit under the provisions of this section, require the applicant to file a satisfactory bond, payable to the State of North Carolina, in such an amount as may be deemed sufficient by the Department of Transportation or its duly authorized officers, conditioned upon the proper compliance with the requirements of this section by the person, firm, or corporation granted such permit. Any person making any opening in a State road or State highway, or placing any structure thereon, or changing or removing any structure thereon without obtaining a written permit as herein provided, or not in compliance with the terms of such permit, or otherwise violating the provisions of this section, shall be guilty of a Class 1 misdemeanor: Provided, this section shall not apply to railroad crossings. The railroads shall keep up said crossings as now provided by law."

#### **—GATES PROJECTING OVER RIGHTS-OF-WAY FORBIDDEN**

Sec. 993. G.S. 136-94 reads as rewritten:

#### **"§ 136-94. Gates projecting over rights-of-way forbidden.**

It shall be unlawful for any person, firm or corporation to erect, maintain or operate upon his own land, or the land of another, any farm gate or other gate which, when opened, will project over the right-of-way of any State highway.

Any person violating the provisions of this section shall be guilty of a ~~misdemeanor, and, upon conviction, shall be fined not more than fifty dollars (\$50.00) or imprisoned not more than 30 days, in the discretion of the court.~~ Class 3 misdemeanor."

#### **—BILLBOARD OBSTRUCTING VIEW**

Sec. 994. G.S. 136-102(b) reads as rewritten:

"(b) Any person, firm, or corporation convicted of violating the provisions of this section shall be guilty of a Class 3 misdemeanor and punished only by a fine of ten dollars (\$10.00), and each day that such violation continues shall be considered a separate offense."

#### **—TEST DRILLING OR BORING AND RECORDS FILED THEREWITH**

Sec. 995. G.S. 136-102.4 reads as rewritten:

#### **"§ 136-102.4. Penalty for violation of §§ 136-102.2 and 136-102.3.**

Violation of G.S. 136-102.2 and 136-102.3 shall be a ~~misdemeanor, punishable in the discretion of the court.~~ Class 1 misdemeanor."

#### **—COMPLIANCE OF SUBDIVISION STREETS WITH MINIMUM STANDARDS**

Sec. 996. G.S. 136-102.6(k) reads as rewritten:

"(k) A willful violation of any of the provisions of this section shall be a Class 1 misdemeanor."

#### **—REGULATION OF SCENIC EASEMENTS**

Sec. 997. G.S. 136-125 reads as rewritten:

#### **"§ 136-125. Regulation of scenic easements.**

The Department of Transportation shall have the authority to promulgate rules and regulations governing the use, maintenance and protection of the areas or interests acquired under this Article. Any violation of such rules and regulations shall be a Class 1 misdemeanor."

## **—OUTDOOR ADVERTISING ALONG THE INTERSTATE SYSTEM OR PRIMARY SYSTEM**

Sec. 998. G.S. 136-135 reads as rewritten:

### **"§ 136-135. Enforcement provisions.**

Any person, firm, corporation or association, placing, erecting or maintaining outdoor advertising along the interstate system or primary system in violation of this Article or rules and regulations promulgated by the Department of Transportation shall be guilty of a Class 1 misdemeanor. In addition thereto, the Department of Transportation may seek injunctive relief in the Superior Court of Wake County and require the outdoor advertising to conform to the provisions of this Article or rules and regulations promulgated pursuant hereto, or require the removal of the said illegal outdoor advertising."

## **—JUNKYARD NEAR ANY INTERSTATE OR PRIMARY HIGHWAY**

Sec. 999. G.S. 136-145 reads as rewritten:

### **"§ 136-145. Enforcement provisions.**

Any person, firm, corporation or association that establishes, operates or maintains a junkyard within 1,000 feet of the nearest edge of the right-of-way of any interstate or primary highway, after the effective date of this Article as determined by G.S. 136-155, that does not come within one or more of the exceptions contained in G.S. 136-144 hereof, shall be guilty of a Class 1 misdemeanor, and each day that the junkyard remains within the prohibited distance shall constitute a separate offense. In addition thereto, said junkyard is declared to be a public nuisance and the Department of Transportation may seek injunctive relief in the superior court of the county in which the offense is committed to abate the said nuisance and to require the removal of all junk from the prohibited area."

## **—PETITION ON NEED FOR WATERSHED IMPROVEMENT DISTRICT**

Sec. 1000. G.S. 139-18(j) reads as rewritten:

"(j) If there be only one voting place the county election authorities shall immediately after the counting of the ballots form a board of canvassers and, in the presence of such voters as choose to attend, shall canvass and judicially determine the results.

If there be more than one voting place the county election authorities at each voting place shall elect one of their members to attend the meeting of the board of canvassers as a member thereof. When the results of the counting of the ballots shall have been ascertained, such results shall be embodied in a duplicate statement, one copy of which shall be placed in a sealed envelope and delivered to the official elected to attend the meeting of the board of canvassers, and the other copy of which shall be mailed by another county election official to the board of supervisors of the soil and water conservation district. The members of the board of canvassers so appointed shall meet at 11 A.M. on the second day after the election at the county courthouse of the county

wherein the largest portion of the proposed district lies, as determined by the said board of supervisors. A majority of the board of canvassers shall constitute a quorum, and such board shall organize by the election of one of its number as chairman and one as secretary. Any member of such board who shall fail to deliver the certified returns from his voting place by 12 noon on the day of such board meeting shall be guilty of a Class 1 misdemeanor, unless for illness or good cause shown for such failure. If any returns have not been received by 12 noon on the day of the meeting, or if any returns are incomplete or defective, it may dispatch an officer to the residence of such officials for the purpose of securing the proper returns for such voting place. The board of canvassers at its meeting shall in the presence of such voters as choose to attend, open, canvass, and judicially determine the results.

Whether there be one or more than one voting place, the board of canvassers after judicially determining the results shall make abstracts stating the number of legal ballots cast in each voting place and the number of votes cast for and against creation of the watershed improvement district, and shall sign the same in duplicate with its certificate as to the correctness of the abstracts. It shall have power to pass upon judicially all the votes relative to the election and judicially determine and declare the results of the same; to send for papers and persons and examine the latter upon oath; and to pass upon the legality of any disputed ballots transmitted to it by any election official. The board of canvassers shall transmit one copy of the certified abstract of the results to the Soil and Water Conservation Commission, and shall file the other copy with the supervisors of the soil and water conservation district."

#### **—COLLECTION AND PAYMENT OF WATERSHED ASSESSMENTS**

Sec. 1001. G.S. 139-27(e) reads as rewritten:

"(e) All watershed assessments shall be collected by the county tax collector in the same manner as county taxes, except as otherwise herein provided, and such collections shall be enforced in the manner provided by G.S. 105-374 and 105-375; provided, however, that there shall be no right to proceed against personal property in enforcing such collections. The tax collector shall be required on the first day of each month to make settlements with the secretary-treasurer of the Watershed Improvement District of all collections of watershed assessments for the preceding month, and to deposit all moneys so collected in an account maintained in the name of the district at an official depository designated by the district. Such account shall also be used for the deposit of all other funds of the district. Expenditures from such account may be made with the approval of the trustees of the district on requisition from the chairman and the secretary-treasurer of the district. The fee allowed the tax collector for collecting the watershed assessments shall be two percent (2%) of the amount collected, except that, where the tax collector is on a salary basis, such fee shall be paid into the general fund of the county.

If the tax collector shall willfully fail or neglect to comply with any requirement of law concerning collection or deposit of watershed assessments, he shall be guilty of a ~~misdemeanor, and upon conviction shall be subject to fine and imprisonment, in the discretion of the court.~~ Class 1 misdemeanor. He shall likewise be liable to a civil

action for all damages which may accrue either to the trustees of the district or the holders of its bonds, to either or both of whom a right of action is hereby given."

#### **—PERSON EXPENDING AN APPROPRIATION WRONGFULLY**

Sec. 1002. G.S. 143-32(b) reads as rewritten:

"(b) Any member or members of any board of trustees, board of directors, or other controlling body governing any of the institutions of the State, or any officer, employee of, or person holding any position with any of the institutions of the State, or other State agency as herein defined, who willfully acts to divert, use, or expend any funds appropriated for the use of said institution or agency, in a manner designed to circumvent the provisions of this section, including normal reversions of State funds, by failing to properly receive or deposit funds, or by the improper expenditure or transfer of funds for any purpose other than that for which the funds were appropriated and budgeted, shall be guilty of a ~~misdemeanor, punishable by fine or imprisonment, or both, in the discretion of the court.~~ Class 1 misdemeanor. All offenses against this section shall be held to have been committed in the County of Wake and shall be tried and disposed of in the General Court of Justice for Wake County. If such offender be not an officer elected by vote of the people, conviction of such offense shall be sufficient cause for removal from office or dismissal from employment by the Governor upon 30 days' notice in writing to such offender."

#### **—REFUSAL TO COMPLY WITH THE EXECUTIVE BUDGET ACT**

Sec. 1003. G.S. 143-34 reads as rewritten:

#### **"§ 143-34. Penalties and punishment for violations.**

A refusal to perform any of the requirements of this Article, and the refusal to perform any rule or requirement or request of the Director of the Budget made pursuant to, or under authority of, the Executive Budget Act, shall subject the offender to penalty of two hundred and fifty dollars (\$250.00), to be recovered in an action instituted either in Wake County Superior Court, or any other county, by the Attorney General for the use of the State of North Carolina, and shall also constitute a ~~misdemeanor, punishable by fine or imprisonment, or both, in the discretion of the court.~~ Class 1 misdemeanor. If such offender be not an officer elected by vote of the people, such offense shall be sufficient cause for removal from office or dismissal from employment by the Governor upon 30 days' notice in writing to such offender."

#### **—USE OF PUBLIC PURCHASE OR CONTRACT FOR PRIVATE BENEFIT**

Sec. 1004. G.S. 143-58.1(c) reads as rewritten:

"(c) A violation of this section is a ~~misdemeanor punishable by fine, imprisonment up to two years, or both, in the discretion of the court.~~ Class 1 misdemeanor."

#### **—TRUSTEE, DIRECTOR, OFFICER OR EMPLOYEE DIVERTING FUNDS**

Sec. 1005. G.S. 143-115 reads as rewritten:

#### **"§ 143-115. Trustee, director, officer or employee violating law guilty of misdemeanor.**

Any member or members of any board of trustees, board of directors, or other controlling body governing any of the institutions of the State, or any officer, employee of, or person holding any position with any of the institutions of the State, violating any

of the provisions of G.S. 143-114, shall be guilty of a Class 1 misdemeanor, and upon conviction in any court of competent jurisdiction judgment shall be rendered by such court removing such member, officer, employee, or person holding any position from his place, office or position, and shall be fined or imprisoned in the discretion of the court. position."

#### **—CONDUCT OF PERSONS ON THE GROUNDS OF DHR INSTITUTIONS**

Sec. 1006. G.S. 143-116.6(b) reads as rewritten:

"(b) Any person violating such rules shall, upon conviction, be guilty of a misdemeanor and shall be punishable by a fine, not to exceed five hundred dollars (\$500.00), or imprisonment for not more than six months, or both. Class 2 misdemeanor."

#### **—PROCEDURE FOR LETTING OF PUBLIC CONTRACTS**

Sec. 1007. G.S. 143-129 reads as rewritten:

#### **"§ 143-129. Procedure for letting of public contracts; purchases from federal government by State, counties, etc.**

(a) No construction or repair work requiring the estimated expenditure of public money in an amount equal to or more than fifty thousand dollars (\$50,000) or purchase of apparatus, supplies, materials, or equipment requiring an estimated expenditure of public money in an amount equal to or more than twenty thousand dollars (\$20,000), except in cases of group purchases made by hospitals through a competitive bidding purchasing program or in cases of special emergency involving the health and safety of the people or their property, shall be performed, nor shall any contract be awarded therefor, by any board or governing body of the State, or of any institution of the State government, or of any county, city, town, or other subdivision of the State, unless the provisions of this section are complied with. For purposes of this Article, a competitive bidding group purchasing program is a formally organized program that offers purchasing services at discount prices to two or more hospital facilities. The limitation contained in this paragraph shall not apply to construction or repair work undertaken during the progress of a construction or repair project initially begun pursuant to this section. Further, the provisions of this section shall not apply to the purchase of gasoline, diesel fuel, alcohol fuel, motor oil or fuel oil. Such purchases shall be subject to G.S. 143-131.

(b) Advertisement of the letting of such contracts shall be as follows:

Where the contract is to be let by a board or governing body of the State government, or of a State institution, as distinguished from a board or governing body of a subdivision of the State, proposals shall be invited by advertisement at least one week before the time specified for the opening of said proposals in a newspaper having general circulation in the State of North Carolina. Provided that the advertisements for bidders required by this section shall be published at such a time that at least seven full days shall lapse between the date of publication of notice and the date of the opening of bids.

Where the contract is to be let by a county, city, town or other subdivision of the State, proposals shall be invited by advertisement at least one week before the time

specified for the opening of said proposals in a newspaper having general circulation in such county, city, town or other subdivision.

Such advertisement shall state the time and place where plans and specifications of proposed work or a complete description of the apparatus, supplies, materials or equipment may be had, and the time and place for opening of the proposals, and shall reserve to said board or governing body the right to reject any or all such proposals.

Proposals shall not be rejected for the purpose of evading the provisions of this Article. No board or governing body of the State or subdivision thereof shall assume responsibility for construction or purchase contracts, or guarantee the payments of labor or materials therefor except under provisions of this Article.

All proposals shall be opened in public and shall be recorded on the minutes of the board or governing body and the award shall be made to the lowest responsible bidder or bidders, taking into consideration quality, performance and the time specified in the proposals for the performance of the contract. In the event the lowest responsible bids are in excess of the funds available for the project, the responsible board or governing body is authorized to enter into negotiations with the lowest responsible bidder above mentioned, making reasonable changes in the plans and specifications as may be necessary to bring the contract price within the funds available, and may award a contract to such bidder upon recommendation of the Department of Administration in the case of the State government or of a State institution or agency, or upon recommendation of the responsible commission, council or board in the case of a subdivision of the State, if such bidder will agree to perform the work at the negotiated price within the funds available therefor. If a contract cannot be let under the above conditions, the board or governing body is authorized to readvertise, as herein provided, after having made such changes in plans and specifications as may be necessary to bring the cost of the project within the funds available therefor. The procedure above specified may be repeated if necessary in order to secure an acceptable contract within the funds available therefor.

No proposal shall be considered or accepted by said board or governing body unless at the time of its filing the same shall be accompanied by a deposit with said board or governing body of cash, or a cashier's check, or a certified check on some bank or trust company insured by the Federal Deposit Insurance Corporation in an amount equal to not less than five percent (5%) of the proposal. In lieu of making the cash deposit as above provided, such bidder may file a bid bond executed by a corporate surety licensed under the laws of North Carolina to execute such bonds, conditioned that the surety will upon demand forthwith make payment to the obligee upon said bond if the bidder fails to execute the contract in accordance with the bid bond. This deposit shall be retained if the successful bidder fails to execute the contract within 10 days after the award or fails to give satisfactory surety as required herein. In the case of proposals in an estimated amount of less than one hundred thousand dollars (\$100,000) for the purchase of apparatus, supplies, materials, or equipment, the board or governing body may waive the requirement for a bid bond or other deposit.

Bids shall be sealed if the invitation to bid so specifies and, in any event, the opening of a bid or the disclosure or exhibition of the contents of any bid by anyone without the

permission of the bidder prior to the time set for opening in the invitation to bid shall constitute a general Class 1 misdemeanor.

(c) All contracts to which this section applies shall be executed in writing, and the board or governing body shall require the person to whom the award of contract is made to furnish bond as required by Article 3 of Chapter 44A; or require a deposit of money, certified check or government securities for the full amount of said contract to secure the faithful performance of the terms of said contract and the payment of all sums due for labor and materials in a manner consistent with Article 3 of Chapter 44A; and no such contract shall be altered except by written agreement of the contractor, the sureties on his bond, and the board or governing body. Such surety bond or deposit required herein shall be deposited with the board or governing body for which the work is to be performed. When a deposit, other than a surety bond, is made with the board or governing body, said board or governing body assumes all the liabilities, obligations and duties of a surety as provided in Article 3 of Chapter 44A to the extent of said deposit. In the case of contracts for the purchase of apparatus, supplies, materials, or equipment, the board or governing body may waive the requirement for a surety bond or other deposit.

The owning agency or the Department of Administration, in contracts involving a State agency, and the owning agency or the governing board, in contracts involving a political subdivision of the State, may reject the bonds of any surety company against which there is pending any unsettled claim or complaint made by a State agency or the owning agency or governing board of any political subdivision of the State arising out of any contract under which State funds, in contracts with the State, or funds of political subdivisions of the State, in contracts with such political subdivision, were expended, provided such claim or complaint has been pending more than 180 days.

(d) Nothing in this section shall operate so as to require any public agency to enter into a contract which will prevent the use of unemployment relief labor paid for in whole or in part by appropriations or funds furnished by the State or federal government.

(e) Any board or governing body of the State or any institution of the State government or of any county, city, town, or other subdivision of the State may enter into any contract with (i) the United States of America or any agency thereof, or (ii) any other government unit or agency thereof within the United States, for the purchase, lease, or other acquisition of any apparatus, supplies, materials, or equipment without regard to the foregoing provisions of this section or to the provisions of any other section of this Article.

The Secretary of Administration or the governing board of any county, city, town, or other subdivision of the State may designate any officer or employee of the State, county, city, town or subdivision to enter a bid or bids in its behalf at any sale of apparatus, supplies, materials, equipment or other property owned by (i) the United States of America or any agency thereof, or (ii) any other governmental unit or agency thereof within the United States, and may authorize such officer or employee to make any partial or down payment or payment in full that may be required by regulations of the government or agency disposing of such property.

(f) The provisions of this Article shall not apply to purchases of apparatus, supplies, materials, or equipment by hospitals when performance or price competition for a product are not available; when a needed product is available from only one source of supply; when standardization or compatibility is the overriding consideration; when a particular medical item or prosthetic appliance is needed; when a particular product is ordered by an attending physician for his patients; when additional products are needed to complete an ongoing job or task; when products are purchased for 'over-the-counter' resale; when a particular product is needed or desired for experimental, developmental, or research work; or when equipment is already installed, connected, and in service under a lease or other agreement and the governing body of the hospital determines that the equipment should be purchased. The governing body of a hospital shall keep a record of all purchases made pursuant to this exception. These records are subject to public inspection."

#### **—WITHDRAWAL OF BID; PUBLIC AGENCIES**

Sec. 1008. G.S. 143-129.1 reads as rewritten:

##### **"§ 143-129.1. Withdrawal of bid.**

A public agency may allow a bidder submitting a bid pursuant to North Carolina G.S. 143-129 for construction or repair work to withdraw his bid from consideration after the bid opening without forfeiture of his bid security if the price bid was based upon a mistake, which constituted a substantial error, provided the bid was submitted in good faith, and the bidder submits credible evidence that the mistake was clerical in nature as opposed to a judgment error, and was actually due to an unintentional and substantial arithmetic error or an unintentional omission of a substantial quantity of work, labor, material or services made directly in the compilation of the bid, which unintentional arithmetic error or unintentional omission can be clearly shown by objective evidence drawn from inspection of the original work papers, documents or materials used in the preparation of the bid sought to be withdrawn. A request to withdraw a bid must be made in writing to the public agency which invited the proposals for the work prior to the award of the contract, but not later than 72 hours after the opening of bids.

If a request to withdraw a bid has been made in accordance with the provisions of this section, action on the remaining bids shall be considered, in accordance with North Carolina G.S. 143-129, as though said bid had not been received. Notwithstanding the foregoing, such bid shall be deemed to have been received for the purpose of complying with the requirements of G.S. 143-132. Provided, however, in the event the work is relet for bids, under no circumstances shall the bidder who has filed a request to withdraw be permitted to rebid the work.

If a bidder files a request to withdraw his bid, the agency shall promptly hold a hearing thereon. The agency shall give to the withdrawing bidder reasonable notice of the time and place of any such hearing. The bidder, either in person or through counsel, may appear at the hearing and present any additional facts and arguments in support of his request to withdraw his bid. The agency shall issue a written ruling allowing or denying the request to withdraw within five days after the hearing. If the agency finds that the price bid was based upon a mistake of the type described in the first paragraph

of this section, then the agency shall issue a ruling permitting the bidder to withdraw without forfeiture of the bidder's security. If the agency finds that the price bid was based upon a mistake not of the type described in the first paragraph of this section, then the agency shall issue a ruling denying the request to withdraw and requiring the forfeiture of the bidder's security. A denial by the agency of the request to withdraw a bid shall have the same effect as if an award had been made to the bidder and a refusal by the bidder to accept had been made, or as if there had been a refusal to enter into the contract, and the bidder's bid deposit or bid bond shall be forfeited.

In the event said ruling denies the request to withdraw the bid, the bidder shall have the right, within 20 days after receipt of said ruling, to contest the matter by the filing of a civil action in any court of competent jurisdiction of the State of North Carolina. The procedure shall be the same as in all civil actions except all issues of law and fact and every other issue shall be tried **de novo** by the judge without jury; provided that the matter may be referred in the instances and in the manner provided for by North Carolina G.S. 1A-1, Rule 53, as amended. Notwithstanding the foregoing, if the public agency involved is the Department of Administration, it may follow its normal rules and regulations with respect to contested matters, as opposed to following the administrative procedures set forth herein. If it is finally determined that the bidder did not have the right to withdraw his bid pursuant to the provisions of this section, the bidder's security shall be forfeited. Every bid bond or bid deposit given by a bidder to a public agency pursuant to G.S. 143-129 shall be conclusively presumed to have been given in accordance with this section, whether or not it be so drawn as to conform to this section. This section shall be conclusively presumed to have been written into every bid bond given pursuant to G.S. 143-129.

Neither the agency nor any elected or appointed official, employee, representative or agent of such agency shall incur any liability or surcharge, in the absence of fraud or collusion, by permitting the withdrawal of a bid pursuant to the provisions of this section.

No withdrawal of the bid which would result in the award of the contract on another bid of the same bidder, his partner, or to a corporation or business venture owned by or in which he has an interest shall be permitted. No bidder who is permitted to withdraw a bid shall supply any material or labor to, or perform any subcontract or work agreement for, any person to whom a contract or subcontract is awarded in the performance of the contract for which the withdrawn bid was submitted, without the prior written approval of the agency. Whoever violates the provisions of the foregoing sentence shall be guilty of a Class 1 misdemeanor."

## —NORTH CAROLINA STATE BUILDING CODE

Sec. 1009. G.S. 143-138(h) reads as rewritten:

"(h) Violations. — Any person who shall be adjudged to have violated this Article or the North Carolina State Building Code, except for violations of occupancy limits established by either, shall be guilty of a Class 3 misdemeanor and shall upon conviction only be liable to a fine, not to exceed fifty dollars (\$50.00), for each offense. Each 30 days that such violation continues shall constitute a separate and distinct offense. Violation of occupancy limits established pursuant to the North Carolina State

Building Code shall be a ~~misdemeanor subject to a one hundred dollar (\$100.00) fine for a first offense, a two hundred fifty dollar (\$250.00) fine for a second offense, and a five hundred dollar (\$500.00) fine and up to 30 days imprisonment for a third and any subsequent offenses.~~ Class 3 misdemeanor. Any violation incurred more than one year after another conviction for violation of the occupancy limits shall be treated as a first offense for purposes of establishing and imposing penalties. In case any building or structure is erected, constructed or reconstructed, or its purpose altered, so that it becomes in violation of the North Carolina State Building Code or if the occupancy limits established pursuant to the North Carolina State Building Code are exceeded, either the local enforcement officer or the State Commissioner of Insurance or other State official with responsibility under G.S. 143-139 may, in addition to other remedies, institute any appropriate action or proceedings including the civil remedies set out in G.S. 160A-175 and G.S. 153A-123, (i) to prevent such unlawful erection, construction or reconstruction or alteration of purpose, or overcrowding, (ii) to restrain, correct, or abate such violation, or (iii) to prevent the occupancy or use of said building, structure or land until such violation is corrected."

#### **—MANUFACTURED HOME BUSINESS WITHOUT LICENSE**

Sec. 1010. G.S. 143-143.24 reads as rewritten:

#### **"§ 143-143.24. Engaging in business without license a misdemeanor.**

If any person shall unlawfully act as a manufactured home manufacturer, dealer, salesman, or set-up contractor without first obtaining a license from the North Carolina Manufactured Housing Board, as provided in this Article, he shall be guilty of a Class 1 misdemeanor."

#### **—UNIFORM STANDARD CODES FOR MANUFACTURED HOMES**

Sec. 1011. G.S. 143-151(b) reads as rewritten:

"(b) Any individual, corporation, or a director, officer or agent of a corporation who knowingly and willfully violates this Article or any rules promulgated under this Article in a manner which threatens the health or safety of any purchaser is guilty of a ~~misdemeanor, and upon conviction shall be fined not more than one thousand dollars (\$1,000) or imprisoned not more than one year, or both.~~ Class 1 misdemeanor."

#### **—REPRESENTATION AS A QUALIFIED CODE-ENFORCEMENT OFFICIAL**

Sec. 1012. G.S. 143-151.18 reads as rewritten:

#### **"§ 143-151.18. Violations; penalty; injunction.**

On and after July 1, 1979, it shall be unlawful for any person to represent himself as a qualified Code-enforcement official who does not hold a currently valid certificate of qualification issued by the Board. Any person violating any of the provisions of this Article shall be guilty of a ~~misdemeanor and punishable in the discretion of the court.~~ Class 1 misdemeanor. The Board is authorized to apply to any judge of the superior court for an injunction in order to prevent any violation or threatened violation of the provisions of this Article."

#### **—BUILDING CODE INSULATION AND ENERGY UTILIZATION STANDARDS**

Sec. 1013. G.S. 143-151.36 reads as rewritten:

**"§ 143-151.36. Penalty.**

Willful violation of any provision of this Article shall constitute a ~~misdemeanor punishable in the discretion of the court. Class 1 misdemeanor.~~ In addition to or in lieu of such remedy, the city or county with jurisdiction or the State Commissioner of Insurance may initiate any appropriate action or proceedings to prevent, restrain, correct, or abate the violation."

**—INJURY TO WATER SUPPLY OF ANY PUBLIC INSTITUTION**

Sec. 1014. G.S. 143-152 reads as rewritten:

**"§ 143-152. Injury to water supply misdemeanor.**

If any person shall in any way intentionally or maliciously damage or obstruct any waterline of any public institution, or in any way contaminate or render the water impure or injurious, he shall be guilty of a ~~misdemeanor and shall be fined or imprisoned in the discretion of the court. Class 1 misdemeanor.~~"

**—KEEPING SWINE NEAR STATE INSTITUTIONS; PENALTY**

Sec. 1015. G.S. 143-153 reads as rewritten:

**"§ 143-153. Keeping swine near State institutions; penalty.**

On the petition of a majority of the legal voters living within a radius of one quarter of a mile of the administrative building of any State educational or charitable institution, it shall be unlawful for any person to keep swine or swine pens within such radius of one quarter of a mile. Any person violating this section shall be guilty of a Class 3 misdemeanor and shall only be subject to a fine of not less than ten (\$10.00) nor more than fifty dollars (\$50.00)."

**—PROHIBITED DISPOSAL OF MEDICAL WASTE**

Sec. 1016. G.S. 143-214.2A(c)(1) reads as rewritten:

"(1) A person who willfully violates this section is guilty of a ~~misdemeanor punishable by imprisonment not to exceed one year, a fine not to exceed ten thousand dollars (\$10,000) per day of violation, or both in the discretion of the court. Class 1 misdemeanor.~~"

**—CLEANING AGENTS CONTAINING PHOSPHORUS PROHIBITED**

Sec. 1017. G.S. 143-214.4(f) reads as rewritten:

"(f) Any person who manufactures, sells or distributes any cleaning agent in violation of this section shall be guilty of a Class 3 misdemeanor punishable only by a fine not to exceed fifty dollars (\$50.00)."

**—WATER AND AIR RESOURCES; ENFORCEMENT**

Sec. 1018. G.S. 143-215.6B(f) reads as rewritten:

"(f) Any person who negligently violates any: (i) classification, standard, or limitation established in rules adopted by the Commission pursuant to G.S. 143-214.1, 143-214.2, or 143-215; (ii) term, condition, or requirement of a permit issued pursuant to this Part, including permits issued pursuant to G.S. 143-215.1, pretreatment permits issued by local governments, and laboratory certifications; (iii) term, condition, or requirement of a special order or other appropriate document issued pursuant to G.S. 143-215.2; or (iv) rule of the Commission implementing this Part; and any person who negligently fails to apply for or to secure a permit required by G.S. 143-215.1 shall be guilty of a Class 2 misdemeanor ~~punishable by which may include~~ a fine not to exceed

fifteen thousand dollars (\$15,000) per day of violation, provided that such fine shall not exceed a cumulative total of two hundred thousand dollars (\$200,000) for each period of 30 days during which a violation ~~continues, or by imprisonment not to exceed six months, or by both.~~ continues."

Sec. 1019. G.S. 143-215.6B(i) reads as rewritten:

"(i) Any person who knowingly makes any false statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained under this Article or a rule implementing this Article; or who knowingly makes a false statement of a material fact in a rulemaking proceeding or contested case under this Article; or who falsifies, tampers with, or knowingly renders inaccurate any recording or monitoring device or method required to be operated or maintained under this Article or rules of the Commission implementing this Article shall be guilty of a Class 2 misdemeanor ~~punishable by which may include~~ a fine not to exceed ten thousand dollars (\$10,000), ~~or by imprisonment not to exceed six months, or by both.~~"

## **—REGULATION OF USE OF WATER RESOURCES**

Sec. 1020. G.S. 143-215.17(a) reads as rewritten:

"(a) Criminal Penalties. – Any person who shall be adjudged to have violated any provision of this Part shall be guilty of a Class 3 misdemeanor and shall only be liable to a penalty of not less than one hundred dollars (\$100.00) nor more than one thousand dollars (\$1,000) for each violation. In addition, if any person is adjudged to have committed such violation willfully, the court may determine that each day during which such violation continued constitutes a separate violation subject to the foregoing penalty."

## **—DAM SAFETY ENFORCEMENT PROCEDURES**

Sec. 1021. G.S. 143-215.36(a) reads as rewritten:

"(a) Criminal Penalties. – Any person who shall be adjudged to have violated this Article shall be guilty of a Class 3 misdemeanor and shall only be liable to a penalty of not less than one hundred dollars (\$100.00) nor more than one thousand dollars (\$1,000) for each violation. In addition, if any person is adjudged to have committed such violation willfully, the court may determine that each day during which such violation continued constitutes a separate violation subject to the foregoing penalty."

## **—FLOODWAY REGULATION**

Sec. 1022. G.S. 143-215.58(a) reads as rewritten:

"(a) Any violation of this Part or of any ordinance adopted (or of the provisions of any permit issued) under the authority of this Part shall constitute a Class 1 misdemeanor."

## **—WATER AND AIR QUALITY REPORTING**

Sec. 1023. G.S. 143-215.69(a) reads as rewritten:

"(a) Criminal Penalties. – Any person who violates any provisions of this Part or any rules adopted by the Commission for its implementation shall be guilty of a Class 3 misdemeanor and shall be only liable to a penalty of not less than one hundred dollars (\$100.00), nor more than one thousand dollars (\$1,000) for each violation and each day

such person shall fail to comply after having been officially notified by the Commission shall constitute a separate offense subject to the foregoing penalty."

### **—OIL TERMINAL FACILITIES**

Sec. 1024. G.S. 143-215.98 reads as rewritten:

#### **"§ 143-215.98. Violations.**

Any person who shall be adjudged to have violated any provision of this Part or any rule of the Secretary adopted hereunder shall be guilty of a ~~misdemeanor, punishable upon conviction by a fine of not exceeding fifty dollars (\$50.00) or by imprisonment for not exceeding 30 days or by both such fine and imprisonment.~~ Class 3 misdemeanor."

### **—OIL REFINING FACILITY PERMITS**

Sec. 1025. G.S. 143-215.102(b) reads as rewritten:

"(b) Criminal Penalties. – Any person who intentionally or knowingly or willfully violates any provision of this Part, or any rule, regulation or order made pursuant to this Part shall be guilty of a ~~Class 2 misdemeanor punishable by imprisonment not to exceed six months or by which may include a fine to be not more than ten thousand dollars (\$10,000), or both, in the discretion of the court. (\$10,000).~~ No proceeding shall be brought or continued under this subsection for or on account of a violation by any person who has previously been convicted of a federal violation or a local ordinance violation based upon the same set of facts."

### **—AIR POLLUTION CONTROL**

Sec. 1026. G.S. 143-215.114B(f) reads as rewritten:

"(f) Any person who negligently violates any classification, standard or limitation established pursuant to G.S. 143-215.107; any term, condition, or requirement of a permit issued pursuant to G.S. 143-215.108 or of a special order or other appropriate document issued pursuant to G.S. 143-215.110 or any rule of the Commission implementing any of the said section, shall be guilty of a ~~Class 2 misdemeanor punishable by which may include a fine not to exceed fifteen thousand dollars (\$15,000) per day of violation, provided that such fine shall not exceed a cumulative total of two hundred thousand dollars (\$200,000) for each period of 30 days during which a violation continues, or by imprisonment not to exceed six months, or by both.~~ continues."

Sec. 1027. G.S. 143-215.114B(i) reads as rewritten:

"(i) Any person who knowingly makes any false statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained under this Article or Article 21, or a rule implementing this Article or Article 21; or who knowingly makes a false statement of a material fact in a rulemaking or contested case under this Article or Article 21; or who falsifies, tampers with, or knowingly renders inaccurate any recording or monitoring device or method required to be operated or maintained under this Article or Article 21 or rules of the Commission implementing this Article or Article 21, shall be guilty of a ~~Class 2 misdemeanor punishable by which may include a fine not to exceed ten thousand dollars (\$10,000), or by imprisonment not to exceed six months, or by both.~~ "

### **—DISRUPTIONS OF OFFICIAL MEETINGS OF PUBLIC BODIES**

Sec. 1028. G.S. 143-318.17 reads as rewritten:

**"§ 143-318.17. Disruptions of official meetings.**

A person who willfully interrupts, disturbs, or disrupts an official meeting and who, upon being directed to leave the meeting by the presiding officer, willfully refuses to leave the meeting is guilty of a ~~misdemeanor and upon conviction thereof is punishable by imprisonment for not more than six months, by fine of not more than two hundred fifty dollars (\$250.00), or both. Class 2 misdemeanor.~~"

**—POWERS AND DUTIES OF SECRETARY OF ADMINISTRATION**

Sec. 1029. G.S. 143-340(18) reads as rewritten:

"(18) To adopt reasonable rules and regulations with respect to the parking of automobiles on all public grounds, subject to the approval of the Governor and Council of State, and to enforce those rules and regulations. Any person who violates a rule or regulation concerning parking on public grounds is guilty of a ~~misdemeanor, and upon conviction is punishable in the discretion of the court. Class 1 misdemeanor.~~ Upon the allocation of parking spaces to any agency pursuant to such rules and regulations, the agency shall adopt written guidelines governing the individual assignment of such parking spaces by the agency. Such guidelines shall give first priority treatment to the physically handicapped and to carpoolers and vanpoolers, however, first priority shall be given to those on call for duty at a time other than normal working hours. A copy of said guidelines shall be made available for inspection by any person upon request."

**—POWERS AND DUTIES OF DEPARTMENT OF ADMINISTRATION**

Sec. 1030. G.S. 143-341(8)i.7. reads as rewritten:

"7. To adopt, with the approval of the Governor, reasonable rules for the efficient and economical operation, maintenance, repair, and replacement, as limited in paragraph 4. of this subdivision, of all state-owned motor vehicles under the control of the Department, and to enforce those rules; and to adopt, with the approval of the Governor, reasonable rules regulating the use of private motor vehicles upon State business by the officers and employees of State agencies, and to enforce those rules. The Department, with the approval of the Governor, may delegate to the respective heads of the agencies to which motor vehicles are permanently assigned by the Department the duty of enforcing the rules adopted by the Department pursuant to this paragraph. Any person who violates a rule adopted by the Department and approved by the Governor is guilty of a ~~misdemeanor, and upon conviction is punishable in the discretion of the court. Class 1 misdemeanor.~~"

**—USE, CARE, PROTECTION, AND MAINTENANCE OF PUBLIC BUILDINGS AND GROUNDS**

Sec. 1031. G.S. 143-345.1 reads as rewritten:

**"§ 143-345.1. Rules and regulations.**

The Governor, with the approval of the Council of State, shall adopt reasonable rules and regulations governing the use, care, protection, and maintenance of the public buildings and grounds (other than parking). Any person who violates a rule or regulation adopted by the Governor with the approval of the Council of State is guilty of a ~~misdemeanor, and upon conviction is punishable in the discretion of the court. Class 1 misdemeanor.~~

**—DISORDERLY CONDUCT IN PUBLIC BUILDINGS AND GROUNDS**

Sec. 1032. G.S. 143-345.2 reads as rewritten:

**"§ 143-345.2. Disorderly conduct in and injury to public buildings and grounds.**

Any person who commits a nuisance or conducts himself in a disorderly manner in or around any public building or grounds, or defaces or injures any public building or grounds, is guilty of a ~~misdemeanor and upon conviction is punishable in the discretion of the court. Class 1 misdemeanor.~~

**—POWERS OF THE EMC**

Sec. 1033. G.S. 143-354(c)(2) reads as rewritten:

"(2) To make such reasonable rules and regulations governing the conservation and use of diverted waters within the emergency area as shall be necessary for the health and safety of the persons who reside within the emergency area; and the violation of such rules and regulations during the period of the emergency shall constitute a ~~misdemeanor punishable by a fine of not more than one thousand dollars (\$1,000) or imprisonment for not more than one year or both within the discretion of the court. Class 1 misdemeanor;~~ provided, however, that before such rules and regulations shall become effective, they shall be published in not less than two consecutive issues of not less than one newspaper generally circulated in the emergency area."

**—POWERS OF THE DEHNR**

Sec. 1034. G.S. 143-355(i) reads as rewritten:

"(i) Penalty for Violation. – Any person violating the provisions of subsections (e), (f) and (g) of G.S. 143-355 shall be guilty of a Class 3 misdemeanor and, upon conviction, shall only be punished by a fine of fifty dollars (\$50.00). Each violation shall constitute a separate offense."

**—PENALTIES NORTH CAROLINA PESTICIDE BOARD**

Sec. 1035. G.S. 143-469(a) reads as rewritten:

"(a) Any person who shall be adjudged to have violated any provision of this Article, or any regulation of the Board adopted pursuant to this Article, shall be guilty of a ~~misdemeanor, and for each violation shall be liable for a penalty of not less than one hundred dollars (\$100.00) nor more than one thousand dollars (\$1,000) or shall be imprisoned for not more than 60 days, or both. Class 2 misdemeanor.~~ In addition, if any person continues to violate or further violates any provision of this Article after written notice from the Board, the court may determine that each day during which the violation

continued or is repeated constitutes a separate violation subject to the foregoing penalties."

## **—VOCATIONAL REHABILITATIONAL SERVICES**

Sec. 1036. G.S. 143-547(f) reads as rewritten:

"(f) It is a Class 1 misdemeanor for a person seeking or having obtained assistance under this Part for himself or another to willfully fail to disclose to the Division of Vocational Rehabilitation Services or its attorney the identity of any person or organization against whom the recipient of assistance has a right of recovery, contractual or otherwise."

## **—BATTLESHIP COMMISSION – EMPLOYEES NOT TO HAVE INTEREST**

Sec. 1037. G.S. 143B-74.3 reads as rewritten:

### **"§ 143B-74.3. U.S.S. North Carolina Battleship Commission – employees not to have interest.**

It shall be unlawful for any member of the Commission to charge, receive, or obtain, directly or indirectly, any fee, commission, retainer or brokerage other than established salaries to be fixed by the Commission, and no member of the Commission shall have any interest in any land, materials, commissions or contracts sold to or made with the Commission, or with any member thereof. Violation of any provisions of this section shall be a ~~misdemeanor and upon conviction shall be punishable by removal from membership or employment and by a fine of not less than one hundred dollars (\$100.00) or by imprisonment not to exceed six months or both, in the discretion of the court.~~ Class 2 misdemeanor."

## **—STATE/REGIONAL LONG-TERM CARE OMBUDSMAN**

Sec. 1038. G.S. 143B-181.20(a) reads as rewritten:

"(a) The State and Regional Ombudsman may enter any long-term care facility and may have reasonable access to any resident in the reasonable pursuit of his function. The Ombudsman may communicate privately and confidentially with residents of the facility individually or in groups. The Ombudsman shall have access to the patient records of any resident, under procedures established by the State Ombudsman pursuant to G.S.143B-181.18(6), provided that the medical and personal financial records pertaining to an individual resident may be inspected only with the permission of the resident or his legally appointed guardian, if any. Entry shall be conducted in a manner that will not significantly disrupt the provision of nursing or other care to residents and if the long-term care facility requires registration of all visitors entering the facility, then the State or Regional Ombudsman must also register. Any State or Regional Ombudsman who discloses any information obtained from the patient's medical or personal financial records without a court order or without authorization in writing from the resident, or his legal representative, is guilty of a ~~general~~ Class 1 misdemeanor."

## **—STATE/REGIONAL LONG-TERM CARE OMBUDSMAN; INTERFERENCE**

Sec. 1039. G.S. 143B-181.25 reads as rewritten:

### **"§ 143B-181.25. Office of State/Regional Long-Term Care Ombudsman; penalty for willful interference.**

Willful or unnecessary obstruction with the State or Regional Long-Term Care Ombudsman in the performance of his official duties is a ~~general~~ Class 1 misdemeanor."

#### **—AUTHORITY OF THE ENERGY DIVISION TO COLLECT DATA**

Sec. 1040. G.S. 143B-450.1(d) reads as rewritten:

"(d) Any person or corporation who willfully refuses to provide the petroleum supply data in accordance with the conditions described herein, or who knowingly or willfully submits false information in any reports required herein or refuses to file any such reports shall be guilty of a ~~misdemeanor punishable as provided in G.S. 14-3~~ Class 1 misdemeanor."

#### **—NORTH CAROLINA STATE PORTS AUTHORITY**

Sec. 1041. G.S. 143B-461(c) reads as rewritten:

"(c) The North Carolina State Ports Authority is hereby authorized to make such reasonable rules, regulations, and adopt such additional ordinances with respect to the use of the streets, alleys, driveways and to the establishment of parking areas on the properties of the Authority and relating to the safety and welfare of persons using the property of the Authority. All rules, regulations and ordinances adopted pursuant to the authority of this subsection shall be recorded in the proceedings of the Authority and printed and copy of such rules, regulations and ordinances shall be filed in the office of the Attorney General of North Carolina and the Authority shall cause to be posted, at appropriate places on the properties of the Authority, notice to the public of applicable rules, regulations and ordinances as may be adopted under the authority of this subsection. Any person violating any such rules, regulations or ordinances shall, upon conviction thereof, be guilty of a ~~misdemeanor and shall be punished by a fine of not exceeding fifty dollars (\$50.00) or imprisonment not to exceed 30 days.~~ Class 3 misdemeanor."

#### **—BURIAL ASSOCIATION REQUIREMENTS AS TO RULES AND BYLAWS.**

Sec. 1042. Article 4 of G.S. 143B-472.3 reads as rewritten:

"Article 4. The annual meeting of the association shall be held at \_\_\_\_\_ (here insert the place, date and hour); each member shall have one vote at said annual meeting and 15 members of the association shall constitute a quorum. There shall be elected at the annual meeting of said association a board of directors of seven members, each of whom shall serve for a period of from one to five years as the membership may determine and until his or her successor shall have been elected and qualified. Any member of the board of directors who shall fail to maintain his or her membership, as provided in the rules and bylaws of said association, shall cease to be a member of the board of directors and a director shall be appointed by the president of said association for the unexpired term of such disqualified member. There shall be at least an annual meeting of the board of directors, and such meeting shall be held immediately following the annual meeting of the membership of the association. The directors of the association may, by a majority vote, hold other meetings of which notice shall be given to each member by mailing such notice five days before the meeting to be held. At the annual meetings of the directors of the association, the board of directors shall elect a president, a vice-president, and a secretary-treasurer. The

president and vice-president shall be elected from among the directors, but the secretary-treasurer may be selected from the director membership or from the membership of the association, it being provided that it is not necessary that the secretary-treasurer shall be a member of the board of directors. Among other duties that the secretary-treasurer may perform, he shall be chargeable with keeping an accurate and faithful roll of the membership of this association at all times and he shall be chargeable with the duty of faithfully preserving and faithfully applying all moneys coming into his hands by virtue of his said office. The president, vice-president and secretary-treasurer shall constitute a board of control who shall direct the affairs of the association in accordance with these Articles and bylaws of the association, and subject to such modification as may be made or authorized by an act of the General Assembly. The secretary-treasurer shall keep a record of all assessments made, dues collected and benefits paid. The books of the association, together with all records and bank accounts shall be at all times open to the inspection of the Burial Association Administrator or his duly constituted auditors or representatives. It shall be the duty of the secretary or secretary-treasurer of each association to keep the books of the association posted up-to-date so that the financial standing of the association may be readily ascertained by the Burial Association Administrator or any auditor or representative employed by him. Upon the failure of any secretary or secretary-treasurer to comply with this provision, it shall be the duty of the Burial Association Administrator to take charge of the books of the association and do whatever work is necessary to bring the books up-to-date. The actual costs of said work may be charged the burial association and shall be paid from the thirty percent (30%) allowed by law for the operation of the burial association.

Whenever in the opinion of the Burial Association Administrator, it is necessary to audit the books of any burial association more than once in any calendar year, the Burial Association Commission shall have authority to assess such burial association the actual cost of any audit in excess of one per calendar year, provided that no more than one audit may be deemed necessary unless a discrepancy exists at the last regular audit. Such cost shall be paid from the thirty percent (30%) allowed by law for the operation of the burial association.

Every burial association shall file with the North Carolina Mutual Burial Association Commission an annual report of its financial condition on a form furnished to it by the North Carolina Burial Association Administrator. Such report shall be filed on or before February 15 of each calendar year and shall cover the complete financial condition of the burial association for the immediate preceding calendar year. The Burial Association Commission shall levy and collect a penalty of twenty-five dollars (\$25.00) for each day after February 15 that the report called for herein is not filed. The Commission may, in its discretion, grant any reasonable extension of the above filing date without the penalty provided in this section. Such penalty shall be paid from the thirty percent (30%) allowed by law for the operation of the burial association. Any secretary or secretary-treasurer who fails to file such financial report on or before February 15 of each calendar year or on or before the last day of any period of extension for the filing of such report granted by the Commission to the burial association of such secretary or secretary-treasurer shall be guilty of a ~~misdemeanor and shall be punished by a fine of~~

~~not in excess of one hundred dollars (\$100.00) and imprisoned for not in excess of 30 days, or both fined and imprisoned. Class 3 misdemeanor.~~ Each day after February 15, or the last day of any period of extension for the filing of the report granted by the Commission to the burial association of such secretary or secretary-treasurer, that said report is not filed by the secretary or secretary-treasurer of a burial association, shall constitute a separate offense."

#### —MUTUAL BURIAL ASSOCIATION COMMISSION

Sec. 1043. G.S. 143B-472.6 reads as rewritten:

##### **"§ 143B-472.6. Unlawful to operate without written authority of Commission.**

It shall be unlawful for any person, firm or corporation, association or organization to organize, operate, or in any way solicit members for a burial association, or for participation in any plan, scheme, or device similar to burial associations, without the written authority of the North Carolina Mutual Burial Association Commission, and any person, firm or corporation violating the provisions of this section shall be guilty of a ~~misdemeanor and upon conviction thereof shall be fined not less than two hundred fifty dollars (\$250.00) or imprisoned not less than 12 months, or both, in the discretion of the court; Class 1 misdemeanor;~~ provided, however, the Burial Association Commission shall not withhold authority for the organization or operation of a bona fide burial association, meeting the requirements of this Article, unless it shall be found and established to the satisfaction of the Burial Association Commission that the person or persons applying for authority to organize and operate such bona fide burial association is disqualified or does not meet the requirements of this Article."

#### —COMPLIANCE WITH BYLAWS OF THE NORTH CAROLINA MUTUAL BURIAL ASSOCIATION

Sec. 1044. G.S. 143B-472.10 reads as rewritten:

##### **"§ 143B-472.10. Penalty for failure to operate in substantial compliance with bylaws.**

If any burial association or other organization or official thereof, or any person operates or allows to be operated a burial association on any plan, scheme or bylaws not in substantial compliance with the bylaws set forth in G.S. 143B-472.3, the Burial Association Administrator may revoke any authority or license granted for the operation of such burial association, and any person, firm or corporation or association convicted of the violation of this section shall be guilty of a ~~misdemeanor and shall be fined not less than two hundred fifty dollars (\$250.00) or imprisoned not less than one year in jail, or both, in the discretion of the court; Class 1 misdemeanor.~~"

#### —PENALTY FOR BURIAL ASSOCIATION OFFICIAL TO WRONGFULLY INDUCE PERSON TO CHANGE MEMBERSHIP

Sec. 1045. G.S. 143B-472.11 reads as rewritten:

##### **"§ 143B-472.11. Penalty for wrongfully inducing person to change membership.**

Any burial association official, agent or representative thereof or any person who shall use fraud or make any promise not part of the printed bylaws, or who shall offer any rebate, gratuity or refund to cause a member of one association to change membership to another association, shall be guilty of a ~~misdemeanor and upon conviction shall be fined not less than two hundred fifty dollars (\$250.00) or imprisoned~~

~~not less than one year in jail, or both, in the discretion of the court. Class 1 misdemeanor."~~

### **—PENALTY FOR PERSON OR BURIAL ASSOCIATION OFFICIAL TO MAKE FALSE AND FRAUDULENT ENTRIES**

Sec. 1046. G.S. 143B-472.12 reads as rewritten:

#### **"§ 143B-472.12. Penalty for making false and fraudulent entries.**

Any person or burial association official who makes or allows to be made any false entry on the books of the association with intent to deceive or defraud any member thereof, or with intent to conceal from the Burial Association Administrator or his deputy or agent, or any auditor authorized to examine the books of such association, under the supervision of the Burial Association Administrator, shall be guilty of a ~~misdemeanor and upon conviction shall be fined not less than two hundred fifty dollars (\$250.00), or imprisoned in the common jail for not less than 12 months, or both, in the discretion of the court. Class 1 misdemeanor."~~

### **—BURIAL ASSOCIATION OFFICIALS ACCEPTING APPLICATIONS WITHOUT COLLECTING FEE AND FIRST ASSESSMENT**

Sec. 1047. G.S. 143B-472.13 reads as rewritten:

#### **"§ 143B-472.13. Accepting applications without collecting fee and first assessment.**

Any burial association official, agent or representative, or any other person who shall accept any application for membership in any association without collecting the membership fee and first assessment due thereon from any such person making such an application for membership, shall be guilty of a ~~misdemeanor and upon conviction shall be fined not less than two hundred fifty dollars (\$250.00), or imprisoned not less than 12 months, or both, in the discretion of the court. Class 1 misdemeanor.~~

Any burial association official, agent or representative, or any other person who shall accept an application for an additional benefit from a member of a burial association without collecting the additional membership fee and the additional assessment due thereon from any such person making such an application for an additional benefit shall be guilty of a ~~misdemeanor and upon conviction shall be fined not less than two hundred fifty dollars (\$250.00), or imprisoned not less than 12 months, or both, in the discretion of the court. Class 1 misdemeanor.~~

### **—FREE FUNERAL AND AMBULANCE, ETC. SERVICES ACTING FOR ANY BURIAL ASSOCIATION; FAILURE TO MAKE PROPER ASSESSMENTS, ETC.**

Sec. 1048. G.S. 143B-472.15 reads as rewritten:

#### **"§ 143B-472.15. Free services; failure to make proper assessments, etc., made a misdemeanor.**

Any person or persons who offer free funeral services or free embalming, free ambulance service or any other thing free of charge, acting for any burial association, directly or indirectly, or who so acting shall in any way fail to assess for the amount needed to pay death losses and allowable expenses, shall be guilty of a ~~misdemeanor and upon conviction shall be fined not less than two hundred fifty dollars (\$250.00) or imprisoned for not less than 12 months, or both, in the discretion of the court. Class 1 misdemeanor.~~

**—PERSON OR BURIAL ASSOCIATION OFFICIAL MAKING FALSE OR FRAUDULENT STATEMENT FOR ANY BENEFIT FROM ANY BURIAL ASSOCIATION**

Sec. 1049. G.S. 143B-472.19 reads as rewritten:

**"§ 143B-472.19. Making false or fraudulent statement a misdemeanor.**

Any officer or employee of any burial association authorized to do business under this Article, who shall knowingly or willfully make any false or fraudulent statement or representation in or with reference to any application for membership or for the purpose of obtaining money or any benefit from any burial association transacting business under this Article, or who shall make any false financial statement to the Burial Association Administrator or to the Burial Association Commission or to the membership of the burial association of which such person is an officer or employee shall be guilty of a ~~misdemeanor and shall be fined or imprisoned in the discretion of the court.~~ Class 1 misdemeanor."

**—IMPROPER RELEASE OF INFORMATION BY ANY PERSON WORKING UNDER THE SUPERVISION OF THE DIRECTOR OF VICTIMS AND JUSTICE SERVICES; PENALTY**

Sec. 1050. G.S. 143B-499.6 reads as rewritten:

**"§ 143B-499.6. Improper release of information; penalty.**

Any person working under the supervision of the Director of Victims and Justice Services who knowingly and willfully releases, or authorizes the release of, any data, information, or records maintained or possessed by the Center to any agency, entity, or person other than as specifically permitted by Part 5A or in violation of any rule adopted by the Secretary is guilty of a ~~misdemeanor and, upon conviction, shall be punished by a fine of not less than five hundred dollars (\$500.00) nor more than one thousand dollars (\$1,000), imprisonment of no less than 30 days nor more than 90 days, or both.~~ Class 2 misdemeanor."

**—ERECTION OF PIERS ON STATE LAKES RESTRICTED**

Sec. 1051. G.S. 146-13 reads as rewritten:

**"§ 146-13. Erection of piers on State lakes restricted.**

No person, firm, or corporation shall erect upon the floor of, or in or upon, the waters of any State lake, any dock, pier, pavilion, boathouse, bathhouse, or other structure, without first having secured a permit to do so from the Department of Administration, or from the agency designated by the Department to issue such permits. Each permit shall set forth in required detail the size, cost, and nature of such structure; and any person, firm, or corporation erecting any such structure without a proper permit or not in accordance with the specifications of such permit shall be guilty of a ~~misdemeanor and upon conviction shall be fined not more than fifty dollars (\$50.00) or imprisoned not exceeding 30 days.~~ Class 3 misdemeanor. The State may immediately proceed to remove such unlawful structure through due process of law, or may abate or remove the same as a nuisance after five days' notice."

**—CUTTING TIMBER ON LAND BEFORE OBTAINING A GRANT**

Sec. 1052. G.S. 146-43 reads as rewritten:

**"§ 146-43. Cutting timber on land before obtaining a grant.**

If any person shall make an entry of any lands, and before perfecting title to same shall enter upon such lands and cut therefrom any wood, trees, or timber, he shall be guilty of a Class 1 misdemeanor. Any person found guilty under the provisions of this section shall further pay to the State double the value of the wood, trees, or timber taken from the land, and it shall be the duty of the solicitor of the district in which the land lies to sue for the same."

#### **—UNLAWFUL TO PAY MORE THAN ALLOWANCE FOR STATE MILEAGE**

Sec. 1053. G.S. 147-9 reads as rewritten:

#### **"§ 147-9. Unlawful to pay more than allowance.**

It shall be unlawful for any officer, auditor, bookkeeper, clerk or other employee of the State of North Carolina or any subdivision thereof to knowingly approve any claim or charge on the part of any person for mileage by reason of the use of any motor vehicle owned by the State or any subdivision thereof or by any person and used in the pursuit of his employment or office in excess of seven cents (7¢) per mile as set out in G.S. 147-8 and any officer, auditor, bookkeeper, clerk or other employee violating the provisions of this section shall be guilty of a Class 1 misdemeanor."

#### **—ORDERS, RULES AND REGULATIONS OF THE GOVERNOR OF NORTH CAROLINA**

Sec. 1054. G.S. 147-33.3 reads as rewritten:

#### **"§ 147-33.3. Orders, rules and regulations.**

All orders, rules and regulations promulgated by the Governor pursuant to this Article shall have the full force and effect of law from and after the date of the filing of a duly authenticated copy thereof in the office of the Secretary of State. All laws, ordinances, rules and regulations, insofar as they are inconsistent with the provisions of this Article or of any rule, order or regulation made pursuant to this Article, shall be suspended during the period of time and to the extent that such conflict exists. A violation of any such order, rule or regulation, unless otherwise provided therein, shall be deemed a ~~misdemeanor and punishable as such~~ Class 1 misdemeanor."

#### **—LIABILITY FOR FALSE ENTRIES IN THE BOOKS OF THE TREASURER OF THE STATE**

Sec. 1055. G.S. 147-76 reads as rewritten:

#### **"§ 147-76. Liability for false entries in his books.**

If the Treasurer of the State shall wittingly or falsely make, or cause to be made, any false entry or charge in any book by him as Treasurer, or shall wittingly or falsely form, or procure to be formed, any statement of the treasury, to be by him laid before the Governor, the General Assembly, or any committee thereof, or to be by him used in any settlement which he is required to make with intent, in any of said instances, to defraud the State or any person, such Treasurer shall be guilty of a ~~misdemeanor, and fined, at the discretion of the court, not exceeding three thousand dollars (\$3,000), and imprisoned not exceeding three years~~ Class 1 misdemeanor."

#### **—DEPOSITS TO BE SECURED BY TREASURER OF THE STATE; REPORTS OF DEPOSITORYIES**

Sec. 1056. G.S. 147-79(c) reads as rewritten:

"(c) Violation of the provisions of this section shall be a ~~misdemeanor punishable by fine or imprisonment, or both, in the discretion of the court.~~ Class 1 misdemeanor."

**—DEPOSIT IN BANKS OTHER THAN BANKS SELECTED BY TREASURER OF THE STATE UNLAWFUL; LIABILITY**

Sec. 1057. G.S. 147-80 reads as rewritten:

**"§ 147-80. Deposit in other banks unlawful; liability.**

It shall be unlawful for any funds of the State to be deposited by any person, institution, or department or agency in any place or bank or trust company, other than those so selected and designated as official depositories of the State of North Carolina by the State Treasurer, and any person so offending or aiding and abetting in such offense shall be guilty of a ~~Class 1 misdemeanor and punished by a fine or imprisonment, or both, in the discretion of the court,~~ and any person so offending or aiding and abetting in such offense shall also immediately become civilly liable to the State of North Carolina in the amount of the money or funds unlawfully deposited, and, at the instance of the State Treasurer, or at the instance of the Governor, the Attorney General shall forthwith institute the civil action in the name of the State of North Carolina against such person or persons, either in the courts of Wake County, according to their respective jurisdiction, or in the county in which said unlawful deposit has been made, according to the selection made by the officer requesting the institution of such action, for the purpose of recovering the amount of the money so unlawfully deposited, with interest thereon at six percent (6%) per annum, and for the cost of said action, and the court in which said action is tried may also tax, as a part of the cost in said action, to the use of the State of North Carolina, a sum sufficient to reimburse the State of North Carolina for all expense incidental to or connected with the preparation and prosecution of such action."

**—ESCAPING OR ATTEMPTING ESCAPE FROM STATE PRISON SYSTEM**

Sec. 1058. G.S. 148-45(d) reads as rewritten:

"(d) Any person who aids or assists other persons to escape or attempt to escape from the State prison system shall be guilty of a ~~misdemeanor and, upon conviction thereof, shall be imprisoned at the discretion of the court.~~ Class 1 misdemeanor."

**—PRIVACY OF EMPLOYEE PERSONNEL RECORDS**

Sec. 1059. G.S. 153A-98(e) reads as rewritten:

"(e) A public official or employee who knowingly, willfully, and with malice permits any person to have access to information contained in a personnel file, except as is permitted by this section, is guilty of a Class 3 misdemeanor and upon conviction shall only be fined an amount not more than five hundred dollars (\$500.00)."

Sec. 1060. G.S. 153A-98(f) reads as rewritten:

"(f) Any person, not specifically authorized by this section to have access to a personnel file designated as confidential, who shall knowingly and willfully examine in its official filing place, remove or copy any portion of a confidential personnel file shall be guilty of a Class 3 misdemeanor and upon conviction shall only be fined in the discretion of the court but not in excess of five hundred dollars (\$500.00)."

**—SUPERVISION OF LOCAL CONFINEMENT FACILITIES**

Sec. 1061. G.S. 153A-224(c) reads as rewritten:

"(c) If a person violates any provision of this section, he is guilty of a Class 1 misdemeanor."

#### **—MEDICAL CARE OF PRISONERS**

Sec. 1062. G.S. 153A-225(c) reads as rewritten:

"(c) If a person violates any provision of this section (including the requirements regarding G.S. 130-97 and 130-121), he is guilty of a Class 1 misdemeanor."

#### **—PENALTIES FOR TRANSFERRING LOTS IN UNAPPROVED SUBDIVISIONS**

Sec. 1063. G.S. 153A-334 reads as rewritten:

##### **"§ 153A-334. Penalties for transferring lots in unapproved subdivisions.**

If a person who is the owner or the agent of the owner of any land located within the territorial jurisdiction of a county that has adopted a subdivision regulation ordinance subdivides his land in violation of the ordinance or transfers or sells land by reference to, exhibition of, or any other use of a plat showing a subdivision of the land before the plat has been properly approved under the ordinance and recorded in the office of the appropriate register of deeds, he is guilty of a Class 1 misdemeanor. The description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring land does not exempt the transaction from this penalty. The county may bring an action for injunction of any illegal subdivision, transfer, conveyance, or sale of land, and the court shall, upon appropriate findings, issue an injunction and order requiring the offending party to comply with the subdivision ordinance."

#### **—FAILURE OF THE COUNTY BUILDING INSPECTORS TO PERFORM DUTIES**

Sec. 1064. G.S. 153A-356 reads as rewritten:

##### **"§ 153A-356. Failure to perform duties.**

If a member of an inspection department willfully fails to perform the duties required of him by law, or willfully improperly issues a permit, or gives a certificate of compliance without first making the inspections required by law, or willfully improperly gives a certificate of compliance, he is guilty of a Class 1 misdemeanor."

#### **—BUILDING PERMITS REQUIRED TO CONFORM WITH STATE BUILDING CODE**

Sec. 1065. G.S. 153A-357(a) reads as rewritten:

"(a) No person may commence or proceed with:

- (1) The construction, reconstruction, alteration, repair, movement to another site, removal, or demolition of any building;
- (2) The installation, extension, or general repair of any plumbing system;
- (3) The installation, extension, alteration, or general repair of any heating or cooling equipment system; or
- (4) The installation, extension, alteration, or general repair of any electrical wiring, devices, appliances, or equipment

without first securing from the inspection department with jurisdiction over the site of the work each permit required by the State Building Code and any other State or local law or local ordinance or regulation applicable to the work. A permit shall be in writing

and shall contain a provision that the work done shall comply with the State Building Code and all other applicable State and local laws and local ordinances and regulations. No permit may be issued unless the plans and specifications are identified by the name and address of the author thereof; and if the General Statutes of North Carolina require that plans for certain types of work be prepared only by a registered architect or registered engineer, no permit may be issued unless the plans and specifications bear the North Carolina seal of a registered architect or of a registered engineer. If a provision of the General Statutes of North Carolina or of any ordinance requires that work be done by a licensed specialty contractor of any kind, no permit for the work may be issued unless the work is to be performed by such a duly licensed contractor. No permit issued under Articles 9 or 9C of G.S. Chapter 143 shall be required for any construction, installation, repair, replacement, or alteration costing five thousand dollars (\$5,000) or less in any single-family residence or farm building unless the work involves: the addition, repair or replacement of load bearing structures; the addition (excluding replacement of same size and capacity) or change in the design of plumbing; the addition, replacement or change in the design of heating, air conditioning, or electrical wiring, devices, appliances, or equipment; the use of materials not permitted by the North Carolina Uniform Residential Building Code; or the addition (excluding replacement of like grade of fire resistance) of roofing. Violation of this section constitutes a Class 1 misdemeanor."

## **—STOP ORDERS OF BUILDING DESTRUCTION OR CONSTRUCTION**

Sec. 1066. G.S. 153A-361 reads as rewritten:

### **"§ 153A-361. Stop orders.**

Whenever a building or part thereof is being demolished, constructed, reconstructed, altered, or repaired in a hazardous manner, or in substantial violation of a State or local building law or local building ordinance or regulation, or in a manner that endangers life or property, the appropriate inspector may order the specific part of the work that is in violation or that presents such a hazard to be immediately stopped. The stop order shall be in writing and directed to the person doing the work, and shall state the specific work to be stopped, the specific reasons for the stoppage, and the conditions under which the work may be resumed. The owner or builder may appeal from a stop order involving alleged violation of the State Building Code or any approved local modification thereof to the North Carolina Commissioner of Insurance or his designee within five days after the day the order is issued. The owner or builder shall give to the Commissioner of Insurance or his designee written notice of appeal, with a copy to the local inspector. The Commissioner or his designee shall promptly conduct an investigation and the appellant and the inspector shall be permitted to submit relevant evidence. The Commissioner or his designee shall as expeditiously as possible provide a written statement of the decision setting forth the facts found, the decision reached, and the reasons for the decision. Pending the ruling by the Commissioner of Insurance or his designee on an appeal, no further work may take place in violation of a stop order. In the event of dissatisfaction with the decision, the person affected shall have the options of:

- (1)     Appealing to the Building Code Council, or

(2)    Appealing to the Superior Court as provided in G.S.143-141. Violation of a stop order constitutes a Class 1 misdemeanor."

**—CERTIFICATES OF COMPLIANCE REQUIRED ONCE BUILDING COMPLETE TO RECEIVE A PERMIT**

Sec. 1067. G.S. 153A-363 reads as rewritten:

**"§ 153A-363. Certificates of compliance.**

At the conclusion of all work done under a permit, the appropriate inspector shall make a final inspection. If he finds that the completed work complies with all applicable State and local laws and local ordinances and regulations and with the terms of the permit, he shall issue a certificate of compliance. No new building or part thereof may be occupied, no addition or enlargement of an existing building may be occupied, and no existing building that has been altered or removed may be occupied until the inspection department has issued a certificate of compliance. A temporary certificate of compliance may be issued permitting occupancy for a stated period of specified portions of the building that the inspector finds may safely be occupied before completion of the entire building. Violation of this section constitutes a Class 1 misdemeanor."

**—REMOVING NOTICE FROM CONDEMNED BUILDING**

Sec. 1068. G.S. 153A-367 reads as rewritten:

**"§ 153A-367. Removing notice from condemned building.**

If a person removes a notice that has been affixed to a building by a local inspector and that states the dangerous character of the building, he is guilty of a Class 1 misdemeanor."

**—FAILURE TO COMPLY WITH ORDER TO TAKE CORRECTIVE ACTION TO MAKE A BUILDING SAFE**

Sec. 1069. G.S. 153A-371 reads as rewritten:

**"§ 153A-371. Failure to comply with order.**

If the owner of a building fails to comply with an order issued pursuant to G.S. 153A-369 from which no appeal has been taken, or fails to comply with an order of the board of commissioners following an appeal, he is guilty of a Class 1 misdemeanor."

**—OBSTRUCTING CANAL OR DITCH DUG UNDER AGREEMENT**

Sec. 1070. G.S. 156-19 reads as rewritten:

**"§ 156-19. Obstructing canal or ditch dug under agreement.**

Where two or more persons have dug a canal or ditch along any natural drain or waterway under parol agreement, or otherwise, wherein all the parties shall have contributed to the digging thereof, if any servient or lower owner shall fill up or obstruct said canal or ditch without the consent of the higher owners and without providing other drainage for the higher lands, he shall be guilty of a ~~misdemeanor and be fined not exceeding fifty dollars (\$50.00) or imprisoned not more than 30 days.~~ Class 3 ~~misdemeanor.~~

**—OBSTRUCTING DRAIN CUT BY CONSENT**

Sec. 1071. G.S. 156-24 reads as rewritten:

**"§ 156-24. Obstructing drain cut by consent.**

If any person shall stop or in any way obstruct the passage of the water in any ditch or canal having been cut through lands of any person by consent of the owner of said

land, before giving the interested parties a reasonable time to comply with the mode of proceedings provided for the drainage of lowlands, he shall be guilty of a ~~misdemeanor, and upon conviction shall be fined not exceeding fifty dollars (\$50.00) or imprisoned not exceeding 30 days. Class 3 misdemeanor.~~

#### —PROTECTION OF CANALS, DITCHES, AND NATURAL DRAINS

Sec. 1072. G.S. 156-25 reads as rewritten:

##### **“§ 156-25. Protection of canals, ditches, and natural drains.**

If any person shall fell any tree in any ditch, canal, or natural drainway of any farm, unless he shall remove the same and put such ditch, canal, or natural drainway in as good condition as it was before such tree was so felled; or if any person shall stop up or fill in such ditch, canal, or drainway and thereby obstruct the free passage of water along the said ditch, canal, or drainway, unless the said person shall first secure the written consent of the landowner, and those damaged by such obstruction in said ditch, canal, or drainway, or unless such person so filling in and stopping up such ditch, canal, or drainway shall, upon the demand of the person so damaged, clean out and put the said ditch, canal, or drainway in as good condition as the same was before such filling in and stopping up of the said ditch, canal, or drainway happened, he shall be guilty of a ~~misdemeanor, and upon conviction shall be fined not less than ten (\$10.00) nor more than fifty dollars (\$50.00), or imprisoned not less than 10 nor more than 30 days. Class 3 misdemeanor.~~

#### —PETITION FILED WITH THE COUNTY BOARD OF COMMISSIONERS TO PROMOTE AGRICULTURAL INTEREST

Sec. 1073. G.S. 156-32 reads as rewritten:

##### **“§ 156-32. Petition filed; board appointed; refusal to serve misdemeanor.**

Upon the petition of three citizens in any county to the county commissioners, petitioning for the draining of any creek, swamp, or branch, either upon the plea of health or to promote and advance the agricultural interest of the farmers who may own lands lying on such creek, swamp, or branch petitioned to be drained, the county commissioners shall within 10 days after the filing of such petition order the county surveyor to summon three disinterested freeholders, good and lawful men of intelligence and discretion, who shall constitute a board, and the county surveyor shall be the chairman of such board; and the chairman shall give all persons who may be interested in having such creek, swamp, or branch drained three days' notice of the time and place of the meeting of the board: Provided, the petitioners shall deposit with the county treasurer the sum of twenty-five dollars (\$25.00) for the payment of current expenses not otherwise provided for in this Article. Any person duly summoned by the county surveyor to act as a commissioner for the drainage of any such creek, swamp, or branch, who shall refuse to serve, shall be guilty of a ~~misdemeanor and be fined not exceeding fifty dollars (\$50.00) or imprisoned not exceeding 30 days. Class 3 misdemeanor.~~

#### —DUTIES OF BOARD OF COUNTY COMMISSIONERS; REFUSAL TO COMPLY WITH THEIR REQUIREMENTS

Sec. 1074. G.S. 156-33 reads as rewritten:

##### **“§ 156-33. Duty of board; refusal to comply with their requirements misdemeanor.**

The board provided for in G.S. 156-32 shall meet at the call of the chairman and shall proceed to inspect and examine the lands as described in the petition to be drained, and the board shall have power to summon witnesses, administer oaths, and take testimony, and if the board decides that the lands specified in the petition shall be drained, either upon the plea of health or for the benefit of the farms lying on or contiguous to such watercourse, then the board shall select a place at which the ditch shall be begun. They shall also decide the depth and width of the ditch to be dug, and shall proceed to survey, locate, lay off, and mark the course of the ditch, and the board shall assign to the landowners the amount of the labor to be performed and the amount of money to be paid for the purpose of defraying the necessary expenses by each landowner in proportion to the amount of lands drained or pro rata benefits received by the drainage of such lands, and the board shall specify the time in which the work so assigned shall be completed: Provided, no one shall be required to commence on the work assigned to him until the person next below him shall have completed his work in accordance with the specifications of the board. If any person shall refuse to comply with any of the requirements of the board he shall be guilty of a ~~misdemeanor and fined not exceeding two hundred dollars (\$200.00), or imprisoned not exceeding two years.~~ Class 1 misdemeanor."

#### **—CONTROL AND REPAIRS BY DRAINAGE COMMISSIONERS**

Sec. 1075. G.S. 156-92 reads as rewritten:

#### **"§ 156-92. Control and repairs by drainage commissioners.**

Whenever any improvement constructed under this Subchapter is completed it shall be under the control and supervision of the board of drainage commissioners. It shall be the duty of the board to keep the levee, ditch, drain, or watercourse in good repair, and for this purpose they may levy an assessment on the lands benefited by the maintenance or repair of such improvement in the same manner and in the same proportion as the original assessments were made, and the fund that is collected shall be used for repairing and maintaining the ditch, drain, or watercourse in perfect order: Provided, however, that if any repairs are made necessary by the act or negligence of the owner of any land through which such improvement is constructed or by the act or negligence of his agent or employee, or if the same is caused by the cattle, hogs, or other stock of such owner, employee, or agent, then the cost thereof shall be assessed and levied against the lands of the owner alone, to be collected by proper suit instituted by the drainage commissioners. It shall be unlawful for any person to injure or damage or obstruct or build any bridge, fence, or floodgate in such a way as to injure or damage any levee, ditch, drain, or watercourse constructed or improved under the provisions of this Subchapter, and any person causing such injury shall be guilty of a Class 3 misdemeanor, and upon conviction thereof may only be fined in any sum not exceeding twice the damage or injury done or caused."

#### **—SHERIFF MAKE MONTHLY SETTLEMENTS WITH THE TREASURER**

Sec. 1076. G.S. 156-111 reads as rewritten:

#### **"§ 156-111. Sheriff to make monthly settlements; penalty.**

The sheriff or tax collector shall be required to make settlements with the treasurer on the first day of each month of all collections of drainage assessments for the

preceding month, and to pay over to the treasurer the money so collected, for which the treasurer shall execute an appropriate receipt, to the end that the treasurer may have funds in hand to meet the payments of the interest and principal due upon the outstanding bonds as they mature. If any sheriff or tax collector shall fail to comply with the law for the collection of drainage assessments, or in making payments thereof to the treasurer as provided by law, he shall be guilty of a Class 1 misdemeanor ~~and, upon conviction, shall be subject to fine and imprisonment, in the discretion of the court,~~ and he shall likewise be liable in a civil action for all damages which may accrue either to the board of drainage commissioners or to the holder of the bonds, to either or both of whom a right of action is given."

#### **—DUTY OF TREASURER TO MAKE PAYMENT ON THE INTEREST AND PRINCIPAL OF BONDS REGARDING DRAINAGE; PENALTY**

Sec. 1077. G.S. 156-112 reads as rewritten:

##### **"§ 156-112. Duty of treasurer to make payment; penalty.**

It shall be the duty of the treasurer, and without any previous order from the board of drainage commissioners, to provide and pay the installments of interest at the time and place as evidenced by the coupons attached to the bonds, and also to pay the annual installments of the principal due on the bonds at the time and place as evidenced by the bonds. The treasurer shall be guilty of a Class 1 misdemeanor ~~and subject, upon conviction, to fine and imprisonment, in the discretion of the court,~~ if he shall willfully fail to make prompt payments of the interest and principal of the bonds, and he shall likewise be liable in a civil action for all damages which may accrue either to the board of drainage commissioners or to the holder of such bonds, to either or both of whom a right of action is hereby given."

#### **—CONVEYANCE OF LAND; CHANGE IN ASSESSMENT ROLL**

Sec. 1078. G.S. 156-114(e) reads as rewritten:

"(e) Failure of Chairman of Board to Act. — If the chairman of the board of drainage commissioners shall fail to act when any petition shall be submitted to him as herein provided, or the chairman or any member of the board shall fail to discharge any duty imposed by this section or any other provision of the general drainage law, it is hereby made the duty of the clerk of the superior court, either independently or upon the request of any landowner in the district, to cite such chairman or member to appear before him upon a certain day and show cause why he should not be removed from office, and unless good cause be shown, it shall be the duty of the clerk to remove the chairman or any member of the board of drainage commissioners and to certify his action, to the end that another member may be elected according to law. If the failure of the chairman or any member of the board of drainage commissioners to discharge such duty shall be willful, he shall be guilty of a misdemeanor, and upon conviction shall be punished by fine or imprisonment, or both, in the discretion of the court. Class 1 misdemeanor."

#### **—PENALTY FOR FAILURE OF DRAINAGE COMMISSIONERS TO FILE ANNUAL REPORT AND CANAL CONSTRUCTION ACCOUNTS**

Sec. 1079. G.S. 156-132 reads as rewritten:

##### **"§ 156-132. Penalty for failure.**

Any board of commissioners of any drainage district in the State, and each of the members thereof, which shall fail or refuse to file the statements or accounts, as provided in G.S. 156-130 and 156- 131, shall be deemed guilty of a ~~misdemeanor and upon conviction shall be punished in the discretion of the court. Class 1 misdemeanor.~~"

**—FRAUDULENT MISREPRESENTATION; HOUSING ASSISTANCE**

Sec. 1080. G.S. 157-29.1(a) reads as rewritten:

"(a) Any person whether provider or recipient, or person representing himself as such, who willfully and knowingly and with intent to deceive makes a false statement or representation or who willfully and knowingly and with intent to deceive fails to disclose a material fact and as a result of making a false statement or representation or failing to disclose a material fact obtains, for himself or another person, attempts to obtain for himself or another person, or continues to receive housing assistance in the amount or value of not more than four hundred dollars (\$400.00) is guilty of a ~~misdemeanor, and upon conviction or plea of guilty shall be fined or imprisoned or both at the discretion of the court. Class 1 misdemeanor.~~"

**—ANNUAL INDEPENDENT AUDIT OF EACH LOCAL GOVERNMENT AND PUBLIC AUTHORITY**

Sec. 1081. G.S. 159-34(a) reads as rewritten:

"(a) Each unit of local government and public authority shall have its accounts audited as soon as possible after the close of each fiscal year by a certified public accountant or by an accountant certified by the Commission as qualified to audit local government accounts. When specified by the secretary, the audit shall evaluate the performance of a unit of local government or public authority with regard to compliance with all applicable federal and State agency regulations. This audit, combined with the audit of financial accounts, shall be deemed to be the single audit described by the "Federal Single Audit Act of 1984". The auditor shall be selected by and shall report directly to the governing board. The audit contract or agreement shall (i) be in writing, (ii) include the entire entity in the scope of the audit, except that an audit for purposes other than the annual audit required by this section should include an accurate description of the scope of the audit, (iii) require that a typewritten or printed report on the audit be prepared as set forth herein, (iv) include all of its terms and conditions, and (v) be submitted to the secretary for his approval as to form, terms, conditions, and compliance with the rules of the Commission. As a minimum, the required report shall include the financial statements prepared in accordance with generally accepted accounting principles, all disclosures in the public interest required by law, and the auditor's opinion and comments relating to financial statements. The audit shall be performed in conformity with generally accepted auditing standards. The finance officer shall file a copy of the audit report with the secretary, and shall submit all bills or claims for audit fees and costs to the secretary for his approval. Before giving his approval the secretary shall determine that the audit and audit report substantially conform to the requirements of this section. It shall be unlawful for any unit of local government or public authority to pay or permit the payment of such bills or claims without this approval. Each officer and employee of the local government or local public authority having custody of public money or responsibility for keeping records of public financial

or fiscal affairs shall produce all books and records requested by the auditor and shall divulge such information relating to fiscal affairs as he may request. If any member of a governing board or any other public officer or employee shall conceal, falsify, or refuse to deliver or divulge any books, records, or information, with an attempt thereby to mislead the auditor or impede or interfere with the audit, he is guilty of a ~~misdemeanor and upon conviction thereof may be fined not more than one thousand dollars (\$1,000), or imprisoned for not more than one year, or both, in the discretion of the court. Class 1 misdemeanor.~~

#### **—ENFORCEMENT OF CHAPTER ON LOCAL GOVERNMENT FINANCE**

Sec. 1082. G.S. 159-181(a) reads as rewritten:

"(a) If any finance officer, governing board member, or other officer or employee of any local government or public authority (as local government and public authority are defined in G.S. 159-7(b)) shall approve any claim or bill knowing it to be fraudulent, erroneous, or otherwise invalid, or make any written statement, give any certificate, issue any report, or utter any other document required by this Chapter, knowing that any portion of it is false, or shall willfully fail or refuse to perform any duty imposed upon him by this Chapter, he is guilty of a Class 3 misdemeanor and upon conviction shall only be fined not more than one thousand dollars (\$1,000) and forfeits his office, and shall be personally liable in a civil action for all damages suffered thereby by the unit or authority or the holders of any of its obligations."

#### **—POWER OF INVESTIGATION OF THE GOVERNING BOARD OF A CITY; SUBPOENA POWER**

Sec. 1083. G.S. 160A-80(b) reads as rewritten:

"(b) If a person fails or refuses to obey a subpoena issued pursuant to this section, the council may apply to the General Court of Justice for an order requiring that its order be obeyed, and the court shall have jurisdiction to issue these orders after notice to all proper parties. No testimony of any witness before the council pursuant to a subpoena issued in exercise of the power conferred by this section may be used against him on the trial of any civil or criminal action other than a prosecution for false swearing committed on the examination. If any person, while under oath at an investigation by the council, willfully swears falsely, he is guilty of a Class 1 misdemeanor."

#### **—PRIVACY OF EMPLOYEE PERSONNEL RECORDS**

Sec. 1084. G.S. 160A-168(e) reads as rewritten:

"(e) A public official or employee who knowingly, willfully, and with malice permits any person to have access to information contained in a personnel file, except as is permitted by this section, is guilty of a Class 3 misdemeanor and upon conviction shall only be fined an amount not more than five hundred dollars (\$500.00)."

Sec. 1085. G.S. 160A-168(f) reads as rewritten:

"(f) Any person, not specifically authorized by this section to have access to a personnel file designated as confidential, who shall knowingly and willfully examine in its official filing place, remove or copy any portion of a confidential personnel file shall be guilty of a Class 3 misdemeanor and upon conviction shall only be fined in the discretion of the court but not in excess of five hundred dollars (\$500.00)."

## —REGULATION OF DUNE BUGGIES

Sec. 1086. G.S. 160A-308 reads as rewritten:

### "§ 160A-308. Regulation of dune buggies.

A municipality may by ordinance regulate, restrict and prohibit the use of dune or beach buggies, jeeps, motorcycles, cars, trucks, or any other form of power-driven vehicle specified by the governing body of the municipality on the foreshore, beach strand and the barrier dune system. ~~Violation of any ordinance adopted by the governing body of a municipality pursuant to this section is a misdemeanor, punishable by a fine of not more than fifty dollars (\$50.00), or by imprisonment for not more than 30 days, or both in the discretion of the court. Class 3 misdemeanor.~~

Provided, a municipality shall not prohibit the use of such specified vehicles from the foreshore, beach strand and barrier dune system by commercial fishermen for commercial activities. Commercial fishermen, however, shall abide by all other regulations or restrictions duly enacted by municipalities under this section."

## —PENALTIES FOR TRANSFERRING LOTS IN UNAPPROVED SUBDIVISIONS

Sec. 1087. G.S. 160A-375 reads as rewritten:

### "§ 160A-375. Penalties for transferring lots in unapproved subdivisions.

If a city adopts an ordinance regulating the subdivision of land as authorized herein, any person who, being the owner or agent of the owner of any land located within the jurisdiction of that city, thereafter subdivides his land in violation of the ordinance or transfers or sells land by reference to, exhibition of, or any other use of a plat showing a subdivision of the land before the plat has been properly approved under such ordinance and recorded in the office of the appropriate register of deeds, shall be guilty of a Class 1 misdemeanor. The description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring land shall not exempt the transaction from this penalty. The city may bring an action for injunction of any illegal subdivision, transfer, conveyance, or sale of land, and the court shall, upon appropriate findings, issue an injunction and order requiring the offending party to comply with the subdivision ordinance."

## —BOARD OF ADJUSTMENT OF ZONING

Sec. 1088. G.S. 160A-388(g) reads as rewritten:

"(g) The board of adjustment may subpoena witnesses and compel the production of evidence. If a person fails or refuses to obey a subpoena issued pursuant to this subsection, the board of adjustment may apply to the General Court of Justice for an order requiring that its order be obeyed, and the court shall have jurisdiction to issue these orders after notice to all proper parties. No testimony of any witness before the board of adjustment pursuant to a subpoena issued in exercise of the power conferred by this subsection may be used against the witness in the trial of any civil or criminal action other than a prosecution for false swearing committed on the examination. Any person who, while under oath during a proceeding before the board of adjustment, willfully swears falsely, is guilty of a Class 1 misdemeanor."

## —FAILURE OF BUILDING INSPECTION DEPARTMENT TO PERFORM DUTIES

Sec. 1089. G.S. 160A-416 reads as rewritten:

**"§ 160A-416. Failure to perform duties.**

If any member of an inspection department shall willfully fail to perform the duties required of him by law, or willfully shall improperly issue a permit, or shall give a certificate of compliance without first making the inspections required by law, or willfully shall improperly give a certificate of compliance, he shall be guilty of a Class 1 misdemeanor."

**—PERMITS FOR BUILDING AND COMPLIANCE WITH THE STATE BUILDING CODE**

Sec. 1090. G.S. 160A-417(a) reads as rewritten:

"(a) No person shall commence or proceed with:

- (1) The construction, reconstruction, alteration, repair, movement to another site, removal, or demolition of any building or structure,
- (2) The installation, extension, or general repair of any plumbing system,
- (3) The installation, extension, alteration, or general repair of any heating or cooling equipment system, or
- (4) The installation, extension, alteration, or general repair of any electrical wiring, devices, appliances, or equipment,

without first securing from the inspection department with jurisdiction over the site of the work any and all permits required by the State Building Code and any other State or local laws applicable to the work. A permit shall be in writing and shall contain a provision that the work done shall comply with the State Building Code and all other applicable State and local laws. No permits shall be issued unless the plans and specifications are identified by the name and address of the author thereof, and if the General Statutes of North Carolina require that plans for certain types of work be prepared only by a registered architect or registered engineer, no permit shall be issued unless the plans and specifications bear the North Carolina seal of a registered architect or of a registered engineer. When any provision of the General Statutes of North Carolina or of any ordinance requires that work be done by a licensed specialty contractor of any kind, no permit for the work shall be issued unless the work is to be performed by such a duly licensed contractor. No permit issued under Articles 9 or 9C of Chapter 143 shall be required for any construction, installation, repair, replacement, or alteration costing five thousand dollars (\$5,000) or less in any single family residence or farm building unless the work involves: the addition, repair or replacement of load bearing structures; the addition (excluding replacement of same size and capacity) or change in the design of plumbing; the addition, replacement or change in the design of heating, air conditioning, or electrical wiring, devices, appliances, or equipment; the use of materials not permitted by the North Carolina Uniform Residential Building Code; or the addition (excluding replacement of like grade of fire resistance) of roofing. Violation of this section shall constitute a Class 1 misdemeanor."

**—STOP ORDERS WITH REGARD TO BUILDING CONSTRUCTION**

Sec. 1091. G.S. 160A-421(d) reads as rewritten:

"(d) Violation of a stop order shall constitute a Class 1 misdemeanor."

**—CERTIFICATES OF COMPLIANCE WITH BUILDING CODE;  
PREREQUISITE TO RECEIVING PERMIT**

Sec. 1092. G.S. 160A-423 reads as rewritten:

**"§ 160A-423. Certificates of compliance.**

At the conclusion of all work done under a permit, the appropriate inspector shall make a final inspection, and if he finds that the completed work complies with all applicable State and local laws and with the terms of the permit, he shall issue a certificate of compliance. No new building or part thereof may be occupied, and no addition or enlargement of an existing building may be occupied, and no existing building that has been altered or moved may be occupied, until the inspection department has issued a certificate of compliance. A temporary certificate of compliance may be issued permitting occupancy for a stated period of specified portions of the building that the inspector finds may safely be occupied prior to final completion of the entire building. Violation of this section shall constitute a Class 1 misdemeanor."

**—REMOVING NOTICE FROM CONDEMNED BUILDING**

Sec. 1093. G.S. 160A-427 reads as rewritten:

**"§ 160A-427. Removing notice from condemned building.**

If any person shall remove any notice that has been affixed to any building or structure by a local inspector of any municipality and that states the dangerous character of the building or structure, he shall be guilty of a Class 1 misdemeanor."

**—FAILURE TO COMPLY WITH ORDER BUILDING ORDER OF THE CITY COUNCIL**

Sec. 1094. G.S. 160A-431 reads as rewritten:

**"§ 160A-431. Failure to comply with order.**

If the owner of a building or structure fails to comply with an order issued pursuant to G.S. 160A-429 from which no appeal has been taken, or fails to comply with an order of the city council following an appeal, he shall be guilty of a misdemeanor and shall be punished in the discretion of the court. Class 1 misdemeanor."

**—ORDINANCE AUTHORIZED AS TO REPAIR, CLOSING, AND DEMOLITION; ORDER OF PUBLIC OFFICER**

Sec. 1095. G.S. 160A-443(4) reads as rewritten:

"(4) That, if the owner fails to comply with an order to repair, alter or improve or to vacate and close the dwelling, the public officer may cause the dwelling to be repaired, altered or improved or to be vacated and closed; that the public officer may cause to be posted on the main entrance of any dwelling so closed, a placard with the following words: 'This building is unfit for human habitation; the use or occupation of this building for human habitation is prohibited and unlawful.' Occupation of a building so posted shall constitute a Class 1 misdemeanor."

**—INDEX OF REGISTERED INSTRUMENTS**

Sec. 1096. G.S. 161-22(i) reads as rewritten:

"(i) A violation of this section shall constitute a Class 1 misdemeanor."

**—REGISTER OF DEEDS FAILING TO DISCHARGE DUTIES; PENALTY**

Sec. 1097. G.S. 161-27 reads as rewritten:

**"§ 161-27. Register of deeds failing to discharge duties; penalty.**

If any register of deeds fails to perform any of the duties imposed or authorized by law, he shall be guilty of a Class 1 misdemeanor, and ~~besides other punishments at the discretion of the court~~, he shall be removed from office."

**—INJURY TO PRISONER BY JAILER**

Sec. 1098. G.S. 162-55 reads as rewritten:

**"§ 162-55. Injury to prisoner by jailer.**

If the keeper of a jail shall do, or cause to be done, any wrong or injury to the prisoners committed to his custody, contrary to law, he shall not only pay treble damages to the person injured, but shall be guilty of a Class 1 misdemeanor."

**—ASSISTANCE TO VOTERS IN PRIMARIES AND GENERAL ELECTIONS**

Sec. 1099. G.S. 163-152(e) reads as rewritten:

"(e) Violation of Section. – It shall be a Class 2 misdemeanor for any person to give, receive, or permit assistance in the voting booth during any primary or general election or election to any voter otherwise than as is allowed by this section."

**—AGED AND DISABLED PERSONS ALLOWED TO VOTE OUTSIDE VOTING ENCLOSURE**

Sec. 1100. G.S. 163-155 reads as rewritten:

**"§ 163-155. Aged and disabled persons allowed to vote outside voting enclosure.**

In any primary or election any qualified voter who is able to travel to the voting place, but because of age, or physical disability and physical barriers encountered at the voting place is unable to enter the voting place or enclosure to vote in person without physical assistance, shall be allowed to vote either in the vehicle conveying such person to the voting place or in the immediate proximity of the voting place under the following restrictions:

(1) The county board of elections shall have printed and numbered a sufficient supply of affidavits to be distributed to each precinct registrar which shall be in the following form:

'Affidavit of person voting outside voting place or enclosure.

State of North Carolina

County of \_\_\_\_\_

I do solemnly swear (or affirm) that I am a registered voter in \_\_\_\_\_ precinct. That because of age or physical disability I am unable to enter the voting place to vote in person without physical assistance. That I desire to vote outside the voting place and enclosure.

I understand that a false statement as to my condition will subject me to a fine not to exceed one thousand dollars (\$1,000) or imprisonment not to exceed six months, or both.

Date

Signature of Voter

---

---

Address

---

---

Signature of assistant  
who administered oath.'

- (2) The registrar shall designate one of the assistants, appointed under G.S. 163-42 to attend the voter. Upon arrival outside the voting place, the voter shall execute the affidavit after being sworn by the assistant. The ballots shall then be delivered to the voter who shall mark the ballots and hand them to the assistant. The ballots shall then be delivered to one of the judges of elections who shall deposit the ballots in the proper boxes. The affidavit shall be delivered to the other judge of election.
- (3) The voter shall be entitled to the same assistance in marking the ballots as is authorized by G.S. 163-152.
- (4) The affidavit executed by the voter shall be retained by the county board of elections for a period of six months. In those precincts using voting machines, the county board of elections shall furnish paper ballots of each kind for use by persons authorized to vote outside the voting place by this section.
- (5) If there is no assistant appointed under G.S. 163-42 to perform the duties required by this section, the precinct registrar or one of the precinct judges, to be designated by the voter, if he chooses, or, if he does not, by the precinct registrar, shall perform those duties.

A violation of this section is a Class 2 misdemeanor."

**—PRESERVATION OF BALLOTS; LOCKING AND SEALING BALLOT BOXES; SIGNING CERTIFICATES**

Sec. 1101. G.S. 163-171 reads as rewritten:

**"§ 163-171. Preservation of ballots; locking and sealing ballot boxes; signing certificates.**

When the precinct count is completed after a primary or election, all ballots shall be put back in the ballot boxes from which they were taken, and the registrar and judges shall promptly lock and place a seal around the top of each ballot box, so that no ballot may be taken from or put in it. The registrar and judges shall then sign the seal on each ballot box. In the alternative, the county board of elections may permit the precinct officials to put the counted ballots back in one ballot box or more to facilitate safekeeping provided the board prescribes an appropriate procedure to keep the different kinds of ballots separated in bundles or bags within the box.

Ballot boxes in which ballots have been placed and which have been locked and sealed as required by the preceding paragraph shall remain in the safe custody of the registrar, subject to the orders of the chairman of the county board of elections as to their disposition; provided that ballot boxes with paper ballots shall be delivered in person to the office of the county board of elections; provided further that in the case of paper ballots which have been counted either mechanically or electronically either the counting machines with the paper ballots sealed inside shall be delivered in person to the office of the county board of elections, or the paper ballots shall be placed in ballot boxes, sealed, and those boxes shall be delivered in person to the office of the county board of elections. The ballots and ballot boxes shall be delivered at a time specified by the county board of elections. No ballot box shall be opened except upon the written order of the county board of elections or upon a proper order of court.

Ballots cast in a primary or general election shall be preserved for at least two months after the primary or general election in which voted.

On each precinct return form there shall be printed a statement to be signed by the registrar and judges certifying that, after the precinct count was completed, each ballot box was properly locked, sealed, and the seals signed, as prescribed in this section, before the precinct officials left the voting place on the night of the primary or election.

Willful failure to securely lock, seal, and sign the seal on each ballot box on the night of any primary or election, and willful failure to sign the certificate on the duplicate return forms certifying that this was done, shall constitute a Class 2 misdemeanor.

In the event that a recount is requested as provided by law or there is other filing of an appeal of the election results, the county board of elections shall seal and secure the ballots, ballot boxes, and voting machines within a uniform period of time set by the State Board of Elections, to the extent that such actions have not already been taken as required by law. The aforementioned items shall then be stored in locations that are securely locked by members of the county board of elections. In counties that utilize voting machines or voting systems the county board of elections shall be required to store in one location that record on which the official vote cast is recorded."

#### **—HOW PRECINCT RETURNS ARE TO BE MADE**

Sec. 1102. G.S. 163-173 reads as rewritten:

#### **"§ 163-173. How precinct returns are to be made.**

In each precinct, when the results of the counting of the ballots have been ascertained they shall be recorded in original and duplicate statements to be prepared, signed, and certified to by the registrar and judges on forms provided by the county board of elections.

One of the statements of the voting in the precincts shall be placed in a sealed envelope and delivered to the registrar or a judge selected by the precinct officials for the purpose of delivery to the county board of elections for review at its meeting on the second day after the primary or election. The other copy of the statement shall either be mailed immediately or delivered in person immediately, as directed by the county board of elections, by one of the other two precinct election officials, to the chairman of the

county board of elections or the supervisor of elections if authorized by the chairman to receive the statement.

Any registrar or judge appointed to deliver the certified precinct returns who shall fail to deliver them to the county board of elections by 12:00 noon, on the day the board meets to canvass the returns shall be guilty of a Class 2 misdemeanor, unless the failure resulted from illness or other good cause."

#### **—DISPOSITION OF DUPLICATE VOTING ABSTRACTS**

Sec. 1103. G.S. 163-177 reads as rewritten:

##### **"§ 163-177. Disposition of duplicate abstracts.**

Within six hours after the returns of a primary or election have been canvassed and the results judicially determined, the chairman of the county board of elections shall mail, or otherwise deliver, to the State Board of Elections the duplicate-original abstracts prepared in accordance with G.S. 163-176 for all offices and referenda for which the State Board of Elections is required to canvass the votes and declare the results including:

President and Vice-President of the United States

Governor, Lieutenant Governor, and all other State executive officers

United States Senators

Members of the House of Representatives of the United States Congress

Justices, Judges, and District Attorneys of the General Court of Justice

State Senators in multi-county senatorial districts

Members of the State House of Representatives in multi-county  
representative districts

Constitutional amendments and propositions submitted to the voters of  
the State.

One duplicate abstract prepared in accordance with G.S. 163-176 for all offices and referenda for which the county board of elections is required to canvass the votes and declare the results (and which are listed below) shall be retained by the county board, which shall forthwith publish and declare the results; the second duplicate abstract shall be mailed to the chairman of the State Board of Elections, to the end that there be one set of all primary and election returns available at the seat of government.

All county offices

State Senators in single-county senatorial districts

Members of the State House of Representatives in single-county  
representative districts

Propositions submitted to the voters of one county.

If the chairman of the county board of elections fails or neglects to transmit duplicate abstracts to the chairman of the State Board of Elections within the time prescribed in this section, he shall be guilty of a Class 2 misdemeanor. Provided, that the penalty shall not apply if the chairman was prevented from performing the prescribed duty because of sickness or other unavoidable delay, but the burden of proof shall be on the chairman to show that his failure to perform was due to sickness or unavoidable delay."

#### **—PERSONS MAY NOT SIGN NAME OF ANOTHER TO PETITION**

Sec. 1104. G.S. 163-221(c) reads as rewritten:

"(c) Any person who willfully violates this section is guilty of a Class 2 misdemeanor."

## —VIOLATIONS BY CHAIRMAN OF COUNTY BOARD OF ELECTIONS

Sec. 1105. G.S. 163-236 reads as rewritten:

### "§ 163-236. Violations by chairman of county board of elections.

The chairman of the county board of elections shall be sole custodian of blank applications for absentee ballots, official ballots, and container-return envelopes for absentee ballots. He shall issue and deliver blank applications for absentee ballots in strict accordance with the provisions of G.S. 163-227(c). The issuance of ballots to persons whose applications for absentee ballots have been approved by the county board of elections under the provisions of G.S. 163-230(3) is the responsibility and duty of the chairman of the county board of elections.

It shall be the duty of the chairman of the county board of elections to keep current all records required of him by this Article and to make promptly all reports required of him by this Article.

The willful violation of this section shall constitute a Class 2 misdemeanor."

## —CERTAIN VIOLATIONS OF ABSENTEE BALLOT LAW

Sec. 1106. G.S. 163-237 reads as rewritten:

### "§ 163-237. Certain violations of absentee ballot law made criminal offenses.

(a) False Statements under Oath Made Class 2 misdemeanor. – If any person shall willfully and falsely make any affidavit or statement, under oath, which affidavit or statement under oath, is required to be made by the provisions of this Article, he shall be guilty of a Class 2 misdemeanor.

(b) False Statements Not under Oath Made Class 2 misdemeanor. – Except as provided by G.S. 163-275(16), if any person, for the purpose of obtaining or voting any official ballot under the provisions of this Article, shall willfully sign any printed or written false statement which does not purport to be under oath, or which, if it purports to be under oath, was not duly sworn to, he shall be guilty of a Class 2 misdemeanor.

(c) Fraud in Connection with Absentee Vote; Forgery. – Any person attempting to aid and abet fraud in connection with any absentee vote cast or to be cast, under the provisions of this Article, shall be guilty of a Class 2 misdemeanor. Any person attempting to vote by fraudulently signing the name of a regularly qualified voter shall be guilty of forgery, and be punished accordingly.

(d) Violations Not Otherwise Provided for Made Class 2 misdemeanors. – If any person shall willfully violate any of the provisions of this Article, or willfully fail to comply with any of the provisions thereof, for which no other punishment is herein provided, he shall be guilty of a Class 2 misdemeanor."

## —VIOLATIONS BY CORPORATIONS MAKING POLITICAL CONTRIBUTION

Sec. 1107. G.S. 163-269 reads as rewritten:

### "§ 163-269. Violations by corporations.

It shall be unlawful for any corporation doing business in this State, either domestic or foreign charter, directly or indirectly to make any contribution or expenditure in aid

or in behalf of any candidate or campaign committee in any primary or election held in this State, or for any political purpose whatsoever, or for the reimbursement or indemnification of any person for money or property so used, or for any contribution or expenditure so made; or for any officer, director, stockholder, attorney or agent of any corporation to aid, abet, advise or consent to any such contribution or expenditure, or for any person to solicit or knowingly receive any such contribution or expenditure.

Any officer, director, stockholder, attorney or agent of any corporation aiding or abetting in any contribution or expenditure made in violation of this section shall, in addition to being guilty of a Class 2 misdemeanor as hereinafter set out, be liable to such corporation for the amount of such contribution or expenditure, and the same may be recovered of him upon suit by any stockholder thereof. Any person violating this section shall be guilty of a ~~misdemeanor and upon conviction shall be fined or imprisoned, or both, in the discretion of the court.~~ Class 2 misdemeanor."

#### **—USING FUNDS OF INSURANCE COMPANIES FOR POLITICAL PURPOSES**

Sec. 1108. G.S. 163-270 reads as rewritten:

#### **"§ 163-270. Using funds of insurance companies for political purposes.**

No insurance company or association, including fraternal beneficiary associations, doing business in this State shall, directly or indirectly, pay or use, or offer, consent or agree to pay or use, any money or property for or in aid of any political party, committee or organization, or for or in aid of any corporation, joint-stock company, or other association organized or maintained for political purposes, or for or in aid of any candidate for political office or for nomination for such office, or for any political purpose whatsoever, or for the reimbursement or indemnification of any person for money or property so used. An officer, director, stockholder, attorney or agent for any corporation or association which violates any of the provisions of this section, who participates in, aids, abets, advises or consents to any such violation, and any person who solicits or knowingly receives any money or property in violation of this section, shall be guilty of a Class 2 misdemeanor.

Any officer aiding or abetting in any contribution made in violation of this section shall be liable to the company or association for the amount so contributed. The Commissioner of Insurance may revoke the license of any company violating this section. No person shall be excused from attending and testifying, or producing any books, papers or other documents before any court or magistrate, upon any investigation, proceeding or trial for a violation of any of the provisions of this section, upon the ground or for the reason that the testimony or evidence, documentary or otherwise, required of him may tend to incriminate or degrade him; but no person shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter or thing concerning which he may so testify or produce evidence, documentary or otherwise, and no testimony so given or produced shall be used against him upon criminal investigation or proceeding."

#### **—INTIMIDATION OF VOTERS BY OFFICERS**

Sec. 1109. G.S. 163-271 reads as rewritten:

#### **"§ 163-271. Intimidation of voters by officers made misdemeanor.**

It shall be unlawful for any person holding any office, position, or employment in the State government, or under and with any department, institution, bureau, board, commission, or other State agency, or under and with any county, city, town, district, or other political subdivision, directly or indirectly, to discharge, threaten to discharge, or cause to be discharged, or otherwise intimidate or oppress any other person in such employment on account of any vote such voter or any member of his family may cast, or consider or intend to cast, or not to cast, or which he may have failed to cast, or to seek or undertake to control any vote which any subordinate of such person may cast, or consider or intend to cast, or not to cast, by threat, intimidation, or declaration that the position, salary, or any part of the salary of such subordinate depends in any manner whatsoever, directly or indirectly, upon the way in which subordinate or any member of his family casts, or considers or intends to cast, or not to cast his vote, at any primary or election. A violation of this section is a Class 2 misdemeanor."

#### **—PENALTIES FOR VIOLATION OF ELECTION LAWS**

Sec. 1110. G.S. 163-272.1 reads as rewritten:

##### **"§ 163-272.1. Penalties for violation of this Chapter.**

Whenever in this Chapter it is provided that a crime is a misdemeanor, the punishment shall be ~~imprisonment for not more than six months, or a fine of not more than one thousand dollars (\$1,000), or both, in the discretion of the court~~ for a Class 2 misdemeanor."

#### **—OFFENSES OF VOTERS; INTERFERENCE WITH VOTERS**

Sec. 1111. G.S. 163-273(a) reads as rewritten:

"(a) Any person who shall, in connection with any primary or election in this State, do any of the acts and things declared in this section to be unlawful, shall be guilty of a Class 2 misdemeanor. It shall be unlawful:

- (1) For a voter, except as otherwise provided in this Chapter, to allow his ballot to be seen by any person.
- (2) For a voter to take or remove, or attempt to take or remove, any ballot from the voting enclosure.
- (3) For any person to interfere with, or attempt to interfere with, any voter when inside the voting enclosure.
- (4) For any person to interfere with, or attempt to interfere with, any voter when marking his ballots.
- (5) For any voter to remain longer than the specified time allowed by this Chapter in a voting booth, after being notified that his time has expired.
- (6) For any person to endeavor to induce any voter, while within the voting enclosure, before depositing his ballots, to show how he marks or has marked his ballots.
- (7) For any person to aid, or attempt to aid, any voter by means of any mechanical device, or any other means whatever, while within the voting enclosure, in marking his ballots."

#### **—UNLAWFUL ACTION OF PERSONS ACTING IN CONNECTION WITH PRIMARY OR ELECTION IN NORTH CAROLINA**

Sec. 1112. G.S. 163-274 reads as rewritten:

**"§ 163-274. Certain acts declared misdemeanors.**

Any person who shall, in connection with any primary or election in this State, do any of the acts and things declared in this section to be unlawful, shall be guilty of a Class 2 misdemeanor. It shall be unlawful:

- (1) For any person to fail, as an officer or as a judge or registrar of a primary or election, or as a member of any board of elections, to prepare the books, ballots, and return blanks which it is his duty under the law to prepare, or to distribute the same as required by law, or to perform any other duty imposed upon him within the time and in the manner required by law;
- (2) For any person to continue or attempt to act as a judge or registrar of a primary or election, or as a member of any board of elections, after having been legally removed from such position and after having been given notice of such removal;
- (3) For any person to break up or by force or violence to stay or interfere with the holding of any primary or election, to interfere with the possession of any ballot box, election book, ballot, or return sheet by those entitled to possession of the same under the law, or to interfere in any manner with the performance of any duty imposed by law upon any election officer or member of any board of elections;
- (4) For any person to be guilty of any boisterous conduct so as to disturb any member of any election board or any registrar or judge of election in the performance of his duties as imposed by law;
- (5) For any person to bet or wager any money or other thing of value on any election;
- (5a) For any person to be a witness under G.S. 163-231(a) or G.S. 163-250(a) in any primary or election in which the person is a candidate for nomination or election;
- (6) For any person, directly or indirectly, to discharge or threaten to discharge from employment, or otherwise intimidate or oppose any legally qualified voter on account of any vote such voter may cast or consider or intend to cast, or not to cast, or which he may have failed to cast;
- (7) For any person to publish in a newspaper or pamphlet or otherwise, any charge derogatory to any candidate or calculated to affect the candidate's chances of nomination or election, unless such publication be signed by the party giving publicity to and being responsible for such charge;
- (8) For any person to publish or cause to be circulated derogatory reports with reference to any candidate in any primary or election, knowing such report to be false or in reckless disregard of its truth or falsity, when such report is calculated or intended to affect the chances of such candidate for nomination or election;

- (9) For any person to give or promise, in return for political support or influence, any political appointment or support for political office;
- (10) For any chairman of a county board of elections or other returning officer to fail or neglect, willfully or of malice, to perform any duty, act, matter or thing required or directed in the time, manner and form in which said duty, matter or thing is required to be performed in relation to any primary, general or special election and the returns thereof;
- (11) For any clerk of the superior court to refuse to make and give to any person applying in writing for the same a duly certified copy of the returns of any primary or election or of a tabulated statement to a primary or election, the returns of which are by law deposited in his office, upon the tender of the fees therefor;
- (12) For any person willfully and knowingly to impose upon any blind or illiterate voter a ballot in any primary or election contrary to the wish or desire of such voter, by falsely representing to such voter that the ballot proposed to him is such as he desires; or
- (13) Except as authorized by G.S. 163-72.2(b), for any person to provide false information, or sign the name of any other person, to a written report under G.S. 163-72.2."

#### **—LIMITATION ON CAMPAIGN CONTRIBUTIONS**

Sec. 1113. G.S. 163-278.13(f) reads as rewritten:

"(f) Any individual, candidate, political committee, or referendum committee who violates the provisions of this section is guilty of a Class 2 misdemeanor."

#### **—NO FUND-RAISING FROM LOBBYISTS**

Sec. 1114. G.S. 163-278.13A(d) reads as rewritten:

"(d) A violation of this section is a Class 2 misdemeanor, but no individual or person shall be prosecuted under this section for accepting or making a contribution unless the State Board of Elections has notified the individual or person of the apparent violation in writing by certified mail, has given the individual or person an opportunity to return or to request the return of the contribution, and, within 10 days of the receipt of the notification, the individual or person has failed to return or to request the return of the contribution."

#### **—VIOLATIONS OF ELECTION LAWS BY CORPORATIONS, BUSINESS ENTITIES, LABOR UNIONS, PROFESSIONAL ASSOCIATIONS, AND INSURANCE COMPANIES**

Sec. 1115. G.S. 163-278.19(a) reads as rewritten:

"(a) Except as provided in G.S. 163-278.19(b), it shall be unlawful for any corporation, business entity, labor union, professional association or insurance company directly or indirectly:

- (1) To make any contribution or expenditure (except a loan of money by a national or State bank or federal or State savings and loan association made in accordance with the applicable banking or savings and loan association laws and regulations and in the ordinary course of

business) in aid or in behalf of or in opposition to any candidate or political committee in any election or for any political purpose whatsoever;

(2) To pay or use or offer, consent or agree to pay or use any of its money or property for or in aid of or in opposition to any candidate or political committee or for or in aid of any person, organization or association organized or maintained for political purposes, or for or in aid of or in opposition to any candidate or political committee or for any political purpose whatsoever; and

(3) To reimburse or indemnify any person or individual for money or property so used or for any contribution or expenditure so made;

and it shall be unlawful for any officer, director, stockholder, attorney, agent or member of any corporation, business entity, labor union, professional association or insurance company to aid, abet, advise or consent to any such contribution or expenditure, or for any person or individual to solicit or knowingly receive any such contribution or expenditure. Any officer, director, stockholder, attorney, agent or member of any corporation, business entity, labor union, professional association or insurance company aiding or abetting in any contribution or expenditure made in violation of this section shall be guilty of a Class 2 misdemeanor as hereinafter set out, misdemeanor, and shall in addition be liable to such corporation, business entity, labor union, professional association or insurance company for the amount of such contribution or expenditure, and the same may be recovered of him upon suit by any stockholder or member thereof."

Sec. 1116. G.S. 163-278.19(c) reads as rewritten:

"(c) A violation of this section is a Class 2 misdemeanor. In addition, the acceptance of any contribution, expenditure, payment, reimbursement, indemnification, or anything of value under subsection (a) shall be ~~unlawful and the defendant shall be subject to the same punishment as set forth in this subsection.~~ a Class 2 misdemeanor."

#### **—DISCLOSURE BEFORE SOLICITING CAMPAIGN CONTRIBUTIONS**

Sec. 1117. G.S. 163-278.20(b) reads as rewritten:

"(b) A violation of this section is a Class 2 misdemeanor."

#### **—PENALTY FOR VIOLATIONS OF ELECTION CONTRIBUTION LAWS**

Sec. 1118. G.S. 163-278.27(a) reads as rewritten:

"(a) Any individual, candidate, political committee, referendum committee, treasurer, person or media who violates the provisions of G.S. 163-278.7, 163-278.8, 163-278.9, 163-278.10, 163-278.11, 163-278.12, 163-278.14, 163-278.16, 163-278.17, 163-278.18, 163-278.40A, 163-278.40B, 163-278.40C, 163-278.40D or 163-278.40E is guilty of a Class 2 misdemeanor."

#### **—VIOLATIONS/APPROPRIATIONS FROM THE POLITICAL PARTIES FINANCING FUND**

Sec. 1119. G.S. 163-278.44 reads as rewritten:

**"§ 163-278.44. Crime; punishment.**

Any individual person, candidate, political committee, or treasurer who willfully and intentionally violates any of the provisions of this Article, shall be guilty of a Class 2 misdemeanor."

**—DISGUISE A DOG AS AN ASSISTANCE DOG, OR TO DEPRIVE A VISUALLY IMPAIRED PERSON, A HEARING IMPAIRED PERSON, OR A MOBILITY IMPAIRED PERSON OF ANY RIGHTS GRANTED**

Sec. 1120. G.S. 168-4.5 reads as rewritten:

**"§ 168-4.5. Penalty.**

It is unlawful to disguise a dog as an assistance dog, or to deprive a visually impaired person, a hearing impaired person, or a mobility impaired person of any rights granted the person pursuant to G.S. 168-4.2 through G.S. 168-4.4, or of any rights or privileges granted the general public with respect to being accompanied by dogs, or to charge any fee for the use of the assistance dog. Violation of this section shall be a ~~misdemeanor punishable by imprisonment of not more than 10 days and a fine of not more than two hundred dollars (\$200.00)~~ Class 3 misdemeanor."

**PART 2. – FELONIES**

**—NOTARIES**

Sec. 1121. G.S. 10A-12(c) reads as rewritten:

"(c) Any notary who takes an acknowledgment or performs a verification or proof knowing it is false or fraudulent is guilty of a Class ~~J~~I felony."

**—REBELLION AGAINST THE STATE**

Sec. 1122. G.S. 14-8 reads as rewritten:

**"§ 14-8. Rebellion against the State.**

If any person shall incite, set on foot, assist or engage in a rebellion or insurrection against the authority of the State of North Carolina or the laws thereof, or shall give aid or comfort thereto, every person so offending in any of the ways aforesaid shall be guilty of a felony, and shall be punished as a Class ~~G-F~~ felon."

**—COUNTERFEITING COIN AND UTTERING COIN**

Sec. 1123. G.S. 14-13 reads as rewritten:

**"§ 14-13. Counterfeiting coin and uttering coin that is counterfeit.**

If any person shall falsely make, forge or counterfeit, or cause or procure to be falsely made, forged or counterfeited, or willingly aid or assist in falsely making, forging or counterfeiting the resemblance or similitude or likeness of a Spanish milled dollar, or any coin of gold or silver which is in common use and received in the discharge of contracts by the citizens of the State; or shall pass, utter, publish or sell, or attempt to pass, utter, publish or sell, or bring into the State from any other place with intent to pass, utter, publish or sell as true, any such false, forged or counterfeited coin, knowing the same to be false, forged or counterfeited, with intent to defraud any person whatsoever, every person so offending shall be punished as a Class ~~H-I~~ felon."

**—POSSESSING TOOLS FOR COUNTERFEITING**

Sec. 1124. G.S. 14-14 reads as rewritten:

**"§ 14-14. Possessing tools for counterfeiting.**

If any person shall have in his possession any instrument for the purpose of making any counterfeit similitude or likeness of a Spanish milled dollar, or other coin made of gold or silver which is in common use and received in discharge of contracts by the citizens of the State, and shall be duly convicted thereof, the person so offending shall be punished as a Class ~~H-I~~ felon."

### —ASSAULT ON EXECUTIVE OR LEGISLATIVE OFFICER

Sec. 1125. G.S. 14-16.6 reads as rewritten:

#### "§ 14-16.6. Assault on executive or legislative officer.

(a) Any person who assaults any legislative officer named in G.S. 147-2(1), (2), or (3) or any executive officer named in G.S. 147-3(c), or any person who makes a violent attack upon the residence, office, temporary accommodation or means of transport of any legislative officer named in G.S. 147-2(1), (2), or (3) or any executive officer named in G.S. 147-3(c) in a manner likely to endanger such legislative officer or executive officer, shall be guilty of a felony and shall be punished as a Class ~~H-I~~ felon.

(b) Any person who commits an offense under subsection (a) and uses a deadly weapon in the commission of that offense shall be punished as a Class ~~G-F~~ felon.

(c) Any person who commits an offense under subsection (a) and inflicts serious bodily injury to any legislative officer named in G.S. 147-2(1), (2), or (3) or any executive officer as named in G.S. 147-3(c) shall be punished as a Class F felon."

### —THREATS AGAINST OFFICERS

Sec. 1126. G.S. 14-16.7 reads as rewritten:

#### "§ 14-16.7. Threats against executive or legislative officers.

(a) Any person who knowingly and willfully makes any threat to inflict serious bodily injury upon or to kill any legislative officer named in G.S. 147-2(1), (2), or (3) or any executive official as named in G.S. 147-3(c), shall be guilty of a felony and shall be punished as a Class ~~J-I~~ felon.

(b) Any person who knowingly and willfully deposits for conveyance in the mail any letter, writing, or other document containing a threat to inflict serious bodily injury upon or to kill any legislative officer named in G.S. 147-2(1), (2), or (3) or any executive official named in G.S. 147-3(c), shall be guilty of a felony and shall be punished as a Class ~~J-I~~ felon."

### —MURDER IN THE FIRST AND SECOND DEGREE

Sec. 1127. G.S. 14-17 reads as rewritten:

#### "§ 14-17. Murder in the first and second degree defined; punishment.

A murder which shall be perpetrated by means of poison, lying in wait, imprisonment, starving, torture, or by any other kind of willful, deliberate, and premeditated killing, or which shall be committed in the perpetration or attempted perpetration of any arson, rape or a sex offense, robbery, kidnapping, burglary, or other felony committed or attempted with the use of a deadly weapon shall be deemed to be murder in the first degree, a Class A felony, and any person who commits such murder shall be punished with death or imprisonment in the State's prison for life as the court shall determine pursuant to G.S. 15A-2000, except that any such person who was under 17 years of age at the time of the murder shall be punished with imprisonment in the State's prison for life. Provided, however, any person under the age of 17 who commits

murder in the first degree while serving a prison sentence imposed for a prior murder or while on escape from a prison sentence imposed for a prior murder shall be punished with death or imprisonment in the State's prison for life as the court shall determine pursuant to G.S. 15A-2000. All other kinds of murder, including that which shall be proximately caused by the unlawful distribution of opium or any synthetic or natural salt, compound, derivative, or preparation of opium, or cocaine or other substance described in G.S. 90-90(a)4., when the ingestion of such substance causes the death of the user, shall be deemed murder in the second degree, and any person who commits such murder shall be punished as a Class ~~C~~B felon."

#### **—PUNISHMENT FOR MANSLAUGHTER**

Sec. 1128. G.S. 14-18 reads as rewritten:

#### **"§ 14-18. Punishment for manslaughter.**

Voluntary manslaughter shall be punishable as a Class ~~F~~E felony, and involuntary manslaughter shall be punishable as a Class ~~H~~F felony."

#### **—KILLING ADVERSARY IN DUEL**

Sec. 1129. G.S. 14-20 reads as rewritten:

#### **"§ 14-20. Killing adversary in duel; aiders and abettors declared accessories.**

If any person fight a duel in consequence of a challenge sent or received, and either of the parties shall be killed, then the survivor, on conviction thereof, shall be punished as a Class ~~C~~B felon. All their aiders and abettors shall be considered accessories before the fact.

Any person charged with killing an adversary in a duel may enter a plea of guilty to said charge in the same way and manner and under the conditions and restrictions set forth in G.S. 15-162.1 relating to pleas of guilty for first degree murder, first degree burglary, arson and rape."

#### **—SECOND-DEGREE RAPE**

Sec. 1130. G.S. 14-27.3(b) reads as rewritten:

"(b) Any person who commits the offense defined in this section is guilty of a Class ~~D~~C felony."

#### **—SECOND-DEGREE SEXUAL OFFENSE**

Sec. 1131. G.S. 14-27.5(b) reads as rewritten:

"(b) Any person who commits the offense defined in this section is guilty of a Class ~~D~~C felony."

#### **—INTERCOURSE AND SEX OFFENSES/CERTAIN VICTIMS**

Sec. 1132. G.S. 14-27.7 reads as rewritten:

#### **"§ 14-27.7. Intercourse and sexual offenses with certain victims; consent no defense.**

If a defendant who has assumed the position of a parent in the home of a minor victim engages in vaginal intercourse or a sexual act with a victim who is a minor residing in the home, or if a person having custody of a victim of any age or a person who is an agent or employee of any person, or institution, whether such institution is private, charitable, or governmental, having custody of a victim of any age engages in vaginal intercourse or a sexual act with such victim, the defendant is guilty of a Class ~~G~~E felony. Consent is not a defense to a charge under this section."

## —MALICIOUS CASTRATION

Sec. 1133. G.S. 14-28 reads as rewritten:

### "§ 14-28. Malicious castration.

If any person, of malice aforethought, shall unlawfully castrate any other person, or cut off, maim or disfigure any of the privy members of any person, with intent to murder, maim, disfigure, disable or render impotent such person, the person so offending shall be punished as a Class ~~D-C~~ felon."

## —CASTRATION OR OTHER MAIMING WITHOUT MALICE

Sec. 1134. G.S. 14-29 reads as rewritten:

### "§ 14-29. Castration or other maiming without malice aforethought.

If any person shall, on purpose and unlawfully, but without malice aforethought, cut, or slit the nose, bite or cut off the nose, or a lip or an ear, or disable any limb or member of any other person, or castrate any other person, or cut off, maim or disfigure any of the privy members of any other person, with intent to kill, maim, disfigure, disable or render impotent such person, the person so offending shall be punished as a Class ~~H-E~~ felon."

## —MALICIOUS MAIMING

Sec. 1135. G.S. 14-30 reads as rewritten:

### "§ 14-30. Malicious maiming.

If any person shall, of malice aforethought, unlawfully cut out or disable the tongue or put out an eye of any other person, with intent to murder, maim or disfigure, the person so offending, his counselors, abettors and aiders, knowing of and privy to the offense, shall be punished as a Class ~~H-C~~ felon."

## —MALICIOUS THROWING OF CORROSIVE ACID

Sec. 1136. G.S. 14-30.1 reads as rewritten:

### "§ 14-30.1. Malicious throwing of corrosive acid or alkali.

If any person shall, of malice aforethought, knowingly and willfully throw or cause to be thrown upon another person any corrosive acid or alkali with intent to murder, maim or disfigure and inflicts serious injury not resulting in death, he shall be punished as a Class ~~H-E~~ felon."

## —MALICIOUSLY ASSAULTING IN A SECRET MANNER

Sec. 1137. G.S. 14-31 reads as rewritten:

### "§ 14-31. Maliciously assaulting in a secret manner.

If any person shall in a secret manner maliciously commit an assault and battery with any deadly weapon upon another by waylaying or otherwise, with intent to kill such other person, notwithstanding the person so assaulted may have been conscious of the presence of his adversary, he shall be punished as a Class ~~F-E~~ felon."

## —FELONIOUS ASSAULT WITH DEADLY WEAPON/ INTENT TO KILL

Sec. 1138. G.S. 14-32 reads as rewritten:

### "§ 14-32. Felonious assault with deadly weapon with intent to kill or inflicting serious injury; punishments.

(a) Any person who assaults another person with a deadly weapon with intent to kill and inflicts serious injury shall be punished as a Class ~~F-C~~ felon.

(b) Any person who assaults another person with a deadly weapon and inflicts serious injury shall be punished as a Class ~~H-E~~ felon.

(c) Any person who assaults another person with a deadly weapon with intent to kill shall be punished as a Class ~~H-E~~ felon."

## —ASSAULTS ON HANDICAPPED PERSONS; PUNISHMENTS

Sec. 1139. G.S. 14-32.1 reads as rewritten:

### "§ 14-32.1. Assaults on handicapped persons; punishments.

(a) For purposes of this section, a 'handicapped person' is a person who has:

(1) A physical or mental disability, such as decreased use of arms or legs, blindness, deafness, mental retardation or mental illness; or

(2) Infirmity

which would substantially impair that person's ability to defend himself.

(b) Any person who assaults a handicapped person with a deadly weapon with intent to kill and inflicts serious injury is guilty of a Class ~~F-C~~ felony.

(c) Any person who assaults a handicapped person with a deadly weapon and inflicts serious injury is guilty of a Class ~~G-E~~ felony.

(d) Any person who assaults a handicapped person with a deadly weapon with intent to kill is guilty of a Class ~~G-E~~ felony.

(e) Unless his conduct is covered under some other provision of law providing greater punishment, any person who commits any aggravated assault or assault and battery on a handicapped person is guilty of a Class ~~H-F~~ felony. A person commits an aggravated assault or assault and battery upon a handicapped person if, in the course of the assault or assault and battery, that person:

(1) Uses a deadly weapon or other means of force likely to inflict serious injury or serious damage to a handicapped person; or

(2) Inflicts serious injury or serious damage to a handicapped person; or

(3) Intends to kill a handicapped person.

(f) Any person who commits a simple assault or battery upon a handicapped person is guilty of a misdemeanor punishable by a fine, imprisonment for not more than one year, or both."

## —PATIENT ABUSE AND NEGLECT

Sec. 1140. G.S. 14-32.2(b) reads as rewritten:

"(b) Unless the conduct is prohibited by some other provision of law providing for greater punishment.

(1) Any person who violates subsection (a) above is guilty of a Class C felony where intentional conduct proximately causes the death of the patient or resident;

(2) Any person who violates subsection (a) above is guilty of a Class ~~G-E~~ felony where culpably negligent conduct proximately causes the death of the patient or resident;

(3) Any person who violates subsection (a) above is guilty of a Class ~~H-F~~ felony where such conduct proximately causes serious bodily injury to the patient or resident."

## —DISCHARGING CERTAIN WEAPONS INTO OCCUPIED PROPERTY

Sec. 1141. G.S. 14-34.1 reads as rewritten:

**"§ 14-34.1. Discharging certain barreled weapons or a firearm into occupied property.**

Any person who willfully or wantonly discharges or attempts to discharge:

- (1) Any barreled weapon capable of discharging shot, bullets, pellets, or other missiles at a muzzle velocity of at least 600 feet per second; or
- (2) A firearm into any building, structure, vehicle, aircraft, watercraft, or other conveyance, device, equipment, erection, or enclosure while it is occupied is guilty of a Class ~~H-E~~ felony."

**—ASSAULT WITH A FIREARM OR DEADLY WEAPON**

Sec. 1142. G.S. 14-34.2 reads as rewritten:

**"§ 14-34.2. Assault with a firearm or other deadly weapon upon governmental officers or employees.**

Any person who commits an assault with a firearm or any other deadly weapon upon an officer or employee of the State or of any political subdivision of the State in the performance of his duties shall be guilty of a Class ~~I-F~~ felony."

**—KIDNAPPING.**

Sec. 1143. G.S. 14-39(b) reads as rewritten:

"(b) There shall be two degrees of kidnapping as defined by subsection (a). If the person kidnapped either was not released by the defendant in a safe place or had been seriously injured or sexually assaulted, the offense is kidnapping in the first degree and is punishable as a Class ~~D-C~~ felony. If the person kidnapped was released in a safe place by the defendant and had not been seriously injured or sexually assaulted, the offense is kidnapping in the second degree and is punishable as a Class E felony."

**—ABDUCTION OF CHILDREN**

Sec. 1144. G.S. 14-41 reads as rewritten:

**"§ 14-41. Abduction of children.**

If anyone shall abduct or by any means induce any child under the age of fourteen years, who shall reside with its father, mother, uncle, aunt, brother or elder sister, or shall reside at a school, or be an orphan and reside with a guardian, to leave such person or school, he shall be punished as a Class ~~G-F~~ felon."

**—ABDUCTION OF MARRIED WOMEN**

Sec. 1145. G.S. 14-43 reads as rewritten:

**"§ 14-43. Abduction of married women.**

If any male person shall abduct or elope with the wife of another, he shall be punished as a Class ~~H-I~~ felon: Provided, that the woman, since her marriage, has been an innocent and virtuous woman: Provided further, that no conviction shall be had upon the unsupported testimony of any such married woman."

**—INVOLUNTARY SERVITUDE**

Sec. 1146. G.S. 14-43.2(b) reads as rewritten:

"(b) It is unlawful to knowingly and willfully:

- (1) Hold another in involuntary servitude, or
- (2) Entice, persuade or induce another to go to another place with the intent that the other be held in involuntary servitude.

A person violating this subsection shall be guilty of a Class ~~H-F~~ felony."

### —FELONIOUS RESTRAINT

Sec. 1147. G.S. 14-43.3 reads as rewritten:

#### "§ 14-43.3. Felonious restraint.

A person commits the offense of felonious restraint if he unlawfully restrains another person without that person's consent, or the consent of the person's parent or legal custodian if the person is less than 16 years old, and moves the person from the place of the initial restraint by transporting him in a motor vehicle or other conveyance. Violation of this section is a Class ~~J-F~~ felony. Felonious restraint is considered a lesser included offense of kidnapping."

### —CONCEALING BIRTH OF CHILD

Sec. 1148. G.S. 14-46 reads as rewritten:

#### "§ 14-46. Concealing birth of child.

If any person shall, by secretly burying or otherwise disposing of the dead body of a newborn child, endeavor to conceal the birth of such child, such person shall be punished as a Class ~~H-I~~ felon. Any person aiding, counseling or abetting any other person in concealing the birth of a child in violation of this statute shall be guilty of a misdemeanor."

### —MALICIOUS USE OF EXPLOSIVE OR INCENDIARY

Sec. 1149. G.S. 14-49 reads as rewritten:

#### "§ 14-49. Malicious use of explosive or incendiary; attempt; punishment.

(a) Any person who willfully and maliciously injures ~~or attempts to injure~~ another by the use of any explosive or incendiary device or material is guilty of a Class D felony.

(b) Any person who willfully and maliciously damages ~~or attempts to damage~~ any real or personal property of any kind or nature belonging to another by the use of any explosive or incendiary device or material is guilty of a Class G felony.

(e) ~~Any person who violates any provision of this section shall be punished as a Class E felon."~~

### —MALICIOUS DAMAGE OF OCCUPIED PROPERTY BY USE OF EXPLOSIVE

Sec. 1150. G.S. 14-49.1 reads as rewritten:

#### "§ 14-49.1. Malicious damage of occupied property by use of explosive or incendiary; attempt; punishment.

Any person who willfully and maliciously damages ~~or attempts to damage~~ any real or personal property of any kind or nature, being at the time occupied by another, by the use of any explosive or incendiary device or material is guilty of a felony punishable as a Class C-D felony."

### —PUNISHMENT FOR BURGLARY

Sec. 1151. G.S. 14-52 reads as rewritten:

#### "§ 14-52. Punishment for burglary.

Burglary in the first degree shall be punishable as a Class C-D felony, and burglary in the second degree shall be punishable as a Class D-G felony. ~~Notwithstanding any other provision of law, with the exception of persons sentenced as committed youthful~~

~~offenders, a person convicted of a burglary in the first or second degree shall serve a term of not less than seven years in prison, excluding gain time granted under G.S. 148-13. A person convicted of a burglary in the first or second degree shall receive a sentence of at least 14 years in the State's prison and shall be entitled to credit for good behavior under G.S. 15A-1340.7. The sentencing judge may not suspend the sentence and may not place the person sentenced on probation. Sentences imposed pursuant to this section shall run consecutively with and shall commence at the expiration of any sentence being served by the person sentenced hereunder."~~

#### **—PREPARATION TO COMMIT BURGLARY**

Sec. 1152. G.S. 14-55 reads as rewritten:

#### **"§ 14-55. Preparation to commit burglary or other housebreakings.**

If any person shall be found armed with any dangerous or offensive weapon, with the intent to break or enter a dwelling, or other building whatsoever, and to commit any felony or larceny therein; or shall be found having in his possession, without lawful excuse, any picklock, key, bit, or other implement of housebreaking; or shall be found in any such building, with intent to commit any felony or larceny therein, such person shall be punished as a Class ~~H-I~~ felon."

#### **—BREAKING INTO OR OPENING COIN MACHINES**

Sec. 1153. G.S. 14-56.1 reads as rewritten:

#### **"§ 14-56.1. Breaking into or forcibly opening coin- or currency-operated machines.**

Any person who forcibly breaks into, or by the unauthorized use of a key or other instrument opens, any coin- or currency-operated machine with intent to steal any property or moneys therein shall be guilty of a misdemeanor punishable by fine or imprisonment or both in the discretion of the court, but if such person has previously been convicted of violating this section, such person shall be punished as a Class ~~H-I~~ felon. The term 'coin- or currency-operated machine' shall mean any coin- or currency-operated vending machine, pay telephone, telephone coin or currency receptacle, or other coin- or currency- activated machine or device.

There shall be posted on the machines referred to in G.S. 14-56.1 a decal stating that it is a crime to break into vending machines, and that a second offense is a felony. The absence of such a decal is not a defense to a prosecution for the crime described in this section."

#### **—BREAKING INTO PAPER CURRENCY MACHINES**

Sec. 1154. G.S. 14-56.3 reads as rewritten:

#### **"§ 14-56.3. Breaking into paper currency machines.**

Any person, who with intent to steal any moneys therein forcibly breaks into any vending or dispensing machine or device which is operated or activated by the use, deposit or insertion of United States paper currency, shall be guilty of a misdemeanor, but if such person has previously been convicted of violating this section, such person shall be punished as a Class ~~H-I~~ felon.

There shall be posted on the machines referred to in G.S. 14-56.3 ~~this section~~ a decal stating that it is a crime to break into paper currency machines. The absence of such a decal is not a defense to a prosecution for the crime described in this section."

## —BURGLARY WITH EXPLOSIVES

Sec. 1155. G.S. 14-57 reads as rewritten:

### "§ 14-57. Burglary with explosives.

Any person who, with intent to commit any felony or larceny therein, breaks and enters, either by day or by night, any building, whether inhabited or not, and opens or attempts to open any vault, safe, or other secure place by use of nitroglycerine, dynamite, gunpowder, or any other explosive, or acetylene torch, shall be deemed guilty of burglary with explosives. Any person convicted under this section shall be punished as a Class ~~E~~D felon."

## —PUNISHMENT FOR ARSON

Sec. 1156. G.S. 14-58 reads as rewritten:

### "§ 14-58. Punishment for arson.

There shall be two degrees of arson as defined at the common law. If the dwelling burned was occupied at the time of the burning, the offense is arson in the first degree and is punishable as a Class ~~E~~D felony. If the dwelling burned was unoccupied at the time of the burning, the offense is arson in the second degree and is punishable as a Class ~~D~~G felony."

## —BURNING OF CERTAIN PUBLIC BUILDINGS

Sec. 1157. G.S. 14-59 reads as rewritten:

### "§ 14-59. Burning of certain public buildings.

If any person shall wantonly and willfully set fire to or burn or cause to be burned or aid, counsel or procure the burning of, the State Capitol, the Legislative Building, the Justice Building or any building owned or occupied by the State or any of its agencies, institutions or subdivisions or by any county, incorporated city or town or other governmental or quasi-governmental entity, he shall be punished as a Class ~~E~~F felon."

## —BURNING OF SCHOOLHOUSES

Sec. 1158. G.S. 14-60 reads as rewritten:

### "§ 14-60. Burning of schoolhouses or buildings of educational institutions.

If any person shall wantonly and willfully set fire to or burn or cause to be burned or aid, counsel or procure the burning of, any schoolhouse or building owned, leased or used by any public or private school, college or educational institution, he shall be punished as a Class ~~E~~F felon."

## —BURNING OF CERTAIN BRIDGES AND BUILDINGS

Sec. 1159. G.S. 14-61 reads as rewritten:

### "§ 14-61. Burning of certain bridges and buildings.

If any person shall wantonly and willfully set fire to or burn or cause to be burned, or aid, counsel or procure the burning of, any public bridge, or private toll bridge, or the bridge of any incorporated company, or any fire-engine house or rescue-squad building, or any house belonging to an incorporated company or unincorporated association and used in the business of such company or association, he shall be punished as a Class ~~E~~F felon."

## —BURNING OF CHURCHES AND CERTAIN OTHER BUILDINGS

Sec. 1160. G.S. 14-62 reads as rewritten:

### "§ 14-62. Burning of churches and certain other buildings.

If any person shall wantonly and willfully set fire to or burn or cause to be burned, or aid, counsel or procure the burning of, any uninhabited house, any church, chapel or meetinghouse, or any stable, coach house, outhouse, warehouse, office, shop, mill, barn or granary, or any building, structure or erection used or intended to be used in carrying on any trade or manufacture, or any branch thereof, whether the same or any of them respectively shall then be in the possession of the offender, or in the possession of any other person, he shall be punished as a Class ~~E-F~~ felon."

#### **—BURNING OF BUILDING IN PROCESS OF CONSTRUCTION**

Sec. 1161. G.S. 14-62.1 reads as rewritten:

#### **"§ 14-62.1. Burning of building or structure in process of construction.**

If any person shall wantonly and willfully set fire to or burn or cause to be burned, or aid, counsel or procure the burning of, any building or structure in the process of construction for use or intended to be used as a dwelling house or in carrying on any trade or manufacture, or otherwise, whether the same or any of them respectively shall then be in the possession of the offender, or in the possession of any other person, he shall be punished as a Class ~~E-H~~ felon."

Sec. 1192.1. G.S. 14-67.1 reads as rewritten:

#### **"§ 14-67.1. Burning or attempting to burn other buildings.**

If any person shall wantonly and willfully set fire to or burn or cause to be burned or aid, counsel or procure the burning ~~of, or attempt to burn, of~~ any building or other structure of any type not otherwise covered by the provisions of this Article, he shall be punished as a Class H felon."

#### **—MAKING A FALSE REPORT CONCERNING DESTRUCTIVE DEVICE**

Sec. 1162. G.S. 14-69.1(b) reads as rewritten:

"(b) If any person shall, by any means of communication to any person or group of persons, make a report, knowing or having reason to know the same to be false, that there is located in any hospital facility as defined in G.S. 131E-6, which includes a health clinic facility, any device designed to destroy or damage the hospital or health clinic facility by explosion, blasting, or burning, he shall, upon a first conviction, be guilty of a misdemeanor, punishable by a minimum of 100 hours of mandatory community service. Upon a second or subsequent conviction under this subsection, he shall be guilty of a Class I felony ~~and shall be fined or imprisoned or both in the discretion of the court.~~ felony."

#### **—DISTINCTIONS BETWEEN GRAND AND PETIT LARCENY ABOLISHED**

Sec. 1163. G.S. 14-70 reads as rewritten:

#### **"§ 14-70. Distinctions between grand and petit larceny abolished; punishment; accessories to larceny.**

All distinctions between petit and grand larceny are abolished. Unless otherwise provided by statute, larceny is a ~~Class H felony punishable under G.S. 14-2~~ and is subject to the same rules of criminal procedure and principles of law as to accessories before and after the fact as other felonies."

#### **—RECEIVING STOLEN GOODS**

Sec. 1164. G.S. 14-71 reads as rewritten:

#### **"§ 14-71. Receiving stolen goods.**

If any person shall receive any chattel, property, money, valuable security or other thing whatsoever, the stealing or taking whereof amounts to larceny or a felony, either at common law or by virtue of any statute made or hereafter to be made, such person knowing or having reasonable grounds to believe the same to have been feloniously stolen or taken, he shall be guilty of a ~~criminal offense~~, Class H felony, and may be indicted and convicted, whether the felon stealing and taking such chattels, property, money, valuable security or other thing, shall or shall not have been previously convicted, or shall or shall not be amenable to justice; and any such receiver may be dealt with, indicted, tried and punished in any county in which he shall have, or shall have had, any such property in his possession or in any county in which the thief may be tried, in the same manner as such receiver may be dealt with, indicted, tried and punished in the county where he actually received such chattel, money, security, or other thing; and such receiver shall be punished as one convicted of larceny."

#### —POSSESSING STOLEN GOODS

Sec. 1165. G.S. 14-71.1 reads as rewritten:

#### "§ 14-71.1. Possessing stolen goods.

If any person shall possess any chattel, property, money, valuable security or other thing whatsoever, the stealing or taking whereof amounts to larceny or a felony, either at common law or by virtue of any statute made or hereafter to be made, such person knowing or having reasonable grounds to believe the same to have been feloniously stolen or taken, he shall be guilty of a ~~criminal offense~~, Class H felony, and may be indicted and convicted, whether the felon stealing and taking such chattels, property, money, valuable security or other thing shall or shall not have been previously convicted, or shall or shall not be amenable to justice; and any such possessor may be dealt with, indicted, tried and punished in any county in which he shall have, or shall have had, any such property in his possession or in any county in which the thief may be tried, in the same manner as such possessor may be dealt with, indicted, tried and punished in the county where he actually possessed such chattel, money, security, or other thing; and such possessor shall be punished as one convicted of larceny."

#### —UNAUTHORIZED USE OF AN AIRCRAFT

Sec. 1166. G.S. 14-72.2(b) reads as rewritten:

"(b) Unauthorized use of an aircraft is a Class I-H felony. All other unauthorized use of a motor-propelled conveyance is a misdemeanor punishable by a fine, imprisonment not to exceed two years, or both, in the discretion of the court."

#### —LARCENY OF CHOSE IN ACTION

Sec. 1167. G.S. 14-75 reads as rewritten:

#### "§ 14-75. Larceny of chose in action.

If any person shall feloniously steal, take and carry away, or take by robbery, any bank note, check or other order for the payment of money issued by or drawn on any bank or other society or corporation within this State or within any of the United States, or any treasury warrant, debenture, certificate of stock or other public security, or certificate of stock in any corporation, or any order, bill of exchange, bond, promissory note or other obligation, either for the payment of money or for the delivery of specific articles, being the property of any other person, or of any corporation (notwithstanding

any of the said particulars may be termed in law a chose in action), ~~such felonious stealing, taking and carrying away, or taking by robbery, shall be a crime of the same nature and degree and in the same manner as it would have been if the offender had feloniously stolen, or taken by robbery money, goods or property of the same value, and the offender for every such offense shall suffer the same punishment and be subject to the same pains, penalties and disabilities as he should or might have suffered if he had feloniously stolen or taken by robbery money, goods or other property of such value.~~ that person is guilty of a Class H felony."

#### —LARCENY OF UNGATHERED CROPS

Sec. 1168. G.S. 14-78 reads as rewritten:

#### "§ 14-78. Larceny of ungathered crops.

If any person shall steal or feloniously take and carry away any maize, corn, wheat, rice or other grain, or any cotton, tobacco, potatoes, peanuts, pulse, fruit, vegetable or other product cultivated for food or market, growing, standing or remaining ungathered in any field or ground, ~~he shall be guilty of larceny, and shall be punished accordingly, such punishment to include a fine of not less than fifty dollars (\$50.00) nor more than two hundred fifty dollars (\$250.00).~~ that person is guilty of a Class H felony."

#### —LARCENY OF GINSENG

Sec. 1169. G.S. 14-79 reads as rewritten:

#### "§ 14-79. Larceny of ginseng.

If any person shall take and carry away, or shall aid in taking or carrying away, any ginseng growing upon the lands of another person, with intent to steal the same, he shall be punished as a Class ~~I-H~~ felon: Provided, that such ginseng, at the time the same is taken, shall be in beds and the land upon which such beds are located shall be surrounded by a lawful fence."

#### —LARCENY OF WOOD AND PROPERTY FROM LAND

Sec. 1170. G.S. 14-80 reads as rewritten:

#### "§ 14-80. Larceny of wood and other property from land.

If any person, not being the present owner or bona fide claimant thereof, shall willfully and unlawfully enter upon the lands of another, carrying off or being engaged in carrying off any wood or other kind of property whatsoever, growing or being thereon, the same being the property of the owner of the premises, or under his control, keeping or care, such person shall, if the act be done with felonious intent, be guilty of larceny, and punished as for that offense; a Class H felony; and if not done with such intent, he shall be guilty of a misdemeanor."

#### —LARCENY OF DOGS

Sec. 1171. G.S. 14-81(a1) reads as rewritten:

"(a1) Larceny of a dog is a Class ~~II~~ felon."

#### —PURSUING OR INJURING LIVESTOCK WITH INTENT TO STEAL

Sec. 1172. G.S. 14-85 reads as rewritten:

#### "§ 14-85. Pursuing or injuring livestock with intent to steal.

If any person shall pursue, kill or wound any horse, mule, ass, jennet, cattle, hog, sheep or goat, the property of another, with the intent unlawfully and feloniously to convert the same to his own use, he shall be guilty of a Class H felony, and shall be

punishable, in all respects, as if convicted of larceny, though such animal may not have come into the actual possession of the person so offending."

**—ROBBERY WITH FIREARMS OR OTHER DANGEROUS WEAPONS**

Sec. 1173. G.S. 14-87(d) is repealed.

**—PUNISHMENT FOR COMMON-LAW ROBBERY**

Sec. 1174. G.S. 14-87.1 reads as rewritten:

**"§ 14-87.1. Punishment for common-law robbery and attempted common-law robbery and attempted robbery as defined at common law, other than robbery with a firearm or other dangerous weapon as defined by G.S. 14-87, shall be punishable as a Class H-G felony."**

**—TRAIN ROBBERY**

Sec. 1175. G.S. 14-88 reads as rewritten:

**"§ 14-88. Train robbery.**

If any person shall enter upon any locomotive engine or car on any railroad in this State, and by threats, the exhibition of deadly weapons or the discharge of any pistol or gun, in or near any such engine or car, shall induce or compel any person on such engine or car to submit and deliver up, or allow to be taken therefrom, or from him, anything of value, he shall be guilty of train robbery, and on conviction thereof shall be punished as a Class F-D felon."

**—SAFECRACKING**

Sec. 1176. G.S. 14-89.1(c) reads as rewritten:

"(c) Safecracking shall be punishable as a Class H-L felony."

**—EMBEZZLEMENT OF FUNDS BY PUBLIC OFFICERS AND TRUSTEES**

Sec. 1177. G.S. 14-92 reads as rewritten:

**"§ 14-92. Embezzlement of funds by public officers and trustees.**

If an officer, agent, or employee of an entity listed below, or a person having or holding money or property in trust for one of the listed entities, shall embezzle or otherwise willfully and corruptly use or misapply the same for any purpose other than that for which such moneys or property is held, such person shall be punished as a Class H-F felon. If any clerk of the superior court or any sheriff, treasurer, register of deeds or other public officer of any county, unit or agency of local government, or local board of education shall embezzle or wrongfully convert to his own use, or corruptly use, or shall misapply for any purpose other than that for which the same are held, or shall fail to pay over and deliver to the proper persons entitled to receive the same when lawfully required so to do, any moneys, funds, securities or other property which such officer shall have received by virtue or color of his office in trust for any person or corporation, such officer shall be punished as a Class H-F felon. The provisions of this section shall apply to all persons who shall go out of office and fail or neglect to account to or deliver over to their successors in office or other persons lawfully entitled to receive the same all such moneys, funds and securities or property aforesaid. The following entities are protected by this section: a county, a city or other unit or agency of local government, a local board of education, and a penal, charitable, religious, or educational institution."

**—EMBEZZLEMENT BY TREASURERS OF CHARITIES**

Sec. 1178. G.S. 14-93 reads as rewritten:

**"§ 14-93. Embezzlement by treasurers of charitable and religious organizations.**

If any treasurer or other financial officer of any benevolent or religious institution, society or congregation shall lend any of the moneys coming into his hands to any other person or association without the consent of the institution, association or congregation to whom such moneys belong; or, if he shall fail to account for such moneys when called on, he shall be guilty of a ~~misdemeanor, and shall be punished by fine or imprisonment, or both, in the discretion of the court.~~ Class H felony."

**—APPROPRIATION OF PARTNERSHIP FUNDS BY PARTNER**

Sec. 1179. G.S. 14-97 reads as rewritten:

**"§ 14-97. Appropriation of partnership funds by partner to personal use.**

Any person engaged in a partnership business in the State of North Carolina who shall, without the knowledge and consent of his copartner or copartners, take funds belonging to the partnership business and appropriate the same to his own personal use with the fraudulent intent of depriving his copartners of the use thereof, shall be guilty of a ~~misdemeanor. Any person or persons violating the provisions of this section, upon conviction, shall be punished as is now done in cases of misdemeanor.~~ Class H felony."

**—EMBEZZLEMENT OF TAXES BY OFFICERS**

Sec. 1180. G.S. 14-99 reads as rewritten:

**"§ 14-99. Embezzlement of taxes by officers.**

If any officer appropriates to his own use the State, county, school, city or town taxes, he shall be guilty of embezzlement, and shall be punished as a Class I-F felon."

**—OBTAINING SIGNATURES BY FALSE PRETENSES**

Sec. 1181. G.S. 14-101 reads as rewritten:

**"§ 14-101. Obtaining signatures by false pretenses.**

If any person, with intent to defraud or cheat another, shall designedly, by color of any false token or writing, or by any other false pretense, obtain the signature of any person to any written instrument, the false making of which would be punishable as forgery, he shall be punished as a Class I-H felon."

**—WORTHLESS CHECKS**

Sec. 1182. G.S. 14-107 reads as rewritten:

**"§ 14-107. Worthless checks.**

It shall be unlawful for any person, firm or corporation, to draw, make, utter or issue and deliver to another, any check or draft on any bank or depository, for the payment of money or its equivalent, knowing at the time of the making, drawing, uttering, issuing and delivering such check or draft as aforesaid, that the maker or drawer thereof has not sufficient funds on deposit in or credit with such bank or depository with which to pay the same upon presentation.

It shall be unlawful for any person, firm or corporation to solicit or to aid and abet any other person, firm or corporation to draw, make, utter or issue and deliver to any person, firm or corporation, any check or draft on any bank or depository for the payment of money or its equivalent, being informed, knowing or having reasonable grounds for believing at the time of the soliciting or the aiding and abetting that the maker or the drawer of the check or draft has not sufficient funds on deposit in, or credit with, such bank or depository with which to pay the same upon presentation.

The word 'credit' as used herein shall be construed to mean an arrangement or understanding with the bank or depository for the payment of any such check or draft.

A violation of this section shall be a Class ~~J-I~~ felony if the amount of the check or draft is more than two thousand dollars (\$2,000). If the amount of the check or draft is two thousand dollars (\$2,000) or less, a violation of this section shall be a misdemeanor punishable as follows:

- (1) If the amount of the check or draft is not over one hundred dollars (\$100.00), the punishment shall be by a fine not to exceed fifty dollars (\$50.00) or imprisonment for not more than 30 days. Provided, however, if such person has been convicted three times of violating G.S. 14-107, he shall on the fourth and all subsequent convictions (i) be punished in the discretion of the district or superior court as for a general misdemeanor and (ii) be ordered, as a condition of probation, to refrain from maintaining a checking account or making or uttering a check for three years.
- (2) If the amount of the check or draft is over one hundred dollars (\$100.00), the punishment shall be by a fine not to exceed two hundred fifty dollars (\$250.00) or imprisonment for not more than six months, or both. Provided, however, if such person has been convicted three times of violating G.S. 14-107, he shall on the fourth and all subsequent convictions (i) be punished in the discretion of the district or superior court as for a general misdemeanor and (ii) be ordered, as a condition of probation, to refrain from maintaining a checking account or making or uttering a check for three years.
- (3) If the check or draft is drawn upon a nonexistent account, the punishment shall be by a fine not to exceed one thousand dollars (\$1,000) or imprisonment for not more than two years, or both.
- (4) If the check or draft is drawn upon an account that has been closed by the drawer prior to time the check is drawn, the punishment shall be a fine not to exceed four hundred dollars (\$400.00) or imprisonment for not more than five months or both.

In deciding to impose any sentence other than an active prison sentence, the sentencing judge shall consider and may require, in accordance with the provisions of G.S. 15A-1343, restitution to the victim for the amount of the check or draft and each prosecuting witness (whether or not under subpoena) shall be entitled to a witness fee as provided by G.S. 7A-314 which shall be taxed as part of the cost and assessed to the defendant."

#### —FINANCIAL TRANSACTION CARDS

Sec. 1183. G.S. 14-113.17(b) reads as rewritten:

"(b) A crime punishable under this ~~subseetion~~Article is punishable as a Class ~~J-I~~ felony."

#### —EXTORTION

Sec. 1184. G.S. 14-118.4 reads as rewritten:

#### **"§ 14-118.4. Extortion.**

Any person who threatens or communicates a threat or threats to another with the intention thereby wrongfully to obtain anything of value or any acquittance, advantage, or immunity is guilty of extortion and such person shall be punished as a Class ~~H-F~~ felon."

#### —UTTERING FORGED PAPER OR INSTRUMENT

Sec. 1185. G.S. 14-120 reads as rewritten:

#### **"§ 14-120. Uttering forged paper or instrument containing a forged endorsement.**

If any person, directly or indirectly, whether for the sake of gain or with intent to defraud or injure any other person, shall utter or publish any such false, forged or counterfeited instrument as is mentioned in G.S. 14-119, or shall pass or deliver, or attempt to pass or deliver, any of them to another person (knowing the same to be falsely forged or counterfeited) the person so offending shall be punished as a Class I felon. If any person, directly or indirectly, whether for the sake of gain or with intent to defraud or injure any other person, shall falsely make, forge or counterfeit any endorsement on any instrument described in the preceding section, whether such instrument be genuine or false, or shall knowingly utter or publish any such instrument containing a false, forged or counterfeited endorsement or, knowing the same to be falsely endorsed, shall pass or deliver or attempt to pass or deliver any such instrument containing a forged endorsement to another person, the person so offending shall be guilty of a ~~felony and punishable by the same punishment provided in the preceding sentence.~~ Class I felony."

#### —SELLING OF CERTAIN FORGED SECURITIES

Sec. 1186. G.S. 14-121 reads as rewritten:

#### **"§ 14-121. Selling of certain forged securities.**

If any person shall sell, by delivery, endorsement or otherwise, to any other person, any judgment for the recovery of money purporting to have been rendered by a magistrate, or any bond, promissory note, bill of exchange, order, draft or liquidated account purporting to be signed by the debtor (knowing the same to be forged), the person so offending shall be punished as a Class ~~I-H~~ felon."

#### —FORGERY OF DEEDS AND WILLS

Sec. 1187. G.S. 14-122 reads as rewritten:

#### **"§ 14-122. Forgery of deeds, wills and certain other instruments.**

If any person, of his own head and imagination, or by false conspiracy or fraud with others, shall wittingly and falsely forge and make, or shall cause or wittingly assent to the forging or making of, or shall show forth in evidence, knowing the same to be forged, any deed, lease or will, or any bond, writing obligatory, bill of exchange, promissory note, endorsement or assignment thereof; or any acquittance or receipt for money or goods; or any receipt or release for any bond, note, bill or any other security for the payment of money; or any order for the payment of money or delivery of goods, with intent, in any of said instances, to defraud any person or corporation, and thereof shall be duly convicted, the person so offending shall be punished as a Class ~~I-H~~ felon."

#### —SETTING FIRE TO GRASS AND BRUSHLANDS AND WOODLANDS

Sec. 1188. G.S. 14-136 reads as rewritten:

#### **"§ 14-136. Setting fire to grass and brushlands and woodlands.**

If any person shall intentionally set fire to any grassland, brushland or woodland, except it be his own property, or in that case without first giving notice to all persons owning or in charge of lands adjoining the land intended to be fired, and without also taking care to watch such fire while burning and to extinguish it before it shall reach any lands near to or adjoining the lands so fired, he shall for every such offense be guilty of a misdemeanor and shall be fined not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00), or imprisoned for a period of not less than 60 days nor more than four months for the first offense, and for a second or any subsequent similar offense shall be imprisoned not less than four months nor more than one year. If intent to damage the property of another shall be shown, said person shall, ~~for a first offense, be punished as a Class I felon; and for a second and subsequent offenses said person shall be punished as a Class II felon.~~ This section shall not prevent an action for the damages sustained by the owner of any property from such fires. For the purposes of this section, the term 'woodland' is to be taken to include all forest areas, both timber and cutover land, and all second-growth stands on areas that have at one time been cultivated. Any person who shall furnish to the State, evidence sufficient for the conviction of a violation of this section shall receive the sum of five hundred dollars (\$500.00) to be paid from the State Fire Suppression Fund."

#### **—CONTAMINATING A PUBLIC WATER SYSTEM**

Sec. 1189. G.S. 14-159.1(b) reads as rewritten:

"(b) Any person who commits the offense defined in this section is guilty of a Class ~~H-C~~ felony."

#### **—INTERFERENCE WITH ANIMAL RESEARCH**

Sec. 1190. G.S. 14-159.2(c) reads as rewritten:

"(c) Any person who commits an offense under subsection (a) of this section that involves the release from any enclosure or restraining device of any animal having an infectious disease shall be guilty of a Class ~~J-I~~ felony."

#### **—CRIME AGAINST NATURE**

Sec. 1191. G.S. 14-177 reads as rewritten:

#### **"§ 14-177. Crime against nature.**

If any person shall commit the crime against nature, with mankind or beast, he shall be punished as a Class ~~H-I~~ felon."

#### **—INCEST BETWEEN CERTAIN NEAR RELATIVES**

Sec. 1192. G.S. 14-178 reads as rewritten:

#### **"§ 14-178. Incest between certain near relatives.**

The parties shall be guilty of a felony in all cases of carnal intercourse between (i) grandparent and grandchild, (ii) parent and child or stepchild or legally adopted child, or (iii) brother and sister of the half or whole blood. Every such offense is punishable as a Class ~~G-F~~ felony."

#### **—BIGAMY**

Sec. 1193. G.S. 14-183 reads as rewritten:

#### **"§ 14-183. Bigamy.**

If any person, being married, shall marry any other person during the life of the former husband or wife, every such offender, and every person counseling, aiding or

abetting such offender, shall be punished as a Class ~~H-I~~ felon. Any such offense may be dealt with, tried, determined and punished in the county where the offender shall be apprehended, or be in custody, as if the offense had been actually committed in that county. If any person, being married, shall contract a marriage with any other person outside of this State, which marriage would be punishable as bigamous if contracted within this State, and shall thereafter cohabit with such person in this State, he shall be guilty of a felony and shall be punished as in cases of bigamy. Nothing contained in this section shall extend to any person marrying a second time, whose husband or wife shall have been continually absent from such person for the space of seven years then last past, and shall not have been known by such person to have been living within that time; nor to any person who at the time of such second marriage shall have been lawfully divorced from the bond of the first marriage; nor to any person whose former marriage shall have been declared void by the sentence of any court of competent jurisdiction."

#### **—OBSCENE LITERATURE AND EXHIBITIONS**

Sec. 1194. G.S. 14-190.1(g) reads as rewritten:

"(g) Violation of this section is a Class ~~H-I~~ felony."

#### **—DISSEMINATION TO MINORS UNDER THE AGE OF 13 YEARS**

Sec. 1195. G.S. 14-190.8 reads as rewritten:

#### **"§ 14-190.8. Dissemination to minors under the age of 13 years.**

Every person 18 years of age or older who knowingly disseminates to any minor under the age of 13 years any material which he knows or reasonably should know to be obscene within the meaning of G.S. 14-190.1 shall be punished as a Class ~~H-I~~ felon."

#### **—FIRST DEGREE SEXUAL EXPLOITATION OF A MINOR**

Sec. 1196. G.S. 14-190.16(d) reads as rewritten:

"(d) Punishment and Sentencing. – Violation of this section is a Class ~~G-E~~ felony. ~~Notwithstanding any other provision of law, except a person sentenced as a committed youthful offender, a person convicted under this section shall receive a sentence of at least six years and shall be entitled to credit for good behavior under G.S. 15A-1340.7, except that such credit shall not reduce the time served to less than three years. A person so convicted shall serve a term of not less than three years, excluding gain time granted under G.S. 148-13. The sentencing judge shall not suspend the sentence and shall not place the person sentenced on probation. Sentences imposed pursuant to this section shall run consecutively with and shall commence at the expiration of any other sentence being served by the person sentenced.~~"

#### **—SECOND DEGREE SEXUAL EXPLOITATION OF A MINOR**

Sec. 1197. G.S. 14-190.17(d) reads as rewritten:

"(d) Punishment and Sentencing. – Violation of this section is a Class ~~H-F~~ felony. ~~Notwithstanding any other provision of law, except a person sentenced as a committed youthful offender, a person convicted under this section shall receive a sentence of at least four years and shall be entitled to credit for good behavior under G.S. 15A-1340.7, except that such credit shall not reduce the time served to less than two years. A person so convicted shall serve a term of not less than two years, excluding gain time granted under G.S. 148-13. The sentencing judge may not suspend the sentence and may not~~

~~place the person sentenced on probation. Sentences imposed pursuant to this section shall run consecutively with and shall commence at the expiration of any other sentence being served by the person sentenced."~~

### **—THIRD DEGREE SEXUAL EXPLOITATION OF A MINOR**

Sec. 1198. G.S. 14-190.17A(d) reads as rewritten:

"(d) Punishment and Sentencing - Violation of this section is a Class ~~J~~I felony."

### **—PROMOTING PROSTITUTION OF A MINOR**

Sec. 1199. G.S. 14-190.18(c) reads as rewritten:

"(c) Punishment and Sentencing. – Violation of this section is a Class ~~G~~F felony. ~~Notwithstanding any other provision of law, except a person sentenced as a committed youthful offender, a person convicted under this section shall receive a sentence of at least six years and shall be entitled to credit for good behavior under G.S. 15A-1340.7, except that such credit shall not reduce the time served to less than three years. A person so convicted shall serve a sentence of not less than three years, excluding gain time granted under G.S. 148-13. The sentencing judge may not suspend the sentence and may not place the person sentenced on probation. Sentences imposed pursuant to this section shall run consecutively with and shall commence at the expiration of any other sentence being served by the person sentenced."~~

### **—PARTICIPATING IN PROSTITUTION OF A MINOR**

Sec. 1200. G.S. 14-190.19(c) reads as rewritten:

"(c) Punishment and Sentencing. – Violation of this section is a Class ~~H~~F felony. ~~Notwithstanding any other provision of law, except a person sentenced as a committed youthful offender, a person convicted under this section shall receive a sentence of at least four years and shall be entitled to credit for good behavior under G.S. 15A-1340.7, except that such credit shall not reduce the time served to less than two years. A person so convicted shall serve a term of not less than two years, excluding gain time granted under G.S. 148-13. The sentencing judge may not suspend the sentence and may not place the person sentenced on probation. Sentences imposed pursuant to this section shall run consecutively with and shall commence at the expiration of any other sentence being served by the person sentenced."~~

### **—TAKING INDECENT LIBERTIES WITH CHILDREN**

Sec. 1201. G.S. 14-202.1(b) reads as rewritten:

"(b) Taking indecent liberties with children is punishable as a Class ~~H~~F felony."

### **—PUNISHMENT FOR PERJURY**

Sec. 1202. G.S. 14-209 reads as rewritten:

#### **"§ 14-209. Punishment for perjury.**

If any person shall willfully and corruptly commit perjury, on his oath or affirmation, in any suit, controversy, matter or cause, depending in any of the courts of the State, or in any deposition or affidavit taken pursuant to law, or in any oath or affirmation duly administered of or concerning any matter or thing whereof such person is lawfully required to be sworn or affirmed, every person so offending shall be punished as a Class ~~H~~F felon."

### **—SUBORNATION OF PERJURY**

Sec. 1203. G.S. 14-210 reads as rewritten:

**"§ 14-210. Subornation of perjury.**

If any person shall, by any means, procure another person to commit such willful and corrupt perjury as is mentioned in G.S. 14-209, the person so offending shall be punished ~~in like manner as the person committing the perjury.~~ as a Class I felon."

**—PERJURY BEFORE LEGISLATIVE COMMITTEES**

Sec. 1204. G.S. 14-211 reads as rewritten:

**"§ 14-211. Perjury before legislative committees.**

If any person shall willfully and corruptly swear falsely to any fact material to the investigation of any matter before any committee or commission of either house of the General Assembly, he shall be subject to all the pains and penalties of willful and corrupt perjury, and, on conviction in the Superior Court of Wake County, shall be punished as a Class ~~H-I~~ felon."

**—PERJURY IN COURT-MARTIAL PROCEEDINGS**

Sec. 1205. G.S. 14-212 reads as rewritten:

**"§ 14-212. Perjury in court-martial proceedings.**

If any person shall willfully and corruptly swear falsely before any court-martial, touching and concerning any matter or thing cognizable before such court-martial, he shall be punished as a Class ~~H-I~~ felon."

**—BRIBERY OF OFFICIALS**

Sec. 1206. G.S. 14-217(a) reads as rewritten:

"(a) If any person holding office under the laws of this State who, except in payment of his legal salary, fees or perquisites, shall receive, or consent to receive, directly or indirectly, anything of value or personal advantage, or the promise thereof, for performing or omitting to perform any official act, which lay within the scope of his official authority and was connected with the discharge of his official and legal duties, or with the express or implied understanding that his official action, or omission to act, is to be in any degree influenced thereby, he shall be punished as a Class ~~I-F~~ felon."

Sec. 1207. G.S. 14-217(c) is repealed.

**—OFFERING BRIBES**

Sec. 1208. G.S. 14-218 reads as rewritten:

**"§ 14-218. Offering bribes.**

If any person shall offer a bribe, whether it be accepted or not, he shall be punished as a Class ~~I-F~~ felon."

**—BRIBERY OF JURORS**

Sec. 1209. G.S. 14-220 reads as rewritten:

**"§ 14-220. Bribery of jurors.**

If any juror, either directly or indirectly, shall take anything from the plaintiff or defendant in a civil suit, or from any defendant in a State prosecution, or from any other person, to give his verdict, every such juror, and the person who shall give such juror any fee or reward to influence his verdict, or induce or procure him to make any gain or profit by his verdict, shall be punished as a Class ~~H-F~~ felon."

**—BREAKING INTO JAILS WITH INTENT TO INJURE**

Sec. 1210. G.S. 14-221 reads as rewritten:

**"§ 14-221. Breaking or entering jails with intent to injure prisoners.**

If any person shall conspire to break or enter any jail or other place of confinement of prisoners charged with crime or under sentence, for the purpose of killing or otherwise injuring any prisoner confined therein; or if any person shall engage in breaking or entering any such jail or other place of confinement of such prisoners with intent to kill or injure any prisoner, he shall be punished as a Class ~~G-F~~ felon."

#### —HARASSMENT OF AND COMMUNICATION WITH JURORS

Sec. 1211. G.S. 14-225.2(c) reads as rewritten:

"(c) A person who commits the offense defined in subdivision (a)(1) of this section is guilty of a Class ~~I-H~~ felony. A person who commits the offense defined in subdivision (a)(2) of this section is guilty of a ~~misdemeanor and upon conviction shall be punishable as provided in G.S. 14-3(a).~~ Class I felony."

#### —INTIMIDATING OR INTERFERING WITH WITNESSES

Sec. 1212. G.S. 14-226 reads as rewritten:

#### "§ 14-226. Intimidating or interfering with witnesses.

If any person shall by threats, menaces or in any other manner intimidate or attempt to intimidate any person who is summoned or acting as a witness in any of the courts of this State, or prevent or deter, or attempt to prevent or deter any person summoned or acting as such witness from attendance upon such court, he shall be guilty of a ~~misdemeanor, and upon conviction shall be fined or imprisoned in the discretion of the court.~~ Class H felony."

#### —BUYING AND SELLING OFFICES

Sec. 1213. G.S. 14-228 reads as rewritten:

#### "§ 14-228. Buying and selling offices.

If any person shall bargain away or sell an office or deputation of an office, or any part or parcel thereof, or shall take money, reward or other profit, directly or indirectly, or shall take any promise, covenant, bond or assurance for money, reward or other profit, for an office or the deputation of an office, or any part thereof, which office, or any part thereof, shall touch or concern the administration or execution of justice, or the receipt, collection, control or disbursement of the public revenue, or shall concern or touch any clerkship in any court of record wherein justice is administered; or if any person shall give or pay money, reward or other profit, or shall make any promise, agreement, bond or assurance for any of such offices, or for the deputation of any of them, or for any part of them, the person so offending in any of the cases aforesaid shall be guilty of a ~~misdemeanor, and on conviction thereof shall forfeit all his right, interest and estate in such office, and every part and parcel thereof, and shall be imprisoned and fined at the discretion of the court.~~ Class I felony."

#### —MAKING OF FALSE REPORT BY BANK EXAMINERS; BRIBES

Sec. 1214. G.S. 14-233 reads as rewritten:

#### "§ 14-233. Making of false report by bank examiners; accepting bribes.

If any bank examiner shall knowingly and willfully make any false or fraudulent report of the condition of any bank, which shall have been examined by him, with the intent to aid or abet the officers, owners, or agents of such bank in continuing to operate an insolvent bank, or if any such examiner shall keep or accept any bribe or gratuity given for the purpose of inducing him not to file any report of examination of any bank

made by him, or shall neglect to make an examination of any bank by reason of having received or accepted any bribe or gratuity, he shall be punished as a Class ~~H-I~~ felon."

#### —FAILURE OF RAILROAD OFFICERS TO ACCOUNT

Sec. 1215. G.S. 14-253 reads as rewritten:

#### "§ 14-253. Failure of certain railroad officers to account with successors.

If the president and directors of any railroad company, and any person acting under them, shall, upon demand, fail or refuse to account with the president and directors elected or appointed to succeed them, and to transfer to them forthwith all the money, books, papers, choses in action, property and effects of every kind and description belonging to such company, they shall be guilty of a ~~felony, and shall be punished by imprisonment in the State's prison for not less than one nor more than five years, and be fined at the discretion of the court. Class I felony.~~ All persons conspiring with any such president, directors or their agents to defeat, delay or hinder the execution of this section shall be guilty of a misdemeanor, and shall be punished in like manner. The Governor is hereby authorized, at the request of the president, directors and other officers of any railroad company, to make requisition upon the governor of any other state for the apprehension of any such president failing to comply with this section."

#### —MALFEASANCE OF CORPORATION OFFICERS AND AGENTS

Sec. 1216. G.S. 14-254(a) reads as rewritten:

"(a) If any president, director, cashier, teller, clerk or agent of any corporation shall embezzle, abstract or willfully misapply any of the moneys, funds or credits of the corporation, or shall, without authority from the directors, issue or put forth any certificate of deposit, draw any order or bill of exchange, make any acceptance, assign any note, bond, draft, bill of exchange, mortgage, judgment or decree, or make any false entry in any book, report or statement of the corporation with the intent in either case to injure or defraud or to deceive any person, or if any person shall aid and abet in the doing of any of these things, he shall be punished as a Class ~~G-H~~ felon."

#### —PRISON BREACH AND ESCAPE FROM COUNTY OR MUNICIPAL

Sec. 1217. G.S. 14-256 reads as rewritten:

#### "§ 14-256. Prison breach and escape from county or municipal confinement facilities or officers.

If any person shall break any prison, jail or lockup maintained by any county or municipality in North Carolina, being lawfully confined therein, or shall escape from the lawful custody of any superintendent, guard or officer of such prison, jail or lockup, he shall be guilty of a misdemeanor, except that the person is guilty of a Class ~~J-I~~ felony if:

- (1) He has been convicted of a felony and has been committed to the facility pending transfer to the State prison system; or
- (2) He is serving a sentence imposed upon conviction of a felony."

#### —CONVEYING MESSAGES AND WEAPONS TO OR TRADING WITH CONVICTS

Sec. 1218. G.S. 14-258 reads as rewritten:

#### "§ 14-258. Conveying messages and weapons to or trading with convicts and other prisoners.

If any person shall convey to or from any convict any letters or oral messages, or shall convey to any convict or person imprisoned, charged with crime and awaiting trial any weapon or instrument by which to effect an escape, or that will aid him in an assault or insurrection, or shall trade with a convict for his clothing or stolen goods, or shall sell to him any article forbidden him by prison rules, he shall be guilty of a ~~misdemeanor~~: Class H felony: Provided, that when a murder, an assault or an escape is effected with the means furnished, the person convicted of furnishing the means shall be punished as a Class ~~H-F~~ felon."

### **—POSSESSION OF DANGEROUS WEAPON IN PRISON**

Sec. 1219. G.S. 14-258.2(a) reads as rewritten:

"(a) Any person while in the custody of the Division of Prisons, or any person under the custody of any local confinement facility as defined in G.S. 153A-217, who shall have in his possession without permission or authorization a weapon capable of inflicting serious bodily injuries or death, or who shall fabricate or create such a weapon from any source, shall be guilty of a ~~misdemeanor~~: Class H felony; and any person who commits any assault with such weapon and thereby inflicts bodily injury or by the use of said weapon effects an escape or rescue from imprisonment shall be punished as a Class ~~H-F~~ felon."

### **—TAKING OF HOSTAGE, ETC., BY PRISONER**

Sec. 1220. G.S. 14-258.3 reads as rewritten:

#### **"§ 14-258.3. Taking of hostage, etc., by prisoner.**

Any prisoner in the custody of the Department of Correction, including persons in the custody of the Department of Correction pending trial or appellate review or for presentence diagnostic evaluation, or any prisoner in the custody of any local confinement facility (as defined in G.S. 153A-217), or any person in the custody of any local confinement facility (as defined in G.S. 153A-217) pending trial or appellate review or for any lawful purpose, who by threats, coercion, intimidation or physical force takes, holds, or carries away any person, as hostage or otherwise, shall be punished as a Class ~~I-F~~ felon. The provisions of this section apply to: (i) violations committed by any prisoner in the custody of the Department of Correction, whether inside or outside of the facilities of the North Carolina Department of Correction; (ii) violations committed by any prisoner or by any other person lawfully under the custody of any local confinement facility (as defined in G.S. 153A-217), whether inside or outside the local confinement facilities (as defined in G.S. 153A-217)."

### **—WILLFUL INJURY TO PROPERTY OF RAILROADS**

Sec. 1221. G.S. 14-278 reads as rewritten:

#### **"§ 14-278. Willful injury to property of railroads.**

It shall be unlawful for any person to willfully, with intent to cause injury to any person passing over the railroad or damage to the equipment traveling on such road, put or place any matter or thing upon, over or near any railroad track, or destroy, injure, tamper with, or remove the roadbed, or any part thereof, or any rail, sill or other part of the fixtures appurtenant to or constituting or supporting any portion of the track of such railroad, and the person so offending shall be punished as a Class ~~H-I~~ felon."

### **—SHOOTING OR THROWING AT TRAINS OR PASSENGERS**

Sec. 1222. G.S. 14-280 reads as rewritten:

**"§ 14-280. Shooting or throwing at trains or passengers.**

If any person shall willfully cast, throw or shoot any stone, rock, bullet, shot, pellet or other missile at, against, or into any railroad car, locomotive or train, or any person thereon, while such car or locomotive shall be in progress from one station to another, or while such car, locomotive or train shall be stopped for any purpose, the person so offending shall be guilty of a ~~misdemeanor, and shall be punished by fine or imprisonment in the county jail or State's prison, at the discretion of the court.~~ Class I felony."

**—DISPLAYING FALSE LIGHTS ON SEASHORE**

Sec. 1223. G.S. 14-282 reads as rewritten:

**"§ 14-282. Displaying false lights on seashore.**

If any person shall make or display, or cause to be made or displayed, any false light or beacon on or near the seacoast, for the purpose of deceiving and misleading masters of vessels, and thereby putting them in danger of shipwreck, he shall be guilty of a Class H-I felony."

**—DUMPING OF TOXIC SUBSTANCES**

Sec. 1224. G.S. 14-284.2(a) reads as rewritten:

"(a) It shall be unlawful to deposit, place, dump, discharge, spill, release, burn, incinerate, or otherwise dispose of any toxic substances as defined in this section or radioactive material as defined in G.S. 104E-5 into the atmosphere, in the waters, or on land, except where such disposal is conducted pursuant to federal or State law, regulation, or permit. Any person who willfully violates the provisions of this section shall be guilty of a Class H-F felony. The fine authorized by G.S. 14-1.1(a)(8) for a conviction under this section may include a fine of up to one hundred thousand dollars (\$100,000) per day of violation."

**—RIOT; INCITING TO RIOT; PUNISHMENTS**

Sec. 1225. G.S. 14-288.2(c) reads as rewritten:

"(c) Any person who willfully engages in a riot is guilty of a Class I-H felony, if:

- (1) In the course and as a result of the riot there is property damage in excess of fifteen hundred dollars (\$1,500) or serious bodily injury; or
- (2) Such participant in the riot has in his possession any dangerous weapon or substance."

Sec. 1226. G.S. 14-288.2(e) reads as rewritten:

"(e) Any person who willfully incites or urges another to engage in a riot, and such inciting or urging is a contributing cause of a riot in which there is property damage in excess of fifteen hundred dollars (\$1,500) or serious bodily injury, shall be punished as a Class H-F felon."

**—LOOTING; TRESPASS DURING EMERGENCY**

Sec. 1227. G.S. 14-288.6(b) reads as rewritten:

"(b) Any person who commits the crime of trespass during emergency and, without legal justification, obtains or exerts control over, damages, ransacks, or destroys the property of another is guilty of the felony of looting and shall be punished as a Class I-H felon."

## —WEAPON OF MASS DEATH AND DESTRUCTION

Sec. 1228. G.S. 14-288.8(d) reads as rewritten:

"(d) Any person who violates any provision of this section is guilty of a Class ~~I-F~~ felony."

## —ASSAULT ON EMERGENCY PERSONNEL; PUNISHMENTS

Sec. 1229. G.S. 14-288.9(c) reads as rewritten:

"(c) Any person who commits an assault upon emergency personnel is guilty of a misdemeanor punishable as provided in G.S. 14-3(a). Any person who commits an assault upon emergency personnel with or through the use of any dangerous weapon or substance shall be punished as a Class ~~I-F~~ felon."

## —CERTAIN WEAPONS AT CIVIL DISORDERS

Sec. 1230. G.S. 14-288.20(b) reads as rewritten:

"(b) A person is guilty of a Class ~~I-H~~ felony, if he:

- (1) Teaches or demonstrates to any other person the use, application, or making of any firearm, explosive or incendiary device, or technique capable of causing injury or death to persons, knowing or having reason to know or intending that the same will be unlawfully employed for use in, or in furtherance of, a civil disorder; or
- (2) Assembles with one or more persons for the purpose of training with, practicing with, or being instructed in the use of any firearm, explosive or incendiary device, or technique capable of causing injury or death to persons, intending to employ unlawfully the training, practicing, instruction, or technique for use in, or in furtherance of, a civil disorder."

## —BINGO

Sec. 1231. G.S. 14-309.5(b) reads as rewritten:

"(b) It is lawful for an exempt organization to conduct bingo games in accordance with the provisions of this Part. Any licensed exempt organization who conducts a bingo game in violation of any provision of this Part shall be guilty of a misdemeanor under G.S. 14-292 and shall be punished in accordance with G.S. 14-3. Upon conviction such person shall not conduct a bingo game for a period of one year. It is lawful to participate in a bingo game conducted pursuant to this Part. It shall be a Class ~~H-I~~ felony for any person: (i) to operate a bingo game without a license; (ii) to operate a bingo game while license is revoked or suspended; (iii) to willfully misuse or misapply any moneys received in connection with any bingo game; or (iv) to contract with or provide consulting services to any licensee. It shall not constitute a violation of any State law to advertise a bingo game conducted in accordance with this Part."

## —BEACH BINGO

Sec. 1232. G.S. 14-309.14 reads as rewritten:

### "§ 14-309.14. Beach bingo.

Nothing in this Article shall apply to 'beach bingo' games except for the following subsections: subdivisions::

(a)

(1) No beach bingo game may offer a prize having a value greater than ten dollars (\$10.00). Any person offering a greater than ten-dollar (\$10.00) but less than fifty-dollar (\$50.00) prize is guilty of a misdemeanor. Any person offering a prize of fifty dollars (\$50.00) or greater is guilty of a Class ~~H-L~~ felony.

(b)

(2) No beach bingo game may be held in conjunction with any other lawful bingo game, with any 'promotional bingo game', or with any offering of an opportunity to obtain anything of value, whether for valuable consideration or not. No beach bingo game may offer free bingo games as a promotion, for prizes or otherwise. Any person who violates this subsection is guilty of a Class ~~H-L~~ felony.

(c) G.S. 18B-308 shall apply to beach bingo games.

(d) Upon conviction under any provision of this section, such person shall not conduct a bingo game for a period of at least one year."

#### **—CHILD ABUSE A FELONY**

Sec. 1233. G.S. 14-318.4 reads as rewritten:

#### **"§ 14-318.4. Child abuse a felony.**

(a) A parent or any other person providing care to or supervision of a child less than 16 years of age who intentionally inflicts any serious physical injury upon or to the child or who intentionally commits an assault upon the child which results in any serious physical injury to the child is guilty of a Class ~~H-E~~ felony.

(a1) Any parent of a child less than 16 years of age, or any other person providing care to or supervision of the child, who commits, permits, or encourages any act of prostitution with or by the juvenile is guilty of child abuse and shall be punished as a Class ~~H-E~~ felon.

(a2) Any parent or legal guardian of a child less than 16 years of age who commits or allows the commission of any sexual act upon a juvenile is guilty of a Class ~~H-E~~ felony.

(b) The felony of child abuse is an offense additional to other civil and criminal provisions and is not intended to repeal or preclude any other sanctions or remedies."

#### **—TRANSPORTING CHILD OUTSIDE THE STATE**

Sec. 1234. G.S. 14-320.1 reads as rewritten:

#### **"§ 14-320.1. Transporting child outside the State with intent to violate custody order.**

When any federal court or state court in the United States shall have awarded custody of a child under the age of 16 years, it shall be a felony for any person with the intent to violate the court order to take or transport, or cause to be taken or transported, any such child from any point within this State to any point outside the limits of this State or to keep any such child outside the limits of this State. Such crime shall be punishable as a Class ~~J-L~~ felony. Provided that keeping a child outside the limits of the State in violation of a court order for a period in excess of 72 hours shall be *prima facie* evidence that the person charged intended to violate the order at the time of taking."

#### **—POISONOUS ALCOHOLIC BEVERAGES**

Sec. 1235. G.S. 14-329(b) reads as rewritten:

"(b) Any person who, either individually or as agent for any person, firm or corporation, shall, knowing or having reasonable grounds to know of the poisonous qualities thereof, transport for other than personal use, sell or possess for purpose of sale, for use as a beverage, any spirituous liquor which is found to contain any foreign properties or ingredients poisonous to the human system, shall be punished as a Class ~~H~~ ~~F~~ felon."

#### **—ANIMAL FIGHTS AND ANIMAL BAITING.**

Sec. 1236. G.S. 14-362.1(d) reads as rewritten:

"(d) A person who commits an offense under subsection (a) within three years after being convicted of an offense under this section is guilty of a Class ~~J~~~~I~~ felon."

#### **—ALTERING THE BRANDS OF AND MISBRANDING ANOTHER'S LIVESTOCK**

Sec. 1237. G.S. 14-367 reads as rewritten:

##### **"§ 14-367. Altering the brands of and misbranding another's livestock.**

If any person shall knowingly alter or deface the mark or brand of any other person's horse, mule, ass, neat cattle, sheep, goat, or hog, or shall knowingly mismark or brand any such beast that may be unbranded or unmarked, not properly his own, with intent to defraud any other person, the person so offending shall be guilty of a ~~felony, and shall be punished as if convicted of larceny.~~ Class H felony."

#### **—BRIBERY OF PLAYERS, MANAGERS, COACHES, REFEREES, ETC.**

Sec. 1238. G.S. 14-373 reads as rewritten:

##### **"§ 14-373. Bribery of players, managers, coaches, referees, umpires or officials.**

If any person shall bribe or offer to bribe or shall aid, advise, or abet in any way another in such bribe or offer to bribe, any player or participant in any athletic contest with intent to influence his play, action, or conduct and for the purpose of inducing the player or participant to lose or try to lose or cause to be lost any athletic contest or to limit or try to limit the margin of victory or defeat in such contest; or if any person shall bribe or offer to bribe or shall aid, advise, or abet in any way another in such bribe or offer to bribe, any referee, umpire, manager, coach, or any other official or an athletic club or team, league, association, institution or conference, by whatever name called connected with said athletic contest with intent to influence his decision or bias his opinion or judgment for the purpose of losing or trying to lose or causing to be lost said athletic contest or of limiting or trying to limit the margin of victory or defeat in such contest, such person shall be punished as a Class ~~H~~~~I~~ felon."

#### **—ACCEPTANCE OF BRIBES BY PLAYERS, MANAGERS, COACHES, ETC.**

Sec. 1239. G.S. 14-374 reads as rewritten:

##### **"§ 14-374. Acceptance of bribes by players, managers, coaches, referees, umpires or officials.**

If any player or participant in any athletic contest shall accept, or agree to accept, a bribe given for the purpose of inducing the player or participant to lose or try to lose or cause to be lost or limit or try to limit the margin of victory or defeat in such contest; or if any referee, umpire, manager, coach, or any other official of an athletic club, team, league, association, institution, or conference connected with an athletic contest shall

accept or agree to accept a bribe given with the intent to influence his decision or bias his opinion or judgment and for the purpose of losing or trying to lose or causing to be lost said athletic contest or of limiting or trying to limit the margin of victory or defeat in such contest, such person shall be punished as a Class ~~H-I~~ felon."

#### —INTENTIONAL LOSING OF ATHLETIC CONTEST OR POINT-SHAVING

Sec. 1240. G.S. 14-377 reads as rewritten:

#### "§ 14-377. Intentional losing of athletic contest or limiting margin of victory or defeat.

If any player or participant shall commit any willful act of omission or commission, in playing of an athletic contest, with intent to lose or try to lose or to cause to be lost or to limit or try to limit the margin of victory or defeat in such contest for the purpose of material gain to himself, or if any referees, umpire, manager, coach, or other official of an athletic club, team, league, association, institution or conference connected with an athletic contest shall commit any willful act of omission or commission connected with his official duties with intent to try to lose or to cause to be lost or to limit or try to limit the margin of victory or defeat in such contest for the purpose of material gain to himself, such person shall be punished as a Class ~~H-I~~ felon."

#### —LITTERING

Sec. 1241. G.S. 14-399(e) reads as rewritten:

"(e) Any person who violates this section in an amount exceeding 500 pounds or in any quantity for commercial purposes, or who discards litter that is a hazardous waste as defined in G.S. 130A-290 is guilty of a Class ~~J-I~~ felony. In addition, the court may order the violator to:

- (1) Remove, or render harmless, the litter that he discarded in violation of this section;
- (2) Repair or restore property damaged by, or pay damages for any damage arising out of, his discarding litter in violation of this section; or
- (3) Perform community public service relating to the removal of litter discarded in violation of this section or to the restoration of an area polluted by litter discarded in violation of this section."

#### —DISTRIBUTION OF CERTAIN FOOD AT HALLOWEEN

Sec. 1242. G.S. 14-401.11(b) reads as rewritten:

##### "(b) Penalties.

- (1) Any person violating the provisions of G.S. 14-401.11(a)(1):
  - a. Where the actual or possible effect on a person eating the food or substance was or would be limited to mild physical discomfort without any lasting effect, shall be guilty of a ~~misdemeanor punishable in the discretion of the court.~~ Class I felony.
  - b. Where the actual or possible effect on a person eating the food or substance was or would be greater than mild physical discomfort without any lasting effect, shall be punished as a Class H felon.

- (2) Any person violating the provisions of G.S. 14-401.11(a)(2) shall be punished as a Class ~~H-F~~ felon.
- (3) Any person violating the provisions of G.S. 14-401.11(a)(3) shall be punished as a Class ~~D-C~~ felon."

#### **—MACHINE GUNS AND OTHER LIKE WEAPONS**

Sec. 1243. G.S. 14-409(c) reads as rewritten:

"(c) Any person violating any of the provisions of this section shall be guilty of a ~~misdemeanor and shall be fined not less than five hundred dollars (\$500.00), or imprisoned for not less than six months, or both, in the discretion of the court. Class I felony.~~"

#### **—MACHINE GUNS AND OTHER LIKE WEAPONS**

Sec. 1244. G.S. 14-409.9(c) reads as rewritten:

"(c) Any person violating any of the provisions of this section shall be guilty of a ~~misdemeanor and shall be fined not less than five hundred dollars (\$500.00), or imprisoned for not less than six months, or both, in the discretion of the court. Class I felony.~~"

#### **—POSSESSION OF FIREARMS BY FELON PROHIBITED**

Sec. 1245. G.S. 14-415.1(a) reads as rewritten:

"(a) It shall be unlawful for any person who has been convicted of any crime set out in subsection (b) of this section to purchase, own, possess, or have in his custody, care, or control any handgun or other firearm with a barrel length of less than 18 inches or an overall length of less than 26 inches, or any weapon of mass death and destruction as defined in G.S. 14-288.8(c), within five years from the date of such conviction, or the unconditional discharge from a correctional institution, or termination of a suspended sentence, probation, or parole upon such conviction, whichever is later.

Every person violating the provisions of this section shall be punished as a Class ~~I-H~~ felon.

Nothing in this subsection would prohibit the right of any person to have possession of a firearm within his own home or on his lawful place of business."

#### **—RECORD AND TAPE PIRACY**

Sec. 1246. G.S. 14-437(a)(1) reads as rewritten:

"(1) A Class I felony, ~~punishable by imprisonment for not more than five years, which may include~~ a fine of not more than one hundred fifty thousand dollars (\$150,000), ~~or both,~~ if the offense involves at least 1,000 unauthorized sound recordings or at least 100 unauthorized audio visual recordings during any 180-day period or is a second or subsequent conviction under either subdivision (1) or (2) of this section;"

#### **—VIOLATIONS OF PERMIT PROVISIONS**

Sec. 1247. G.S. 20-30(7) reads as rewritten:

"(7) To sell or offer for sale any reproduction or facsimile or simulation of a driver's license or learner's permit. The provisions of this ~~subsection subdivision~~ shall not apply to agents or employees of the Division while acting in the course and scope of their employment. Any

person, firm or corporation violating the provisions of this subsection shall be guilty of a Class ~~J-L~~ I felony."

#### **—PENALTIES FOR FAILURE TO APPEAR**

Sec. 1248. G.S. 15A-343(b) reads as rewritten:

"(b) A violation of this section is a Class ~~J-L~~ I felony if:

- (1) The violator was released in connection with a felony charge against him; or
- (2) The violator was released under the provisions of G.S. 15A-536."

#### **—MAKING FALSE AFFIDAVITS PERJURY**

Sec. 1249. G.S. 20-31 reads as rewritten:

##### **"§ 20-31. Making false affidavits perjury.**

Any person who shall make any false affidavit, or shall knowingly swear or affirm falsely, to any matter or thing required by the terms of this Article to be sworn to or affirmed shall be guilty of ~~perjury and upon conviction shall be punished by fine or imprisonment as other persons committing perjury are punishable under the laws of this State.~~ a Class I felony."

#### **—UNLAWFUL TO ISSUE LICENSES FOR ANYTHING OF VALUE**

Sec. 1250. G.S. 20-34.1 reads as rewritten:

##### **"§ 20-34.1. Unlawful to issue licenses for anything of value except prescribed fees.**

It shall be unlawful for any employee of the Division of Motor Vehicles to charge or accept any money or other thing of value except the fees prescribed by law for the issuance of a driver's license, and the fact that the license is not issued after said employee charges or accepts money or other thing of value shall not constitute a defense to a criminal action under this section. In a prosecution under this section it shall not be a defense to show that the person giving the money or other thing of value or the person receiving the license or intended to receive the same is entitled to a license under the Uniform Driver's License Act. Any person violating this section shall be guilty of a ~~felony and upon conviction shall be punished by imprisonment in the State's prison for not more than five years or by~~ Class I felony which may include a fine of not more than five thousand dollars (\$5,000) or by both fine and imprisonment. (\$5,000)."

#### **—REPRODUCING OR POSSESSING BLANK CERTIFICATE OF TITLE**

Sec. 1251. G.S. 20-71(b) reads as rewritten:

"(b) It shall be unlawful for any person with fraudulent intent to reproduce or possess a blank North Carolina certificate of title or facsimile thereof. Any person, firm or corporation violating the provisions of this section shall be guilty of a ~~felony and upon conviction shall be punished as provided in G.S. 20-177.~~ Class I felony."

#### **—RECEIVING OR TRANSFERRING STOLEN VEHICLES**

Sec. 1252. G.S. 20-106 reads as rewritten:

##### **"§ 20-106. Receiving or transferring stolen vehicles.**

Any person who, with intent to procure or pass title to a vehicle which he knows or has reason to believe has been stolen or unlawfully taken, receives or transfers possession of the same from or to another, or who has in his possession any vehicle which he knows or has reason to believe has been stolen or unlawfully taken, and who

is not an officer of the law engaged at the time in the performance of his duty as such officer shall be punished as a Class ~~I-H~~ felon."

#### —FRAUD IN CONNECTION WITH RENTAL OF MOTOR VEHICLES

Sec. 1253. G.S. 20-106.1 reads as rewritten:

##### "§ 20-106.1. Fraud in connection with rental of motor vehicles.

Any person with the intent to defraud the owner of any motor vehicle or a person in lawful possession thereof, who obtains possession of said vehicle by agreeing in writing to pay a rental for the use of said vehicle, and further agreeing in writing that the said vehicle shall be returned to a certain place, or at a certain time, and who willfully fails and refuses to return the same to the place and at the time specified, or who secretes, converts, sells or attempts to sell the same or any part thereof shall be guilty of a Class I felony."

#### —SUBLEASE AND LOAN ASSUMPTION ARRANGING

Sec. 1254. G.S. 20-106.2(d) reads as rewritten:

"(d) An offense under subdivision (b)(1) or (b)(2) of this section is a Class ~~J-I~~ felony."

#### —ALTERING OR CHANGING ENGINE OR OTHER NUMBERS

Sec. 1255. G.S. 20-109(a) reads as rewritten:

"(a) It shall be unlawful and constitute a felony for:

- (1) Any person to willfully deface, destroy, remove, cover, or alter the manufacturer's serial number, transmission number, or engine number; or
- (2) Any vehicle owner to knowingly permit the defacing, removal, destroying, covering, or alteration of the serial number, transmission number, or engine number; or
- (3) Any person except a licensed vehicle manufacturer as authorized by law to place or stamp any serial number, transmission number, or engine number upon a vehicle, other than one assigned thereto by the Division; or
- (4) Any vehicle owner to knowingly permit the placing or stamping of any serial number or motor number upon a motor vehicle, except such numbers as assigned thereto by the Division.

A violation of this subsection shall be punishable as a Class J-I felony."

#### —MAKING FALSE AFFIDAVIT PERJURY

Sec. 1256. G.S. 20-112 reads as rewritten:

##### "§ 20-112. Making false affidavit perjury.

Any person who shall knowingly make any false affidavit or shall knowingly swear or affirm falsely to any matter or thing required by the terms of this Article to be sworn or affirmed to shall be guilty of perjury, and upon conviction shall be punishable by a fine and imprisonment as other persons committing perjury are punishable. ~~a Class I felony.~~

#### —SMOKE SCREENS

Sec. 1257. G.S. 20-136(b) reads as rewritten:

"(b) Any person or persons violating the provisions of this section shall be guilty of a ~~felony, and upon conviction shall be imprisoned in the State's prison for a period of not less than one year or not more than 10 years, in the discretion of the court. Class I felony.~~"

#### **—HABITUAL IMPAIRED DRIVING**

Sec. 1258. G.S. 20-138.5(b) reads as rewritten:

"(b) A person convicted of violating this section shall be punished as a Class ~~J~~  
~~felon and shall be sentenced to a minimum term of one year of imprisonment which shall not be suspended.~~ Sentences imposed under this subsection shall run consecutively with and shall commence at the expiration of any sentence being served."

#### **—FELONY AND MISDEMEANOR DEATH BY VEHICLE**

Sec. 1259. G.S. 20-141.4(b) reads as rewritten:

"(b) Punishments. – Felony death by vehicle is a Class ~~I-G~~ felony. misdemeanor death by vehicle is a misdemeanor punishable by a fine of not more than five hundred dollars (\$500.00), imprisonment for not more than two years, or both, in the discretion of the court."

#### **—DUTY TO STOP IN EVENT OF ACCIDENT OR COLLISION.**

Sec. 1260. G.S. 20-166(a) reads as rewritten:

"(a) The driver of any vehicle who knows or reasonably should know:

- (1) That the vehicle which he is operating is involved in an accident or collision; and
- (2) That the accident or collision has resulted in injury or death to any person;

shall immediately stop his vehicle at the scene of the accident or collision. He shall remain at the scene of the accident until a law-enforcement officer completes his investigation of the accident or collision or authorizes him to leave; Provided, however, that he may leave to call for a law-enforcement officer or for medical assistance or medical treatment as set forth in (b), but must return to the accident scene within a reasonable period of time. A willful violation of this subsection shall be punished as a Class ~~I-H~~ felony."

#### **—FALSE AFFIDAVITS**

Sec. 1261. G.S. 20-279.31(c1) reads as rewritten:

"(c1) Any person who makes a false affidavit or knowingly swears or affirms falsely to any matter under G.S. 20-279.5, 20-279.6, or 20-279.7 is guilty of ~~perjury and shall be punished as provided in G.S. 14-209.~~ a Class I felony."

#### **—UNLAWFUL CHANGE OF MILEAGE**

Sec. 1262. G.S. 20-350 reads as rewritten:

#### **"§ 20-350. Criminal offense.**

Any person, firm or corporation violating G.S. 20-343 shall be guilty of a Class ~~J-I~~ felony. A violation of any remaining provision of this Article shall be a misdemeanor."

#### **—FALSE SWEARING; PENALTY**

Sec. 1263. G.S. 23-43 reads as rewritten:

#### **"§ 23-43. False swearing; penalty.**

If any insolvent or imprisoned debtor takes any oath prescribed in this chapter falsely and corruptly, ~~and upon indictment for perjury is convicted thereof, he shall suffer all the pains of perjury, that person is guilty of a Class I felony,~~ and he shall never after have any of the benefits of this chapter, but may be sued and imprisoned as though he had never been discharged."

#### —COMPENSATION FOR PLACING OR ARRANGING PLACEMENT OF CHILD

Sec. 1264. G.S. 48-37 reads as rewritten:

#### "§ 48-37. Compensation for placing or arranging placement of child for adoption prohibited.

No person, agency, association, corporation, institution, society or other organization, except a licensed child-placing agency as defined by G.S. 48-2(4), or a county department of social services, shall offer or give, charge or accept any fee, compensation, consideration or thing of value for receiving or placing, arranging the placement of, or assisting in placing or arranging the placement of, any child for adoption. Provided, that the adoptive parents may pay the reasonable and actual medical expenses incurred by the biological mother incident to the birth of the child, and provided that in the petition for adoption the adoptive parents must disclose the amount of these payments and must represent that there were no gifts or payments of, or promises to give or pay, any other fee, compensation, consideration, or thing of value such as is prohibited by this section. The act of preparing and filing the adoption proceeding before the court shall not be construed as receiving or placing, arranging the placement of, or assisting in placing or arranging the placement of, any child for adoption. Any person who violates any provision of this section shall be guilty of a misdemeanor, and upon conviction or plea of guilty shall be fined or imprisoned or both at the discretion of the court. Any person who is convicted of or pleads guilty to a second or subsequent violation of this section shall be guilty of a ~~felony and shall be imprisoned for not more than three years or fined~~ Class H felony which may include a fine not more than ten thousand dollars (\$10,000) or both at the discretion of the court (\$10,000)."

#### —EXAMINER MAKING FALSE REPORT

Sec. 1265. G.S. 53-124 reads as rewritten:

#### "§ 53-124. Examiner making false report.

If any bank examiner shall knowingly and willfully make any false or fraudulent report of the condition of any bank, which shall have been examined by him, with the intent to aid or abet the officers, owners, or agents of such bank in continuing to operate an insolvent bank, or if any such examiner shall keep or accept any bribe or gratuity given for the purpose of inducing him not to file any report of examination of any bank made by him, or shall neglect to make an examination of any bank by reason of having received or accepted any bribe or gratuity, he shall be guilty of a ~~felony, and on conviction thereof shall be imprisoned in the State prison for not less than four months nor more than 10 years.~~ Class H felony."

#### —MISAPPLICATION, EMBEZZLEMENT OF FUNDS, ETC

Sec. 1266. G.S. 53-129 reads as rewritten:

**"§ 53-129. Misapplication, embezzlement of funds, etc.**

Whoever being an officer, employee, agent or director of a bank, with intent to defraud or injure the bank, or any person or corporation, or to deceive an officer of the bank or an agent appointed to examine the affairs of such bank, embezzles, abstracts, or misapplies any of the money, funds, credit or property of such bank, whether owned by it or held in trust, or who, with such intent, willfully and fraudulently issues or puts forth a certificate of deposit, draws an order or bill of exchange, makes an acceptance, assigns a note, bond, draft, bill of exchange, mortgage, judgment, decree or fictitiously borrows or solicits, obtains or receives money for a bank not in good faith, intended to become the property of such bank; or whoever being an officer, employee, agent, or director of a bank, makes or permits the making of a false statement or certificate, as to a deposit, trust fund or contract, or makes or permits to be made a false entry in a book, report, statement or record of such bank, or conceals or permits to be concealed by any means or manner, the true and correct entries of said bank, or its true and correct transactions, who knowingly loans, or permits to be loaned, the funds or credit of any bank to any insolvent company or corporation, or corporation which has ceased to exist, or which never had any existence, or upon collateral consisting of stocks or bonds of such company or corporation, or who makes or publishes or knowingly permits to be made or published a false report, statement or certificate as to the true financial condition of such bank, shall be punished as a Class ~~E-H~~ felon."

**—MAKING FALSE ENTRIES IN BANKING ACCOUNTS**

Sec. 1267. G.S. 53-130 reads as rewritten:

**"§ 53-130. Making false entries in banking accounts; misrepresenting assets and liabilities of banks.**

If any person shall willfully and knowingly subscribe to, or make, or cause to be made, any false statement or false entry in the books of any bank, or shall knowingly subscribe to or exhibit false papers, with intent to deceive any person authorized to examine into the affairs of such bank, or shall willfully and knowingly make, state or publish any false statement of the amount of the assets or liabilities of any bank, he shall be guilty of a ~~felony, and upon conviction thereof shall be imprisoned in the State's prison not less than four months nor more than 10 years.~~ Class H felony."

**—FALSE CERTIFICATION OF A CHECK**

Sec. 1268. G.S. 53-131 reads as rewritten:

**"§ 53-131. False certification of a check.**

Whoever, being an officer, employee, agent, or director of a bank, certifies a check drawn on such bank, and willfully fails to forthwith charge the amount thereof against the account of the drawer thereof, or willfully certifies a check drawn on such bank unless the drawer of such check has on deposit with the bank an amount of money subject to the payment of such check and equivalent to the amount therein specified, shall be guilty of a ~~felony, and upon conviction shall be fined~~ Class I felony which may include a fine not more than five thousand dollars (\$5,000) or imprisoned in the State prison for not more than five years, or both. (\$5,000)."

**—RECEIVING DEPOSITS IN INSOLVENT BANKS**

Sec. 1269. G.S. 53-132 reads as rewritten:

### **§ 53-132. Receiving deposits in insolvent banks.**

Any person, being an officer or employee of a bank, who receives, or being an officer thereof, permits an employee to receive money, checks, drafts, or other property as a deposit therein when he has knowledge that such bank is insolvent, shall be guilty of a ~~felony, and upon conviction thereof shall be fined~~ Class I felony which may include a fine not more than five thousand dollars (\$5,000) ~~or imprisoned in the State prison not more than five years, or both. (\$5,000).~~ Provided, that in any indictment hereunder, insolvency shall not be deemed to include insolvency as defined under paragraph d of subdivision (3) in the definition of insolvency under G.S. 53-1."

### **—MAINTENANCE OF RECORDS AND ASSETS**

Sec. 1270. G.S. 58-7-50(c) reads as rewritten:

"(c) The removal from this State of all or a material part of the records or assets of a domestic insurer that has its home or principal office outside this State except pursuant to a plan of merger or consolidation approved by the Commissioner under or for such reasonable purposes and periods of time as may be approved by the Commissioner in writing in advance of such removal, or concealment of such records or assets or material part thereof from the Commissioner is prohibited. Any person who, without the prior approval of the Commissioner, removes or attempts to remove such records or assets or such material part thereof from the office or offices in which they are required to be kept and maintained under subsection (a) of this section or who conceals or attempts to conceal such records from the Commissioner, in violation of this subsection, shall be guilty of a ~~Class J-L~~ felony. Upon any removal or attempted removal of such records or assets or upon retention of such records or assets or material part thereof outside this State, beyond the period therefor specified in the consent of the Commissioner under which consent the records were so removed thereat, or upon concealment of or attempt to conceal records or assets in violation of this section, the Commissioner may institute delinquency proceedings against the insurer pursuant to the provisions of Article 30 of this Chapter."

### **—INSURANCE HOLDING COMPANIES**

Sec. 1271. G.S. 58-19-50(d) reads as rewritten:

"(d) Whenever it appears to the Commissioner that any insurer or any director, officer, employee, or agent thereof has knowingly and willfully committed a violation of this Article, the Commissioner may cause criminal proceedings to be instituted by the Superior Court of Wake County against such insurer or the responsible director, officer, employee, or agent thereof. Any insurer that knowingly and willfully violates this Article may be fined not more than one thousand dollars (\$1,000). Any individual who knowingly and willfully violates this Article is guilty of a ~~Class J-felony and is subject to a fine in his individual capacity, imprisonment, or both, in the discretion of the court.~~ I-felony."

Sec. 1272. G.S. 58-19-50(e) reads as rewritten:

"(e) Any officer, director, or employee of an insurance holding company system who knowingly and willfully subscribes to or makes or causes to be made any false statements or false reports or false filings with the intent to deceive the Commissioner in the performance of his duties under this Article, is guilty of a ~~Class J-felony, and is~~ I-felony."

~~subject to a fine, imprisonment, or both, in the discretion of the court—~~I felony. Any fines imposed shall be paid by the officer, director, or employee in his individual capacity."

#### —FRATERNAL BENEFIT SOCIETIES; PENALTIES

Sec. 1273. G.S. 58-24-180(e) reads as rewritten:

"(e) Any person who willfully makes any false statement under oath in any verified report or declaration that is required by law from fraternal benefit societies, is guilty of ~~perjury under G.S. 14-209.~~ a Class I felony."

#### —WILLFUL FAILURE TO PAY GROUP INSURANCE PREMIUMS

Sec. 1274. G.S. 58-50-40(c) reads as rewritten:

"(c) Any insurance fiduciary who violates subsection (b) of this section shall be guilty of a Class ~~J-H~~ I felony."

#### —COLLECTION AGENCIES

Sec. 1275. G.S. 58-70-1 reads as rewritten:

#### "**§ 58-70-1. Permit from Commissioner of Insurance; penalty for violation; exception.**

No person, firm, corporation, or association shall conduct or operate a collection agency or do a collection agency business, as the same is hereinafter defined in this Article, until he or it shall have secured a permit therefor as provided in this Article. Any person, firm, corporation or association conducting or operating a collection agency or doing a collection agency business without the permit shall be guilty of a Class ~~J-L~~ I felony. Any officer or agent of any person, firm, corporation or association, who shall personally and knowingly participate in any violation of the remaining provisions of this Part shall be guilty of a misdemeanor. Provided, however, that nothing in this section shall be construed to require a regular employee of a duly licensed collection agency in this State to procure a collection agency permit."

#### —MONTHLY REPORT REQUIRED; BONDSMEN

Sec. 1276. G.S. 58-71-165 reads as rewritten:

#### "**§ 58-71-165. Monthly report required.**

Each professional bail bondsman and surety bondsman shall file with the Commissioner of Insurance a written report in form prescribed by the Commissioner regarding all bail bonds on which the bondsman is liable as of the first day of each month showing (i) each individual bonded, (ii) the date the bond was given, (iii) the principal sum of the bond, (iv) the State or local official to whom given, and (v) the fee charged for the bonding service in each instance. The report shall be filed on or before the fifteenth day of each month. Within the same time, a copy of this written report must also be filed with the clerk of superior court in any county in which the bondsman is obligated on bail bonds. Any person who knowingly and willfully falsifies a report required by this section is guilty of a Class ~~J-L~~ I felony."

#### —EMBEZZLEMENT OF C.O.D. SHIPMENTS

Sec. 1277. G.S. 62-273 reads as rewritten:

#### "**§ 62-273. Embezzlement of C.O.D. shipments.**

Property received by any motor carrier to be transported in intrastate commerce and delivered upon collection on such delivery and remittance to the shipper of the sum of

money stated in the shipping instructions to be collected and remitted to the shipper, and the money collected upon delivery of such party, is hereby declared to be held in trust by any carrier having possession thereof or the carrier making the delivery or collection, and upon failure of any such carrier to account for the property so received, either to the shipper to whom the collection is payable or the carrier making delivery to any carrier handling the property or making the collection, within 15 days after demand in writing by the shipper, or carrier, or upon failure of the delivering carrier to remit the sum so directed to be collected and remitted to the shipper, within 15 days after collection is made, shall be prima facie evidence that the property so received, or the funds so received, has been wilfully converted by such carrier to its own use, and the carrier so offending shall be guilty of a Class H felony and upon conviction shall be punished by fine or imprisonment, or both, in the discretion of the court, and such carrier may be indicted, tried, and punished in the county in which such shipment was delivered to the carrier or in any other county into or through which such shipment was transported by such carrier."

#### **—TAKING OF AIRCRAFT MADE CRIME OF LARCENY**

Sec. 1278. G.S. 63-25 reads as rewritten:

##### **"§ 63-25. Taking of aircraft made crime of larceny.**

Any person who, under circumstances not constituting larceny shall, without the consent of the owner, take, use or operate or cause to be taken, used or operated, an airplane or other aircraft or its equipment, for his own profit, purpose or pleasure, steals the same, is guilty of ~~larceny and is punishable accordingly.~~ a Class H felony."

#### **—OPERATION OF AIRCRAFT WHILE IMPAIRED**

Sec. 1279. G.S. 63-27(e) reads as rewritten:

"(e) Punishment. — A person violating this section shall be guilty of a misdemeanor and shall be punished by imprisonment of not more than two years or a fine not to exceed one thousand dollars (\$1,000) or both. Provided, however, for a second and all subsequent convictions of this section, a person shall be guilty of a Class H felony."

#### **—INJURY BY OPERATION OF AN AIRCRAFT WHILE IMPAIRED**

Sec. 1280. G.S. 63-28(d) reads as rewritten:

"(d) Punishment.—Violation of this section is a Class H felony."

#### **—FAILURE TO DEPOSIT TRUST FUNDS**

Sec. 1281. G.S. 65-71(a) reads as rewritten:

"(a) Except as provided in this subsection, a person violating any provisions of this Article, of any order or rule promulgated under this Article, or of any license issued by the Commission is guilty of a misdemeanor and shall be fined, imprisoned, or both, in the discretion of the court. Each failure to deposit funds in a trust fund in accordance with this Article is a separate offense. A person who has failed to deposit funds in a trust fund in accordance with this Article and whose delinquent deposits equal or exceed twenty thousand dollars (\$20,000) is guilty of a Class H felony."

#### **—BOND AND TRUST ACCOUNT REQUIRED**

Sec. 1282. G.S. 66-135(d) reads as rewritten:

"(d) Violations of subsections (a) or (b) of this section shall constitute a Class ~~J-I~~ felony."

#### —CREDIT REPAIR BUSINESS

Sec. 1283. G.S. 66-225(f) reads as rewritten:

"(f) The violation of any provision of this Article shall constitute an unfair trade practice under G.S. 75-1.1 and the violation of any provision of this Article shall constitute a Class ~~J-I~~ felony."

#### —ANTITRUST INVESTIGATIONS; FALSE SWEARING

Sec. 1284. G.S. 75-12 reads as rewritten:

##### **"§ 75-12. Refusal to furnish information; false swearing.**

Any corporation or person unlawfully refusing or willfully neglecting to furnish the information required by this Chapter, when it is demanded as herein provided, shall be guilty of a misdemeanor and fined not less than one thousand dollars (\$1,000): Provided, that if any corporation or person shall in writing notify the Attorney General that it objects to the time or place designated by him for the examination or inspection provided for in this Chapter, it shall be his duty to apply to a justice or judge of the appellate or superior court division, who shall fix an appropriate time and place for such examination or inspection, and such corporation or person shall, in such event, be guilty under this section only in the event of its failure, refusal or neglect to appear at the time and place so fixed by the judge and furnish the information required by this Chapter. False swearing by any person examined under the provisions of this Chapter shall constitute perjury, and the person guilty of it shall be punishable as in other cases of perjury.—is a Class I felony."

#### —MEDICAL WASTE

Sec. 1285. G.S. 75A-18(d)(2) reads as rewritten:

"(2) Willfully violates G.S. 75A-10(d) and in so doing releases medical waste that creates a substantial risk of physical injury to any person who is not a participant in the offense is guilty of a Class ~~I-F~~ felony punishable by imprisonment, which may include a fine not to exceed fifty thousand dollars (\$50,000) per day of violation, or both in the discretion of the court. (\$50,000) per day of violation."

#### —RICO FALSE TESTIMONY

Sec. 1286. G.S. 75D-7 reads as rewritten:

##### **"§ 75D-7. False testimony.**

False testimony as to any material fact by any person examined under the provisions of this Chapter shall constitute perjury and a conviction shall be punishable as in other cases of perjury as a Class ~~H~~<sup>H</sup>~~F~~ felony."

#### —NAVIGABLE WATERS; CERTAIN PRACTICES REGULATED

Sec. 1287. G.S. 76-40(a1)(2) reads as rewritten:

"(2) A person who willfully violates this subsection and in so doing releases medical waste that creates a substantial risk of physical injury to any person who is not a participant in the offense is guilty of a Class ~~I-F~~ felony punishable by imprisonment, which may include a fine not

to exceed fifty thousand dollars (\$50,000) per day of violation, or both in the discretion of the court. (\$50,000) per day of violation."

## —REMEDIES FOR VIOLATION; CRIMINAL PENALTY

Sec. 1288. G.S. 78C-78(c) reads as rewritten:

"(c) An athlete agent commits an offense if the agent knowingly violates G.S. 78C-72(a) or G.S. 78C-76. An offense under this subsection shall be punished as a Class J-I felony."

## —REGISTRAR REQUIRED; PROJECT BROKER

Sec. 1289. G.S. 93A-58(b) reads as rewritten:

"(b) A time share registrar shall be guilty of a Class J-I felony if he knowingly or recklessly fails to record or cause to be recorded a time share instrument as required by this Article.

A person responsible as general partner, corporate officer, joint venturer or sole proprietor of the developer of a time share project shall be guilty of a Class I felony if he intentionally allows the offering for sale or the sale of time share to purchasers without first designating a time share registrar."

## —HAZARDOUS SUBSTANCE TRADE SECRET INFORMATION

Sec. 1290. G.S. 95-197(c) reads as rewritten:

"(c) The Commissioner of Labor and the Fire Chief shall protect from disclosure any or all information coming into either or both of their possession when such information is marked by the employer as confidential, and they shall return all information so marked to the employer at the conclusion of their determination by the Commissioner of Labor. Any person who has access to any hazardous substance trade secret solely pursuant to this section and who discloses it knowing it to be a hazardous substance trade secret to any person not authorized to receive it shall be guilty of a Class J-I felony, and if knowingly or negligently disclosed to any person not authorized, shall be subject to civil action for damages and injunction by the owner of the hazardous substance trade secret, including, without limitation, actions under Article 24 of Chapter 66 of the General Statutes."

## —FORGING OR COUNTERFEITING REVENUE STAMPS

Sec. 1291. G.S. 105-113.34 reads as rewritten:

### “§ 105-113.34. Forging or counterfeiting revenue stamps.

Any person who falsely or fraudulently makes, forges, alters or counterfeits, or causes or procures to be falsely or fraudulently made, forged, altered or counterfeited, any stamps prepared or prescribed by the Secretary under the authority of this Article, or who knowingly and wilfully utters, publishes, passes or tenders as true, any such false, altered, forged or counterfeited stamps for the purpose of evading the tax levied by this Article, shall be guilty of a Class I felony, and upon conviction thereof shall be fined which may include a fine not more than two thousand dollars (\$2,000) or imprisoned in the State prison for a term of not more than five years, or both, in the discretion of the court. (\$2,000).

If any person secures, manufactures or causes to be secured, or manufactured, or has in his possession any stamp or any counterfeit impression device not prescribed or

authorized by the Secretary, such person shall be guilty of a ~~felony and subject to the punishment above provided for in the first paragraph of this section. Class I felony.~~

## —PENALTIES FOR TAX LAW VIOLATIONS

Sec. 1292. G.S. 105-236(7) reads as rewritten:

"(7) Attempt to Evade or Defeat Tax. – Any person who willfully attempts, or any person who aids or abets any person to attempt in any manner to evade or defeat any tax imposed by this Subchapter of the General Statutes, or the payment thereof, shall, in addition to other penalties provided by law, be guilty of a Class I felony ~~punishable by imprisonment up to five years, which may include~~ a fine up to twenty-five thousand dollars ~~(\$25,000), or both. (\$25,000)~~.

Sec. 1293. G.S. 105-236(9a) reads as rewritten:

"(9a) Aid or Assistance. – Any person, pursuant to or in connection with the revenue laws, who willfully aids, assists in, procures, counsels, or advises the preparation, presentation, or filing of a return, affidavit, claim, or any other document that he knows is fraudulent or false as to any material matter, whether or not the falsity or fraud is with the knowledge or consent of the person authorized or required to present or file the return, affidavit, claim, or other document, shall be guilty of a Class ~~J-I~~ felony ~~punishable by imprisonment up to three years, which may include~~ a fine up to ten thousand dollars ~~(\$10,000), or both. (\$10,000)~~.

## —DENIAL, REVOCATION, AND SUSPENSION OF LICENSE

Sec. 1294. G.S. 106-145.6(b) reads as rewritten:

"(b) Criminal Sanctions. – It is unlawful to engage in wholesale distribution in this State without a wholesale distributor license or to violate any other provision of this Article. A person who violates this Article commits a Class H felony ~~and is punishable in accordance with G.S. 14-1.1~~. A fine imposed for a violation of this Article may not exceed two hundred fifty thousand dollars (\$250,000)."

## —SALE OF TUBERCULAR ANIMAL A FELONY

Sec. 1295. G.S. 106-350 reads as rewritten:

### “§ 106-350. Sale of tubercular animal a felony.

Any person or persons who shall willfully and knowingly sell or otherwise dispose of any animal or animals known to be affected with tuberculosis without permission as provided for in G.S. 106-338 shall be guilty of a ~~felony, and punishable by imprisonment of not less than one year or not more than five years in the State prison. Class I felony.~~

## —DAMAGING DIPPING VATS A FELONY

Sec. 1296. G.S. 106-363 reads as rewritten:

### “§ 106-363. Damaging dipping vats a felony.

Any person or persons who shall willfully damage or destroy by any means any vat erected, or in the process of being erected, as provided for tick eradication, shall be guilty of a ~~felony and upon conviction shall be imprisoned not less than two years nor more than 10 years in the State prison. Class H felony.~~

## —ISSUANCE OF FALSE COMMODITY RECEIPT A FELONY

Sec. 1297. G.S. 106-443 reads as rewritten:

### "§ 106-443. Issuance of false receipt a felony; punishment.

The manager of any warehouse, or any agent, employee, or servant, who issues or aids in issuing a receipt for cotton or other agricultural commodity without knowing that such cotton or other agricultural commodity has actually been placed in the warehouse under the control of the manager thereof shall be guilty of a Class I felony, ~~and upon conviction be punished for each offense by imprisonment in the State penitentiary for a period of not less than one or more than five years, or by which may include~~ a fine not exceeding 10 times the market value of the cotton or other agricultural commodity thus represented as having been stored."

## —INSPECTION OF PACKING PLANT; BRIBERY

Sec. 1298. G.S. 106-549.26 reads as rewritten:

### "§ 106-549.26. Inspection of establishment; bribery of or malfeasance of inspector.

The Commissioner or his authorized representative shall appoint from time to time inspectors to make examination and inspection of all cattle, sheep, swine, goats, fallow deer, horses, mules, and other equines the inspection of which is hereby provided for, and of all carcasses and parts thereof, and of all meats and meat food products thereof, and of the sanitary conditions of all establishments in which such meat and meat food products hereinbefore described are prepared; and said inspectors shall refuse to stamp, mark, tag or label any carcass or any part thereof, or meat food product therefrom, prepared in any establishment hereinbefore mentioned, until the same shall have actually been inspected and found to be not adulterated; and shall perform such other duties as are provided by this and the subsequent Article and by the rules and regulations to be prescribed by said Board and said Board shall, from time to time, make such rules and regulations as are necessary for the efficient execution of the provisions of this and the subsequent Article, and all inspections and examinations made under this Article shall be such and made in such manner as described in the rules and regulations prescribed by said Board not inconsistent with the provisions of this Article and as directed by the Commissioner or his authorized representative. Any person, firm, or corporation, or any agent or employee of any person, firm, or corporation, who shall give, pay, or offer, directly or indirectly, to any inspector, or any other officer or employee of this State authorized to perform any of the duties prescribed by this and the subsequent Article or by the rules and regulations of the Board or by the Commissioner or his authorized representative any money or other thing of value, with intent to influence said inspector, or other officer or employee of this State in the discharge of any duty herein provided for, shall be deemed guilty of a Class I felony ~~and, upon conviction thereof, shall be punished by which may include~~ a fine not less than five hundred dollars (\$500.00) nor more than ten thousand dollars (\$10,000) ~~and by imprisonment for not less than one year nor more than three years; (\$10,000); and any inspector, or other officer or employee of this State authorized to perform any of the duties prescribed by this Article who shall accept any money, gift, or other thing of value from any person, firm, or corporation, or officers, agents, or employees thereof, given with intent to influence his official action, or who shall~~

receive or accept from any person, firm, or corporation engaged in intrastate commerce any gift, money, or other thing of value given with any purpose or intent whatsoever, shall be deemed guilty of a Class I felony and shall, upon conviction thereof, be summarily discharged from office and ~~shall~~may be punished by a fine not less than five hundred dollars (\$500.00) nor more than ten thousand dollars (\$10,000) ~~and by imprisonment for not less than one year nor more than three years. (\$10,000.)~~"

#### **—FRAUDULENT MISREPRESENTATION**

Sec. 1299. G.S. 108A-53(a) reads as rewritten:

"(a) Any person, whether provider or recipient or person representing himself as such, who knowingly obtains or attempts to obtain, or aids or abets any person to obtain by means of making a willfully false statement or representation or by impersonation or by failing to disclose material facts or in any manner not authorized by this Part or the regulations issued pursuant thereto, transfers with intent to defraud any food stamps or authorization cards to which he is not entitled in the amount of two thousand dollars (\$2,000) or less shall be guilty of a misdemeanor. Whoever knowingly obtains or attempts to obtain, or aids or abets any person to obtain by means of making a willfully false statement or representation or by impersonation or by failing to disclose material facts or in any manner not authorized by this Part or the regulations issued pursuant thereto, transfers with intent to defraud any food stamps or authorization cards to which he is not entitled in an amount more than two thousand dollars (\$2,000) shall be guilty of a ~~felony and shall be punished as in cases of larceny.~~ Class I felony."

#### **—PROTECTION OF PATIENT PROPERTY**

Sec. 1300. G.S. 108A-60(b) reads as rewritten:

"(b) A violation of subdivision (a)(1) of this section shall be a misdemeanor punishable by a fine of not more than two thousand dollars (\$2,000) or imprisonment for not more than two years, or both, in the discretion of the court. A violation of subdivision (a)(2) of this section shall be a Class I-H felony."

#### **—TAKING POLLUTED SHELLFISH**

Sec. 1301. G.S. 113-209(d) reads as rewritten:

"(d) Any person violating any provisions of this section shall be guilty of a Class I felony ~~and upon conviction shall, at a minimum, be fined which may include a fine no less than two thousand five hundred dollars (\$2,500) or be imprisoned for no less than one year. A second or subsequent conviction under this section within two years of a preceding conviction shall be punished by imprisonment for no less than three years. (\$2,500)~~ Upon conviction of any person for a violation of this section, the court shall order the confiscation of all weapons, equipment, vessels, vehicles, conveyances, fish, and other evidence, fruit, and instrumentalities of the offense. The confiscated property shall be disposed of in accordance with G.S. 113-137."

#### **—BRIBERY, ETC**

Sec. 1302. G.S. 120-86(e) reads as rewritten:

"(e) Violation of subsection (a) or (b) is a Class I-F felony. Violation of subsection (c) is not a crime but is punishable under G.S. 120-103."

#### **—CRIMINAL VIOLATION OF HAZARDOUS WASTE LAW**

Sec. 1303. G.S. 130A-26.1(f) reads as rewritten:

"(f) Any person who knowingly and willfully does any of the following shall be guilty of a Class I felony, ~~punishable by which may include~~ a fine not to exceed one hundred thousand dollars (\$100,000) per day of violation, provided that this fine shall not exceed a cumulative total of five hundred thousand dollars (\$500,000) for each period of 30 days during which a violation ~~continues, or by imprisonment not to exceed five years, or by both: continues~~:

- (1) Transports or causes to be transported any hazardous waste identified or listed under G.S. 130A-294(c) to a facility which does not have a permit or interim status under G.S. 130A-294(c) or 42 U.S.C. § 6921, **et seq.**
- (2) Transports or causes to be transported such hazardous waste with the intent of delivery to a facility without a permit.
- (3) Treats, stores, or disposes of such hazardous waste without a permit or interim status under G.S. 130A-294(c) or 42 U.S.C. § 6921, **et seq.**, or in knowing violation of any material condition or requirement or such permit or applicable interim status rules."

Sec. 1304. G.S. 130A-26.1(g) reads as rewritten:

"(g) Any person who knowingly and willfully does any of the following shall be guilty of a Class ~~J-I~~ felony, ~~punishable by which may include~~ a fine not to exceed one hundred thousand dollars (\$100,000) per day of violation, provided that the fine shall not exceed a cumulative total of five hundred thousand dollars (\$500,000) for each period of 30 days during which a violation ~~continues, or by imprisonment not to exceed three years, or by both: continues~~:

- (1) Transports or causes to be transported hazardous waste without a manifest as required under G.S. 130A-294(c).
- (2) Transports hazardous waste without a United States Environmental Protection Agency identification number as required by rules promulgated under G.S. 130A-294(c).
- (3) Omits material information or makes any false material statement or representation in any application, label, manifest, record, report, permit, or other document filed, maintained, or used for purposes of compliance with rules promulgated under G.S. 130A-294(c).
- (4) Generates, stores, treats, transports, disposes of, exports, or otherwise handles any hazardous waste or any used oil burned for energy recovery and who knowingly destroys, alters, conceals, or fails to file any record, application, manifest, report, or other document required to be maintained or filed for purposes of compliance with rules promulgated under G.S. 130A-294(c)."

Sec. 1305. G.S. 130A-26.1(i)(1) reads as rewritten:

"(1) Any person who knowingly transports, treats, stores, disposes of, or exports any hazardous waste or used oil regulated under G.S. 130A-294(c) in violation of subsection (f) or (g) of this section, who knows at the time that he thereby places another person in imminent danger of death or personal bodily injury shall be guilty of a Class ~~H-C~~ felony

~~punishable by imprisonment not to exceed 10 years or by which may include a fine not to exceed two hundred fifty thousand dollars (\$250,000) per day of violation, provided that this fine shall not exceed a cumulative total of one million dollars (\$1,000,000) for each period of 30 days during which a violation continues, or by both, in the discretion of the court.~~continues."

## —CERTAIN VACCINE DIVERSIONS MADE FELONY

Sec. 1306. G.S. 130A-431 reads as rewritten:

### **"§ 130A-431. Certain vaccine diversions made felony.**

Any person who (i) receives a vaccine designated by the manufacturer for use in the State, (ii) directly or indirectly diverts the vaccine to a location outside the State, and (iii) directly or indirectly profits as a result of this diversion, is guilty of a Class ~~J~~I felony, ~~punishable by imprisonment up to three years, or a fine, or both.~~I felony. The fine shall be twenty-five dollars (\$25.00) per dose of the diverted vaccine or one hundred thousand dollars (\$100,000), whichever is less. A health care professional convicted of a ~~Class J~~Class I felony pursuant to this section who is found by the court to have diverted more than 300 doses of covered vaccine shall have his license suspended for one year."

## —BID-RIGGING

Sec. 1307. G.S. 133-31 reads as rewritten:

### **"§ 133-31. Perjury; punishment.**

Any person who shall willfully commit perjury in any affidavit taken pursuant to this Article or rules pursuant thereto shall be guilty of a felony and shall be punished as a Class ~~H~~I felon."

## —MALFEASANCE OF OFFICERS AND EMPLOYEES OF DOT

Sec. 1308. G.S. 136-13(c) reads as rewritten:

"(c) The violation of any of the provisions of this section shall be cause for forfeiture of public office and shall be a Class H felony ~~punishable by which may include~~ a fine of not more than twenty thousand dollars (\$20,000) or three times the monetary equivalent of the thing of value whichever is ~~greater, or imprisonment of not more than 10 years, or both such fine and imprisonment greater.~~"

## —DOT CONFLICT OF INTEREST REGULATIONS

Sec. 1309. G.S. 136-14 reads as rewritten:

### **"§ 136-14. Members not eligible for other employment with Department; no sales to Department by employees; members not to sell or trade property with Department; profiting from official position.**

No member of the Board of Transportation shall be eligible to any other employment in connection with the Department of Transportation, and no member of the Board of Transportation or any salaried employee of the Department of Transportation shall furnish or sell any supplies or materials, directly or indirectly, to the Department of Transportation, nor shall any member of the Board of Transportation, directly or indirectly, engage in any transaction involving the sale of or trading of real or personal property with the Department of Transportation, or profit in any manner by reason of his official action or his official position, except to receive such salary, fees

and allowances as by law provided. Violation of this section shall be a Class I felony ~~punishable by which may include a fine of not more than twenty thousand dollars (\$20,000), or three times the value of the transaction, or by both fine and imprisonment.~~ ~~transaction."~~

#### **—NO BID COLLUSION**

Sec. 1310. G.S. 143-54 reads as rewritten:

#### **"§ 143-54. Certification that bids were submitted without collusion.**

The Director of Administration shall require bidders to certify that each bid is submitted competitively and without collusion. False certification ~~shall be punishable as in cases of perjury. is a Class I felony.~~

#### **—DOA/ABC CONFLICT OF INTEREST REGULATIONS**

Sec. 1311. G.S. 143-63 reads as rewritten:

#### **"§ 143-63. Financial interest of officers in sources of supply; acceptance of bribes.**

Neither the Secretary of Administration, nor any assistant of his, nor any member of the Advisory Budget Commission shall be financially interested, or have any personal beneficial interest, either directly or indirectly, in the purchase of, or contract for, any materials, equipment or supplies, nor in any firm, corporation, partnership or association furnishing any such supplies, materials or equipment to the State government, or any of its departments, institutions or agencies, nor shall such Secretary, assistant, or member of the Commission accept or receive, directly or indirectly, from any person, firm or corporation to whom any contract may be awarded, by rebate, gifts or otherwise, any money or anything of value whatsoever, or any promise, obligation or contract for future reward or compensation. Any violation of this section shall be deemed a ~~felony and shall be punishable by fine or imprisonment, or both. Class F felony.~~ Upon conviction thereof, any such Secretary, assistant or member of the Commission shall be removed from office."

#### **—PROHIBITED DISPOSAL OF MEDICAL WASTE**

Sec. 1312. G.S. 143-214.2A(c)(2) reads as rewritten:

"(2) A person who willfully violates this section and in so doing releases medical waste that creates a substantial risk of physical injury to any person who is not a participant in the offense is guilty of a ~~Class I-F~~ ~~felony punishable by imprisonment, which may include a fine not to exceed fifty thousand dollars (\$50,000) per day of violation, or both in the discretion of the court.~~ ~~violation."~~

#### **—WATER QUALITY: CRIMINAL PENALTIES**

Sec. 1313. G.S. 143-215.6B(g) reads as rewritten:

"(g) Any person who knowingly and willfully violates any (i) classification, standard, or limitation established in rules adopted by the Commission pursuant to G.S. 143-214.1, 143-214.2, or 143-215; (ii) term, condition, or requirement of a permit issued pursuant to this Part, including permits issued pursuant to G.S. 143-215.1, pretreatment permits issued by local governments, and laboratory certifications; or (iii) term, condition, or requirement of a special order or other appropriate document issued pursuant to G.S. 143-215.2; and any person who knowingly and willfully fails to apply for or to secure a permit required by G.S. 143-215.1 shall be guilty of a ~~Class I~~ ~~felony,~~

~~punishable by which may include~~ a fine not to exceed one hundred thousand dollars (\$100,000) per day of violation, provided that this fine shall not exceed a cumulative total of five hundred thousand dollars (\$500,000) for each period of 30 days during which a violation ~~continues, or by imprisonment not to exceed three years, or by both continues.~~ For the purposes of this subsection, the phrase 'knowingly and willfully' shall mean intentionally and consciously as the courts of this State, according to the principles of common law interpret the phrase in the light of reason and experience."

Sec. 1314. G.S. 143-215.6B(h)(1) reads as rewritten:

"(1) Any person who knowingly violates any: (i) classification, standard, or limitation established in rules adopted by the Commission pursuant to G.S. 143-214.1, 143-214.2, 143-215; (ii) term, condition, or requirement of a permit issued pursuant to this Part, including permits issued pursuant to G.S. 143-215.1, pretreatment permits issued by local governments, and laboratory certifications; or (iii) term, condition, or requirement of a special order or other appropriate document issued pursuant to G.S. 143-215.2; and any person who knowingly fails to apply for or to secure a permit required by G.S. 143-215.1 and who knows at that time that he thereby places another person in imminent danger of death or serious bodily injury shall be guilty of a Class ~~H-C~~ felony, ~~punishable by which may include~~ a fine not to exceed two hundred fifty thousand dollars (\$250,000) per day of violation, provided that this fine shall not exceed a cumulative total of one million dollars (\$1,000,000) for each period of 30 days during which a violation ~~continues, or by imprisonment not to exceed 10 years, or by both continues.~~"

Sec. 1315. G.S. 143-215.6B(j) is repealed.

#### **--HAZARDOUS SUBSTANCES: CRIMINAL PENALTIES**

Sec. 1316. G.S. 143-215.88B(e) reads as rewritten:

"(e) Any person who knowingly and willfully discharges or causes or permits the discharge of oil or other hazardous substances in violation of this Part shall be guilty of a Class ~~J-H~~ felony ~~punishable by imprisonment not to exceed three years or by which may include~~ a fine to be not more than one hundred thousand dollars (\$100,000) per day of violation, provided that this fine shall not exceed a cumulative total of five hundred thousand dollars (\$500,000) for each period of 30 days during which a violation ~~continues, or by both, in the discretion of the court continues.~~ For the purposes of this subsection, the phrase 'knowingly and willfully' shall mean intentionally and consciously as the courts of this State, according to the principles of common law interpret the phrase in the light of reason and experience."

Sec. 1317. G.S. 143-215.88B(f)(1) reads as rewritten:

"(1) Any person who knowingly discharges or causes or permits the discharge of oil or other hazardous substances in violation of this Part, and who knows at that time that he places another person in imminent danger of death or serious bodily injury shall be guilty of a Class ~~H-C~~ felony ~~punishable by imprisonment not to exceed 10 years or by which~~

may include a fine not to exceed two hundred fifty thousand dollars (\$250,000) per day of violation, provided that this fine shall not exceed a cumulative total of one million dollars (\$1,000,000) for each period of 30 days during which a violation continues, or by both, in the discretion of the court.continues."

## —AIR QUALITY: CRIMINAL PENALTIES

Sec. 1318. G.S. 143-215.114B(g) reads as rewritten:

"(g) Any person who knowingly and willfully violates any classification, standard, or limitation established in the rules of the Commission pursuant to G.S. 143-215.107 or any term, condition, or requirement of a permit issued pursuant to G.S. 143-215.108 or of a special order or other appropriate document issued pursuant to G.S. 143-215.110, shall be guilty of a Class ~~J-H~~ felony, punishable by which may include a fine not to exceed one hundred thousand dollars (\$100,000) per day of violation, provided that this fine shall not exceed a cumulative total of five hundred thousand dollars (\$500,000) for each period of 30 days during which a violation continues, or by imprisonment not to exceed three years, or by both. continues. For the purposes of this subsection, the phrase 'knowingly and willfully' shall mean intentionally and consciously as the courts of this State, according to the principles of common law, interpret the phrase in the light of reason and experience."

Sec. 1319. G.S. 143-215.114B(h)(1) reads as rewritten:

"(1) Any person who knowingly violates any classification, standard, or limitation established in the rules of the Commission pursuant to G.S. 143-215.107 or any term, condition, or requirement of a permit issued pursuant to G.S. 143-215.108 or of a special order or other appropriate document issued pursuant to G.S. 143-215.110 and who knows at that time that he thereby places another person in imminent danger of death or serious bodily injury shall be guilty of a Class ~~H-C~~ felony, punishable by which may include a fine not to exceed two hundred fifty thousand dollars (\$250,000) per day of violation, provided that this fine shall not exceed a cumulative total of one million dollars (\$1,000,000) for each period of 30 days during which a violation continues, or by imprisonment not to exceed 10 years or by both. continues."

Sec. 1320. G.S. 143-215.114B(j) is repealed.

## —ESCAPING FROM PRISON

Sec. 1321. G.S. 148-45(a) reads as rewritten:

"(a) Any person in the custody of the Department of Correction in any of the classifications hereinafter set forth who shall escape ~~or attempt to escape~~ from the State prison system, shall for the first such offense, except as provided in subsection (g) of this section, be guilty of a ~~misdemeanor and, upon conviction thereof, shall be punished by imprisonment for not less than three months nor more than one year.~~ Class I felony:

(1) A prisoner serving a sentence imposed upon conviction of a misdemeanor;

- (2) A person who has been charged with a misdemeanor and who has been committed to the custody of the Department of Correction under the provisions of G.S. 162-39;
- (3) Repealed by Session Laws 1985, c. 226, s. 4, effective May 23, 1985.
- (4) A person who shall have been convicted of a misdemeanor and who shall have been committed to the Department of Correction for presentence diagnostic study under the provisions of G.S. 15A-1332(c)."

Sec. 1322. G.S. 148-45(b) reads as rewritten:

"(b) Any person in the custody of the Department of Correction, in any of the classifications hereinafter set forth, who shall escape ~~or attempt to escape~~ from the State prison system, shall, except as provided in subsection (g) of this section, be punished as a Class ~~J-I~~ felon.

- (1) A prisoner serving a sentence imposed upon conviction of a felony;
- (2) A person who has been charged with a felony and who has been committed to the custody of the Department of Correction under the provisions of G.S. 162-39;
- (3) Repealed by Session Laws 1985, c. 226, s. 5, effective May 23, 1985.
- (4) A person who shall have been convicted of a felony and who shall have been committed to the Department of Correction for presentence diagnostic study under the provisions of G.S. 15A-1332(c); or
- (5) Any person previously convicted of escaping or attempting to escape from the State prison system."

#### —INFLICTION OF SELF-INJURY TO PRISONER

Sec. 1323. G.S. 148-46.1 reads as rewritten:

**"§ 148-46.1. Inflicting or assisting in infliction of self injury to prisoner resulting in incapacity to perform assigned duties.**

Any person serving a sentence or sentences within the State prison system who, during the term of such imprisonment, willfully and intentionally inflicts upon himself any injury resulting in a permanent or temporary incapacity to perform work or duties assigned to him by the State Department of Correction, or any prisoner who aids or abets any other prisoner in the commission of such offense, shall be punished as a Class ~~H-I~~ felon."

#### —ABSENTEE BALLOT LAW

Sec. 1324. G.S. 163-237(c) reads as rewritten:

"(c) Fraud in Connection with Absentee Vote; Forgery. — Any person attempting to aid and abet fraud in connection with any absentee vote cast or to be cast, under the provisions of this Article, shall be guilty of a misdemeanor. Any person attempting Attempting to vote by fraudulently signing the name of a regularly qualified voter shall be guilty of forgery, and be punished accordingly. is a Class I felony."

#### —CAMPAIGN FINANCE

Sec. 1325. G.S. 163-278.53 reads as rewritten:

**"§ 163-278.53. Criminal punishment.**

Any individual, person, candidate, political committee, or treasurer who willfully and intentionally violates any of the provisions of this Article, shall be guilty of a Class H-I felony."

Sec. 1358.1. G.S. 90-95(d)(2) reads as rewritten:

**"§ 90-95. Violations; penalties.**

(2) A controlled substance classified in Schedule II, III, or IV shall be guilty of a misdemeanor and shall be sentenced to a term of imprisonment of not more than two years or fined not more than two thousand dollars (\$2,000), or both in the discretion of the court. If the controlled substance exceeds four tablets, capsules, or other dosage units or equivalent quantity of hydromorphone or if the quantity of the controlled substance, or combination of the controlled substances, exceeds one hundred tablets, capsules or other dosage units, or equivalent quantity, the violation shall be punishable as a Class I felony. If the controlled substance is phenacylidine, or one gram or more of cocaine and any salt, isomer, salts of isomers, compound, derivative, or preparation thereof, or coca leaves and any salt, isomer, salts of isomers, compound, derivative, or preparation of coca leaves, or any salt, isomer, salts of isomers, compound, derivative or preparation thereof which is chemically equivalent or identical with any of these substances (except decocanized coca leaves or any extraction of coca leaves which does not contain cocaine or ecgonine), the violation shall be punishable as a Class I felony. If the controlled substance is phenacylidine, the violation shall be punishable as a Class I felony."

Sec. 1358.2. G.S. 14-42 and G.S. 14-67 are repealed.

Sec. 1359. This act becomes effective January 1, 1995, and applies to offenses occurring on or after that date. Prosecutions for offenses committed before the effective date of this act are not abated or affected by this act, and the statutes that would be applicable but for this act remain applicable to those prosecutions.

In the General Assembly read three times and ratified this the 24th day of July, 1993.

---

Marc Basnight  
President Pro Tempore of the Senate

---

Daniel Blue, Jr.  
Speaker of the House of Representatives