

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

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HOUSE BILL 755

Short Title: Amend Fox Laws. (Public)

Sponsors: Representative (Primary Sponsor).
For a complete list of Sponsors, see Bill Information on the NCGA Web Site.

Referred to: Agriculture.

April 7, 2011

1 A BILL TO BE ENTITLED
2 AN ACT TO PROVIDE THE WILDLIFE RESOURCES COMMISSION AUTHORITY TO
3 REGULATE THE TAKING OF FOXES AND COYOTES.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.(a)** G.S. 113-129(7a) is amended to read:

6 "(7a) Fur-bearing Animals. – Beaver, mink, muskrat, nutria, otter, skunk, and
7 weasel; coyote, gray fox, red fox, bobcat, opossum, and raccoon when
8 lawfully taken with traps."

9 **SECTION 1.(b)** G.S. 113-129(7c) is amended to read:

10 "(7c) Game Animals. – Bear, ~~fox~~, rabbit, squirrel, wild boar, white-tailed deer,
11 and, except when trapped in accordance with provisions relating to
12 fur-bearing animals, coyote, gray fox, red fox, bobcat, opossum, and
13 raccoon."

14 **SECTION 2.(a)** G.S. 113-291.1(b) reads as rewritten:

15 "(b) No wild animals or wild birds may be taken:

16 (1) From or with the use of any vehicle; vessel, other than one manually
17 propelled; airplane; or other conveyance except that the use of vehicles and
18 vessels is authorized:

19 a. As hunting stands, subject to the following limitations. No wild
20 animal or wild bird may be taken from any vessel under sail, under
21 power, or with the engine running or while still in motion from such
22 propulsion. No wild animal or wild bird may be taken from any
23 vehicle if it is in motion, the engine is running, or the passenger area
24 of the vehicle is occupied. The prohibition of occupying the
25 passenger area of a vehicle does not apply to a disabled individual
26 whose mobility is restricted.

27 b. For transportation incidental to the taking.

28 (2) With the use or aid of any artificial light, net, trap, snare, electronic or
29 recorded animal or bird call, or fire, except as may be otherwise provided by
30 statute[;] provided, however, that ~~erows~~crows, red foxes, gray foxes,
31 bobcats, and coyotes may be taken with the aid of electronic calling devices.
32 No wild birds may be taken with the use or aid of salt, grain, fruit, or other
33 bait. No black bear or wild boar may be taken with the use or aid of any salt,
34 salt lick, grain, fruit, honey, sugar-based material, animal parts or products,
35 or other bait, and no wild turkey may be taken from an area in which bait has



1 been placed until the expiration of 10 days after the bait has been consumed
2 or otherwise removed. The taking of wild animals and wild birds with
3 poisons, drugs, explosives, and electricity is governed by G.S. 113-261,
4 G.S. 113-262, and Article 22A of this Subchapter.

5 Upon finding that the placement of processed food products in areas
6 frequented by black bears is detrimental to the health of individual black
7 bears or is attracting and holding black bears in an area to the extent that the
8 natural pattern of movement and distribution of black bears is disrupted and
9 bears' vulnerability to mortality factors, including hunting, is increased to a
10 level that causes concern for the population, the Wildlife Resources
11 Commission may adopt rules to regulate, restrict, or prohibit the placement
12 of those products and prescribe time limits during which hunting is
13 prohibited in areas where those products have been placed.

14 Any person who is convicted of unlawfully taking bear or wild boar with
15 the use or aid of any type of bait as provided by this subsection or by rules
16 adopted pursuant to this subsection is punishable as provided by
17 G.S. 113-294(c1)."

18 **SECTION 2.(b)** G.S. 113-291.1(g) reads as rewritten:

19 "(g) The Wildlife Resources Commission may by rule prescribe the types of handguns
20 and handgun ammunition that may be used in taking ~~If a season is open permitting such method~~
21 ~~of taking for the species in question, a hunter may take~~ rabbits, squirrels, opossum, raccoons,
22 fur-bearing animals, bobcats, coyotes, gray foxes, red foxes, and nongame animals and birds
23 open to hunting. ~~hunting with a pistol of .22 caliber with a barrel not less than five and one half~~
24 ~~inches in length.~~ In addition, a hunter or trapper lawfully taking a wild animal or wild bird by
25 another lawful method may use a knife, pistol, or other swift method of killing the animal or
26 bird taken. The Wildlife Resources Commission may, however, restrict or prohibit the carrying
27 of firearms during special seasons or in special areas reserved for the taking of wildlife with
28 primitive weapons or other restricted methods."

29 **SECTION 3.** G.S. 113-291.4 reads as rewritten:

30 "**§ 113-291.4. Regulation of foxes; study of fox and fur-bearer populations.**

31 (a) All of the regulatory powers granted the Wildlife Resources Commission generally
32 with respect to game, fur-bearing animals, wild animals, and wildlife apply to ~~foxes-~~ foxes.
33 ~~unless there are specific overriding restrictions in this section.~~ To the extent that the Wildlife
34 Resources Commission rules for taking foxes conflict with any provisions of any local act, the
35 Wildlife Resources Commission rules prevail. The fact that a local act in conflict with the
36 Wildlife Resources Commission rules for taking foxes has not been specifically repealed does
37 not indicate an intent for the local act to prevail.

38 ~~(b) Except for any closed season under subsection (h), foxes may be taken with dogs~~
39 ~~both night and day on a year-round basis.~~

40 ~~(c) Foxes may not be taken with firearms except:~~

41 ~~(1) As provided in subsection (f) or (i) of this section or G.S. 113-291.4A(a).~~

42 ~~(2) As an incidental method of humanely killing them following any lawful~~
43 ~~method of taking that does not result in death.~~

44 ~~(3) When they are lawfully shot under laws and rules pertaining to the~~
45 ~~destruction of animals committing depredations to property.~~

46 ~~(d) Foxes may not be taken with the aid of any electronic calling device.~~

47 ~~(e) The Wildlife Resources Commission is directed to improve its capabilities for~~
48 ~~studying fox and fur bearer populations generally and, on the basis of its present knowledge~~
49 ~~and future studies, to implement management methods and impose controls designed to~~
50 ~~produce optimum fox and fur bearer populations in the various areas of the State.~~

1 (f) If, on the basis of its studies and other information available, the Wildlife Resources
2 Commission determines the population of foxes in an area is fully adequate to support a
3 harvesting of that population, the Wildlife Resources Commission may, upon passage of local
4 legislation permitting same, open a season for taking foxes by trapping. When the season is
5 open for trapping, foxes may also be taken by the use of methods lawful for taking game
6 animals, including the use of firearms. Any bag, possession, or season limits imposed on foxes
7 taken from the area in question will apply in the aggregate to all foxes killed without regard to
8 the method of taking.

9 (f1) In those counties in which open seasons for taking foxes with weapons and by
10 trapping were established between June 18, 1982, and July 1, 1987, in accordance with the
11 procedure then set forth in subsection (f) of this section, the Wildlife Resources Commission is
12 authorized to continue such seasons from year to year so long as the fox populations of such
13 counties remain adequate to support the resulting harvest. The counties referred to in this
14 subsection are as follows: Caswell, Clay, Graham, Henderson, Hyde, Macon, and Tyrrell.

15 (g) The Wildlife Resources Commission may provide for the sale of red and gray foxes
16 lawfully taken in areas of open season ~~season~~ as provided in subsection (f), under a system
17 providing strict controls. The Wildlife Resources Commission ~~may~~ must implement a system
18 of tagging red and gray foxes and red and gray fox furs with a special fox tag, and the
19 Commission may charge two dollars and twenty-five cents (\$2.25) for each tag furnished to
20 hunters, trappers, and fur dealers. ~~The fox tag or tags must be procured before taking foxes by~~
21 ~~any method designed to kill foxes or when the intent is to harvest foxes. The number of tags~~
22 ~~furnished to any individual may be limited as to area and as to number in accordance with area,~~
23 ~~bag, possession, or season limits that may be imposed on foxes. No person may continue to~~
24 ~~hunt or trap foxes under this fox harvesting provision unless he still has at least one valid~~
25 ~~unused fox tag lawful for use in the area in question. A person hunting foxes with dogs not~~
26 ~~intending to kill them need not have any fox tag, but any fox accidentally killed by that hunter~~
27 ~~must be disposed of without sale as provided below, and no foxes not tagged may be sold. The~~
28 ~~Wildlife Resources Commission may by rule provide reporting and controlled-disposition~~
29 ~~requirements, not including sale, requirements of red and gray foxes killed accidentally by dog~~
30 ~~hunters, motor vehicles, and in other situations; it may also impose strict controls on the~~
31 ~~disposition of red and gray foxes taken by owners of property under the laws and rules relating~~
32 ~~to depredations, and authorize sale under controlled conditions of red and gray foxes taken~~
33 ~~under depredation permits.~~

34 (h) In any area of the State in which the Wildlife Resources Commission determines
35 that hunting of red and gray foxes with dogs has an appreciably harmful effect upon turkey
36 restoration projects, it may declare a closed season for an appropriate length of time upon the
37 taking with dogs of all species of wild animals and birds. Except as otherwise provided in
38 G.S. 113-291.1(d) or (d1), this subsection does not prohibit lawful field trials or the training of
39 dogs.

40 (i) Upon notification by the State Health Director of the presence of a contagious
41 animal disease in a local fox population, the Commission is authorized to establish such
42 population control measures as are appropriate until notified by public health authorities that
43 the problem is deemed to have passed."

44 **SECTION 4.** G.S. 113-291.4A reads as rewritten:

45 **"§ 113-291.4A. Open seasons for taking foxes with firearms.**

46 (a) There is an open season for the taking of foxes with firearms in all areas of the State
47 east of Interstate Highway 77 and in Mitchell and Caldwell Counties from the beginning of the
48 season established by the Wildlife Resources Commission for the taking of rabbits and quail
49 through January 1 of each year. The selling, buying, or possessing for sale of any fox or fox
50 part taken pursuant to this subsection is prohibited, and is punishable as provided by
51 G.S. 113-294(a) or (j).

1 (b) The Wildlife Resources Commission shall establish appropriate bag and season
2 limits that may be imposed upon the taking of red and gray foxes pursuant to this act, and may
3 make reasonable rules governing the possession of red and gray foxes killed by motor vehicles
4 or other accidental means.

5 (c) The Wildlife Resources Commission may adopt rules prescribing an open season
6 for taking red and gray foxes and coyotes with firearms. G.S. 113-291.4A(a) and (b) are
7 repealed as of the effective date of those rules."

8 **SECTION 5.** G.S. 113-133.1(e) reads as rewritten:

9 "(e) Because of strong community interest expressed in their retention, the local acts or
10 portions of local acts listed in this section are not repealed. The following local acts are retained
11 to the extent they apply to the county for which listed:

12 Alleghany: Session Laws 1951, Chapter 665; Session Laws 1977, Chapter 526; Session
13 Laws 1979, Chapter 556.

14 ~~Anson: Former G.S. 113-111, as amended by Session Laws 1955, Chapter 286.~~

15 ~~Ashe: Former G.S. 113-111; Session Laws 1951, Chapter 665.~~

16 ~~Avery: Former G.S. 113-122.~~

17 ~~Beaufort: Session Laws 1947, Chapter 466, as amended by Session Laws 1979, Chapter~~
18 ~~219; Session Laws 1957, Chapter 1364; Session Laws 1971, Chapter 173.~~

19 ~~Bertie: Session Laws 1955, Chapter 1376; Session Laws 1975, Chapter 287.~~

20 ~~Bladen: Public-Local Laws 1933, Chapter 550, Section 2 (as it pertains to fox season);~~
21 ~~Session Laws 1961, Chapter 348 (as it applies to Bladen residents fishing in Robeson County);~~
22 ~~Session Laws 1961, Chapter 1023; Session Laws 1971, Chapter 384.~~

23 ~~Brunswick: Session Laws 1975, Chapter 218.~~

24 ~~Buncombe: Public-Local Laws 1933, Chapter 308.~~

25 ~~Burke: Public-Local Laws 1921, Chapter 454; Public-Local Laws 1921 (Extra Session),~~
26 ~~Chapter 213, Section 3 (with respect to fox seasons); Public-Local Laws 1933, Chapter 422,~~
27 ~~Section 3; Session Laws 1977, Chapter 636.~~

28 ~~Caldwell: Former G.S. 113-122; Session Laws 1977, Chapter 636; Session Laws 1979,~~
29 ~~Chapter 507.~~

30 ~~Camden: Session Laws 1955, Chapter 362 (to the extent it applies to inland fishing waters);~~
31 ~~Session Laws 1967, Chapter 441.~~

32 ~~Carteret: Session Laws 1955, Chapter 1036; Session Laws 1977, Chapter 695.~~

33 ~~Caswell: Public-Local Laws 1933, Chapter 311; Public-Local Laws 1937, Chapter 411.~~
34 ~~Chapter 311.~~

35 ~~Catawba: Former G.S. 113-111, as amended by Session Laws 1955, Chapter 1037.~~

36 ~~Chatham: Public-Local Laws 1937 Chapter 236; Session Laws 1963, Chapter 271.~~

37 ~~Chowan: Session Laws 1979, Chapter 184; Session Laws 1979, Chapter 582.~~

38 ~~Cleveland: Public Laws 1907, Chapter 388; Session Laws 1951, Chapter 1101; Session~~
39 ~~Laws 1979, Chapter 587.~~

40 ~~Columbus: Session Laws 1951, Chapter 492, as amended by Session Laws 1955, Chapter~~
41 ~~506.~~

42 ~~Craven: Session Laws 1971, Chapter 273, as amended by Session Laws 1971, Chapter 629.~~

43 ~~Cumberland: Session Laws 1975, Chapter 748; Session Laws 1977, Chapter 471.~~

44 ~~Dare: Session Laws 1973, Chapter 259.~~

45 ~~Davie: Former G.S. 113-111, as amended by Session Laws 1947, Chapter 333.~~

46 ~~Duplin: Session Laws 1965, Chapter 774; Session Laws 1973 (Second Session 1974),~~
47 ~~Chapter 1266; Session Laws 1979, Chapter 466.~~

48 ~~Edgecombe: Session Laws 1961, Chapter 408.~~

49 ~~Gates: Session Laws 1959, Chapter 298; Session Laws 1975, Chapter 269; Session Laws~~
50 ~~1975, Chapter 748.~~

51 ~~Granville: Session Laws 1963, Chapter 670.~~

- 1 Greene: ~~Session Laws 1975, Chapter 219~~; Session Laws 1979, Chapter 360.
2 Halifax: ~~Public Local Laws 1925, Chapter 571, Section 3 (with respect to fox hunting~~
3 ~~seasons)~~; Session Laws 1947, Chapter 954; Session Laws 1955, Chapter 1376.
4 Haywood: ~~Former G.S. 113-111, as modified by Session Laws 1963, Chapter 322.~~
5 Henderson: ~~Former G.S. 113-111.~~
6 Hertford: Session Laws 1959, Chapter 298; Session Laws 1975, Chapter 269; Session Laws
7 1975, Chapter 748; Session Laws 1977, Chapter 67.
8 Hoke: Session Laws 1963, Chapter 267.
9 Hyde: Public-Local Laws 1929, Chapter 354, Section 1 (as it relates to foxes); Session
10 Laws 1951, Chapter 932.
11 Iredell: Session Laws 1979, Chapter 577.
12 Jackson: Session Laws 1965, Chapter 765.
13 Johnston: Session Laws 1975, Chapter 342.
14 Jones: Session Laws 1979, Chapter 441.
15 Lee: Session Laws 1963, Chapter 271; Session Laws 1977, Chapter 636.
16 Lenoir: Session Laws 1979, Chapter 441.
17 Lincoln: ~~Public Local Laws 1925, Chapter 449, Sections 1 and 2; Session Laws 1955,~~
18 ~~Chapter 878.~~
19 Madison: Public-Local Laws 1925, Chapter 418, ~~Section 4~~; ~~Session Laws 1951, Chapter~~
20 ~~1040, Section 4.~~
21 Martin: Session Laws 1955, Chapter 1376; Session Laws 1977, Chapter 636.
22 Montgomery: ~~Session Laws 1977 (Second Session 1978), Chapter 1142.~~
23 Nash: Session Laws 1961, Chapter 408.
24 New Hanover: ~~Session Laws 1971, Chapter 559~~; Session Laws 1975, Chapter 95.
25 Northampton: Session Laws 1955, Chapter 1376; Session Laws 1975, Chapter 269; Session
26 Laws 1975, Chapter 748; Session Laws 1977, Chapter 67; Session Laws 1979, Chapter 548.
27 Orange: Public-Local Laws 1913, Chapter 547.
28 Pamlico: Session Laws 1977, Chapter 636.
29 Pender: Session Laws 1961, Chapter 333; Session Laws 1967, Chapter 229; Session Laws
30 1969, Chapter 258, as amended by Session Laws 1973, Chapter 420; Session Laws 1977,
31 Chapter 585, as amended by Session Laws 1985, Chapter 421; Session Laws 1977, Chapter
32 805; Session Laws 1979, Chapter 546.
33 Perquimans: ~~Former G.S. 113-111~~; Session Laws 1973, Chapter 160; Session Laws 1973,
34 Chapter 264.
35 Polk: Session Laws 1975, Chapter 397; Session Laws 1975, Chapter 269, as amended by
36 Session Laws 1977, Chapter 167.
37 Randolph: Public-Local Laws 1941, Chapter 246; Session Laws 1947, Chapter 920.
38 Robeson: Public-Local Laws 1924 (Extra Session), Chapter 92; Session Laws 1961,
39 Chapter 348.
40 Rockingham: ~~Former G.S. 113-111~~; Public-Local Laws 1933, Chapter 310.
41 Rowan: Session Laws 1975, Chapter 269, as amended by Session Laws 1977, Chapter 106,
42 and Session Laws 1977, Chapter 500; Session Laws 1979, Chapter 556.
43 Rutherford: Session Laws 1973, Chapter 114; Session Laws 1975, Chapter 397.
44 Sampson: Session Laws 1979, Chapter 373.
45 Scotland: Session Laws 1959, Chapter 1143; Session Laws 1977, Chapter 436.
46 Stokes: ~~Former G.S. 113-111~~; Public-Local Laws 1933, Chapter 310; Session Laws 1979,
47 Chapter 556.
48 Surry: ~~Public Local Laws 1925, Chapter 474, Section 6 (as it pertains to fox seasons)~~;
49 Session Laws 1975, Chapter 269, as amended by Session Laws 1977, Chapter 167.
50 Swain: Public-Local Laws 1935, Chapter 52; Session Laws 1953, Chapter 270; Session
51 Laws 1965, Chapter 765.

- 1 Transylvania: Public Laws 1935, Chapter 107, Section 2, as amended by Public Laws 1935,
 2 Chapter 238.
 3 ~~Tyrrell: Former G.S. 113-111; Session Laws 1953, Chapter 685.~~
 4 Wake: Session Laws 1973 (Second Session 1974), Chapter 1382.
 5 Washington: Session Laws 1947, Chapter 620.
 6 Wayne: Session Laws 1975, Chapter 269; Session Laws 1975, Chapter 342, as amended by
 7 Session Laws 1977, Chapter 43; Session Laws 1975, Chapter 343, as amended by Session
 8 Laws 1977, Chapter 45; Session Laws 1977, Chapter 695.
 9 Wilkes: ~~Former G.S. 113-111, as amended by Session Laws 1971, Chapter 385; Session~~
 10 ~~Laws 1951, Chapter 665; Session Laws 1973, Chapter 106; Session Laws 1979, Chapter 507.~~
 11 Yadkin: ~~Former G.S. 113-111, as amended by Session Laws 1953, Chapter 199; Session~~
 12 ~~Laws 1979, Chapter 507.~~
 13 Yancey: Session Laws 1965, Chapter 522."
- 14 **SECTION 6.** The following local acts or portions of local acts are repealed as
 15 applicable to the following counties and municipalities:
- 16 Alamance: Session Laws 1979, Chapter 825, Sec. 2; Session Laws 1989,
 17 Chapter 825; Session Laws 2008, Chapter 44.
 18 Anson: Session Laws 1955, Chapter 286; Session Laws 1989, Chapter 879.
 19 Ashe: Session Laws 2007, Chapter 51, as amended by Session Laws
 20 2010, Chapter 82.
 21 Avery: Session Laws 1985, Chapter 180.
 22 Beaufort: Session Laws 1987, Chapter 98; Session Laws 1997, Chapter 19.
 23 Bladen: Session Laws 1985, Chapter 722, as amended by Session Laws
 24 1985, Chapter 880.
 25 Brunswick: Session Laws 1993, Chapter 208.
 26 Burke: Session Laws 1989, Chapter 163.
 27 Caswell: Session Laws 1991, Chapter 908, as amended by Session Laws
 28 1993, Chapter 727.
 29 Chatham: Session Laws 1995, Chapter 80.
 30 Chowan: Session Laws 1989, Chapter 128, as amended by Session Laws
 31 1999, Chapter 301.
 32 Columbus: Session Laws, 1993, Chapter 208, as amended by Session Laws
 33 2004, Chapter 66.
 34 Craven: Session Laws 2008, Chapter 8.
 35 Cumberland: Session Laws 2007, Chapter 11.
 36 Davidson: Session Laws 2009, Chapter 43.
 37 Edgecombe: Session Laws 1991, Chapter 483, Section 4.
 38 Franklin: Session Laws 1993, Chapter 208.
 39 Gates: Session Laws 1989, Chapter 128.
 40 Granville: Session Laws 1993, Chapter 208.
 41 Halifax: Session Laws 1995, Chapter 279.
 42 Harnett: Session Laws 2007, Chapter 11.
 43 Hoke: Session Laws 1985, Chapter 108.
 44 Hyde: Session Laws 1997, Chapter 132; Session Laws 1989, Chapter 229.
 45 Iredell: Session Laws 1985, Chapter 664.
 46 Johnston: Session Laws 2007, Chapter 47.
 47 Jones: Session Laws 1989, Chapter 134.
 48 Moore: Session Laws 2007, Chapter 11.
 49 Northampton: Session Laws 1993, Chapter 727.
 50 Person: Session Laws 1985, Chapter 108, as amended by Session Laws
 51 1985, Chapter 890 and Session Laws 2005, Chapter 262.

1	Pitt	Session Laws 1993, Chapter 208, as amended by Session Laws
2		2004, Chapter 199.
3	Richmond	Session Laws 2001, Chapter 133.
4	Robeson	Session Laws 1985, Chapter 108.
5	Rockingham	Session Laws 1985, Chapter 179.
6	Scotland	Session Laws 1985, Chapter 108.
7	Stanly	Session Laws 1989, Chapter 879.
8	Stokes	Session Laws 2008, Chapter 102.
9	Vance	Session Laws 1993, Chapter 208.
10	Wayne	Session Laws 1981, Chapter 697; Session Laws 1987, Chapter 958.
11	City of Winston-Salem	Session Laws 2010, Chapter 82.

12 **SECTION 7.** Sections 5 and 6 of this act become effective as of the effective date
13 of rules adopted by the Wildlife Resources Commission establishing an open season for the
14 trapping of foxes. Section 2 of this act becomes effective October 1, 2011. The remainder of
15 this act is effective when it becomes law.