

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005**

**SESSION LAW 2005-164
HOUSE BILL 1430**

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

The General Assembly of North Carolina enacts:

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

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

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

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

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

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

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

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

(3) Relating to seasons, bag limits, creel limits, taking fish other than with hook and line, buying or selling wildlife, possessing or transporting live wildlife, taking wildlife at night or with the aid of a conveyance, or falconry."

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

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

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

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

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

In the General Assembly read three times and ratified this the 30th day of June, 2005.

s/ Marc Basnight
President Pro Tempore of the Senate

s/ James B. Black
Speaker of the House of Representatives

s/ Michael F. Easley
Governor

Approved 11:52 a.m. this 7th day of July, 2005