

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001**

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**HOUSE BILL 402
Committee Substitute Favorable 4/24/01
Senate State and Local Government Committee Substitute Adopted 5/14/01
Senate/Agriculture/Environment/Natural Resources Committee Substitute
Adopted 8/8/01
Fifth Edition Engrossed 8/9/01**

Short Title: Bertie County Hunting.

(Local)

Sponsors:

Referred to:

March 1, 2001

A BILL TO BE ENTITLED

1
2 AN ACT TO REGULATE ROAD HUNTING, TO REGULATE HUNTING ON THE
3 LAND OF ANOTHER, TO PROHIBIT THE TAKING OF DEER FROM A BOAT
4 IN BERTIE COUNTY, AND TO REPEAL EXISTING BERTIE COUNTY
5 LOCAL ACTS INCONSISTENT WITH THESE LAWS.

6 The General Assembly of North Carolina enacts:

7 **SECTION 1.** It is unlawful to hunt, take, or kill any wild animal or wild
8 bird, or to attempt to hunt, take, or kill any wild animal or wild bird, with the use of a
9 firearm or bow and arrow, from, on, across, or over the roadway or right-of-way of any
10 public road, street, or highway.

11 **SECTION 2.** It is unlawful for any person to discharge a firearm or bow and
12 arrow from, on, across, or over the roadway of any public road, street, or highway; and
13 it is unlawful for any person to discharge a firearm or bow and arrow from, on, across,
14 or over the right-of-way of any public road, street, or highway, unless the person is the
15 owner or lessee of the land abutting the right-of-way.

16 **SECTION 3.** It is unlawful for any person to possess a firearm or bow and
17 arrow outside of the passenger compartment of a vehicle while on the roadway or
18 right-of-way of any public road, street, or highway unless the person is the owner or
19 lessee of the land abutting the right-of-way.

20 **SECTION 4.** It is unlawful to hunt or to possess a firearm or bow and arrow
21 on the land of another without the permission of the landowner or the landowner's
22 lessee.

23 **SECTION 5.** It is unlawful to take deer from any vessel in the Roanoke
24 River above the U.S. Highway 17 bridge, whether the vessel is under power or not,
25 except that a vessel may be used for transportation to and from otherwise lawful hunting

1 stands upon land owned or leased by a person or upon which a person has written
2 permission to hunt.

3 **SECTION 6.** Violations of Sections 1 through 5 of this act are Class 3
4 misdemeanors.

5 **SECTION 7.** This act is enforceable by law enforcement officers of the
6 Wildlife Resources Commission, by sheriffs and deputy sheriffs, and by peace officers
7 with general subject matter jurisdiction.

8 **SECTION 8.** Section 4 of Chapter 1376 of the 1955 Session Laws reads as
9 rewritten:

10 "Sec. 4. The provisions of this Act shall not apply to any land in Halifax County
11 beginning at the water edge on the southern side of the Roanoke ~~River~~. River or to any
12 land in Bertie County beginning at the water edge on the northern side of the Roanoke
13 River."

14 **SECTION 9.** Section 1 of Chapter 252 of the 1963 Session Laws reads as
15 rewritten:

16 "Sec. 1. It shall be unlawful for any person to discharge any rifle having a bore
17 larger than .22 caliber or any center fire rifle, on or from the right-of-way of any public
18 highway, roadway or other publicly maintained thoroughfare in Hertford ~~or Bertie~~
19 ~~Counties~~, County or from any vehicle, whether moving or standing, upon the
20 right-of-way of said roads."

21 **SECTION 10.** Section 3 of Chapter 252 of the 1963 Session Laws reads as
22 rewritten:

23 "Sec. 3. The prohibitions of this Act shall not apply to enforcement officers on the
24 performance of official duties, and shall not prohibit the use of shotguns. This Act shall
25 apply to the ~~Counties~~ County of Hertford ~~and Bertie~~ only."

26 **SECTION 11.** Section 5 of Chapter 1333 of the 1973 Session Laws reads as
27 rewritten:

28 "Sec. 5. This act shall apply only to the counties of ~~Bertie~~, Durham, Hertford, Gates
29 and Pasquotank."

30 **SECTION 12.** Chapters 287 and 289 of the 1975 Session Laws are repealed.

31 **SECTION 13.** This act applies only to Bertie County.

32 **SECTION 14.** This act becomes effective October 1, 2001.