

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

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HOUSE BILL 1430
Committee Substitute Favorable 5/9/05

Short Title: Obstructing Use of Boat Ramp.

(Public)

Sponsors:

Referred to:

April 21, 2005

A BILL TO BE ENTITLED

1 AN ACT TO LIMIT THE PENALTY FOR OBSTRUCTING A BOAT LAUNCHING
2 AREA.
3

4 The General Assembly of North Carolina enacts:

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

6 "**§ 113-135.1. Limitation upon penalty for offense created by rules of Wildlife
7 Resources Commission in certain instances.**

8 (a) To prevent unsuspecting members of the public from being subject to harsh
9 criminal penalties for offenses created by rules of the Wildlife Resources Commission,
10 the penalty for an offense which is solely a violation of rules of the Wildlife Resources
11 Commission is limited to a fine of ten dollars (\$10.00) except that offenses set out in
12 ~~Sections~~subsection (b) of this section are punished as set forth in G.S. 113-135 or other
13 ~~sections~~sections, and except that a person who parks a vehicle in violation of a rule
14 regulating the parking of vehicles at boating access or boating launch areas is
15 responsible for an infraction and shall pay a fine of fifty dollars (\$50.00).

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

- 17 (1) Punishable under G.S. 113-294 or otherwise involving aggravating
18 elements which result in a greater punishment than provided by
19 G.S. 113-135;
- 20 (2) Which involves a defendant subject to the collection-license provisions
21 of G.S. 113-272.4 or who is a dealer as defined in G.S. 113-273; or
- 22 (3) Relating to seasons, bag limits, creel limits, taking fish other than with
23 hook and line, buying or selling wildlife, possessing or transporting
24 live wildlife, taking wildlife at night or with the aid of a conveyance,
25 or falconry."

26 **SECTION 2.** G.S. 113-264 is amended by adding a new subsection to read:

27 "(e) Any wildlife protector or law enforcement officer of this State and its
28 subdivisions may have a vehicle parked at any Commission-owned or operated public
29 boating access area towed if such vehicle:

- 1 (1) Is parked in any area other than one designated for parking; or
2 (2) Is left by an individual for any purpose other than the launching or
3 retrieval of a vessel or while operating that vessel."

4 **SECTION 3.** This act becomes effective December 1, 2005.