

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005**

**SESSION LAW 2005-438
HOUSE BILL 1277**

AN ACT TO AMEND THE LICENSURE AND EDUCATION REQUIREMENTS FOR PERSONS UNDER SIXTEEN YEARS OF AGE AND TO CHANGE THE FEE CHARGED TO PARTICIPANTS IN THE DISABLED SPORTSMAN PROGRAM AND ALLOW MORE FLEXIBILITY IN THE SCHEDULING OF ACTIVITIES REQUIRED UNDER THAT PROGRAM.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 113-270.1A reads as rewritten:

"§ 113-270.1A. Hunter safety course required.

(a) Except as provided in ~~subsection~~ subsections (a1) and (d) of this section, on or after July 1, 1991, a person, regardless of age, may not procure a hunting license ~~or hunt~~ in this State without producing a certificate of competency or a hunting license issued prior to July 1, 1991, or signing a statement on a form provided by the Wildlife Resources Commission that he had such a license.

(a1) A person who qualifies for a totally disabled resident combination hunting-fishing license under ~~G.S. 113-270.1C(b)(3)~~ G.S. 113-270.1C(b)(4) need not comply with the requirements of subsection (a) of this section in order to receive that license, so long as the person does not make use of the license unless:

- (1) The ~~person~~ disabled hunter is accompanied by an adult ~~of at least 21 years of age~~ who is licensed to hunt; and
- (2) The licensed adult hunter maintains a proximity to the disabled hunter which enables the adult to ~~take immediate control of the hunting device~~ monitor the activities of, and communicate with, the disabled hunter at all times.

(b) The Wildlife Resources Commission shall institute and coordinate a statewide course of instruction in hunter ethics, wildlife laws and regulations, and competency and safety in the handling of firearms, and in so doing, may cooperate with any political subdivision, or with any reputable organization having as one of its objectives the promotion of competency and safety in the handling of firearms, including local rod and gun clubs.

- (1) The Wildlife Resources Commission shall designate those persons or agencies authorized to give the course of instruction, and this designation shall be valid until revoked by the Commission. Those designated persons shall submit to the Wildlife Resources Commission validated listings naming all persons who have successfully completed the course of instruction.

- (2) The Wildlife Resources Commission may conduct the course in hunter safety, using Commission personnel or other persons at times and in areas where other competent agencies are unable or unwilling to meet the demand for instruction.
- (3) The Wildlife Resources Commission shall issue a certificate of competency and safety to each person who successfully completes the course of instruction, and the certificate shall be valid until revoked by the Commission.
- (4) Any similar certificate issued outside the State by a governmental agency, shall be accepted as complying with the requirements of subsection (a) above, if the privileges are reciprocal for North Carolina residents.
- (5) The Wildlife Resources Commission shall adopt rules and regulations to provide for the course of instruction and the issuance of the certificates consistent with the purpose of this section.

(c) On or after July 1, 1991, any person who obtains a hunting license by presenting a fictitious certificate of competency or who attempts to obtain a certificate of competency or hunting license through fraud shall have his hunting privileges revoked by the Wildlife Resources Commission for a period not to exceed one year.

(d) ~~Nothing in this section shall be construed to prohibit the sale of~~ Notwithstanding the provisions of subsection (a) of this section, the lifetime licenses as provided for in G.S. 113-270.1D(b) or G.S. 113-270.2(e)(2). G.S. 113-270.1D(b)(1), (2), and (3) and G.S. 113-270.2(c)(2) may be purchased by or in the name of persons who have not obtained a hunter safety certificate of competency, subject to the requirements of this subsection. Pending satisfactory completion of the hunter safety course, persons who possess ~~such licenses~~ one of the lifetime licenses specified in this subsection may exercise the privileges ~~thereof~~ of the lifetime license only when accompanied by an adult ~~at least 21 years of age~~ who is licensed to hunt in this State. For the purpose of this section, "accompanied" ~~is defined as being able to take immediate control of the hunting device.~~ means that the adult maintains a proximity that enables the adult to monitor the activities of, and communicate with, the young hunter at all times."

SECTION 2. G.S. 113-276(d) reads as rewritten:

"(d) Except as otherwise provided in this Subchapter, individuals under 16 years of age are exempt from the hunting and trapping license requirements of G.S. 113-270.1B(a) and G.S. 113-270.3(a), except the falconry license described in ~~G.S. 113-270.3(b)(4), and the fishing license requirement of G.S. 113-272, if:~~

- (1) ~~He is accompanied by a responsible adult who is in compliance with applicable license requirements; or~~
- (2) ~~He is carrying a current and valid license appropriate to the activity which has been issued to one of his parents or to his guardian.~~

G.S. 113-270.3(b)(4). Individuals under 16 may hunt under this exemption, provided that the young hunter is accompanied by an adult who is licensed to hunt in this State. For purposes of this section, "accompanied" means that the licensed adult maintains a

proximity that enables the adult to monitor the activities of, and communicate with, the young hunter at all times. Upon successfully obtaining the hunter safety certificate of competency required by G.S. 113-270.1A(a), a young hunter may hunt under the license exemption until age 16 without adult accompaniment. Individuals under 16 years of age are exempt from the fishing license requirements of G.S. 113-270.1B, G.S. 113-270.1B(a), 113-272, and G.S. 113-271."

SECTION 3. G.S. 113-296 reads as rewritten:

"§ 113-296. Disabled Sportsman Program.

(a) The Disabled Sportsman Program is established, to be developed and administered by the Wildlife Resources Commission. The Disabled Sportsman Program shall consist of special hunting and fishing activities adapted to the needs of persons with the disabilities described in subsection (b) of this section.

(b) In order to be eligible for participation in the Disabled Sportsman Program established by this section, a person must be able to certify through competent medical evidence one of the following disabilities:

- (1) Amputation of one or more limbs;
- (2) Paralysis of one or more limbs;
- (3) Dysfunction of one or more limbs rendering the person unable to perform the tasks of grasping and lifting with the hands and arms or unable to walk without mechanical assistance, other than a cane;
- (4) Disease, injury, or defect confining the person to a wheelchair, walker, or crutches;
- (5) Legal deafness; or
- (6) Legal blindness, for purposes of participation in disabled fishing only.

The disability must be permanent, and a person loses eligibility to participate in the Disabled Sportsman Program when the specified disability ceases to exist.

(c) A person who qualifies under subsection (b) of this section may apply for participation in the Disabled Sportsman Program by completing an application supplied by the Wildlife Resources Commission and by supplying the medical evidence necessary to confirm the person's disability. In order to participate in activities under the Program, each disabled participant may be accompanied by an able-bodied companion, who may also participate in the hunting, fishing, or other activity. The Commission shall charge each disabled participant an annual application fee of ten dollars (\$10.00) five dollars (\$5.00) for each special hunt for disabled persons for which the disabled hunter applies not to exceed ten dollars (\$10.00) annually to defray the cost of processing the application and administering the special activities provided under the Program. The participant and the participant's companion shall also obtain any applicable hunting, fishing, or other special license required for the activities.

(d) In developing the Disabled Sportsman Program, the Wildlife Resources Commission shall:

- (1) Establish special seasons and bag limits for hunting all or selected species of wildlife;
- (2) Authorize the manner for taking wildlife, consistent with State law;

- (3) Permit the use of vehicles and other means of conveyance in areas normally closed to such use;
- (4) Set special fishing seasons and size and creel limits for inland fish; and
- (5) Permit the use of crossbows or other specially equipped bows by persons incapable of arm movement sufficient to operate a longbow, recurve bow, or compound bow, but only during a season for hunting with bow and arrow and only during a special hunt organized and supervised by the Wildlife Resources Commission for the Disabled Sportsman Program; and
- (6) Alter any other established rules of the Wildlife Resources Commission pertaining to hunting, fishing, or special activities, as generally applicable or as applicable to game lands, for the purpose of providing access to disabled persons participating in the Disabled Sportsman Program.

The Wildlife Resources Commission may use its game lands for purposes of conducting special activities for the Disabled Sportsman Program, and may enter into agreements with other landholders for purposes of conducting special activities on private lands.

(e) The Wildlife Resources Commission may establish special activities under the Disabled Sportsman Program for any class or classes of disability described in subsection (b) of this section. The Commission shall publicize these activities through the public media and in the Commission's publications to ensure that disabled persons are notified of the activities and informed about the application process.

(f) The Wildlife Resources Commission shall hold at least four special hunting activities under the Disabled Sportsman Program per calendar year, ~~at least two during the season for taking deer with bow and arrow, and at least two during the season for taking deer with guns.~~ year. The Commission shall alternate the location of these special activities so as to provide equal access to disabled persons in all regions of the State."

SECTION 4. This act becomes effective October 1, 2005.

In the General Assembly read three times and ratified this the 23rd day of August, 2005.

s/ Beverly E. Perdue
President of the Senate

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

s/ Michael F. Easley
Governor

Approved 3:04 p.m. this 27th day of September, 2005