

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001**

**HOUSE BILL 768
RATIFIED BILL**

AN ACT TO MAKE VIOLATIONS OF CURRITUCK COUNTY BEACH DRIVING ORDINANCES ENFORCEABLE IN THE SAME MANNER AS STATE TRAFFIC STATUTES AND TO MAKE THE VIOLATION PROVISION OF THE ACT CONSISTENT WITH STRUCTURED SENTENCING.

The General Assembly of North Carolina enacts:

SECTION 1. Section 1 of Chapter 875 of the 1985 Session Laws, as amended by S.L. 1998-64, reads as rewritten:

"Section 1. Chapter 153A of the General Statutes is amended by adding a new section to read:

"§ 153A-139.1. Regulation of motor vehicles at beaches.

(a) A county 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 county on the foreshore, beach strand, and the barrier dune system. Violation of any ordinance adopted by the governing body pursuant to this section is a Class 2 misdemeanor, ~~misdemeanor, punishable by a fine of not more than five hundred dollars (\$500.00), or by imprisonment for not more than 30 days, or both in the discretion of the court.~~

(b) A county shall not prohibit the use of the specified vehicles from the foreshore, beach strand, and the barrier dune system by commercial fishermen for commercial activities. Commercial fishermen, however, shall abide by all other regulations or restrictions duly enacted by counties pursuant to this section.

(c) Notwithstanding G.S. 153A-122, a city may not take any action to limit the applicability of any ordinance adopted pursuant to this section on land within the county that is also within the city limits.

(d) For purposes of this section, a violation of any ordinances issued pursuant to subsection (a) of this section may be enforced in the same manner as a violation of a provision of Article 3 of Chapter 20 of the General Statutes."

SECTION 2. This act applies to Currituck County only.

SECTION 3. This act becomes effective October 1, 2001, and applies to offenses committed 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 23rd day of April, 2001.

Beverly E. Perdue
President of the Senate

James B. Black
Speaker of the House of Representatives