

NORTH CAROLINA GENERAL ASSEMBLY  
1973 SESSION

CHAPTER 1210  
HOUSE BILL 1918

AN ACT TO REWRITE G.S. 113-102 RELATING TO PROTECTED AND UNPROTECTED GAME.

The General Assembly of North Carolina enacts:

**Section 1.** G.S. 113-102(a), as the same appears in Volume 3A of the General Statutes, is rewritten to read as follows:

"(a) Wild birds and animals for which no open seasons are provided shall be classed as protected and it shall be unlawful to take or possess them at any time except as provided by G.S. 113-87."

**Sec. 2.** G.S. 113-102(b), as the same appears in the 1973 Cumulative Supplement to Volume 3A of the General Statutes, is rewritten to read as follows:

"(b) Unprotected birds: English sparrows, blackbirds (except redwing blackbirds) and starlings and their nests and eggs. Other birds or animals which are not in need of protection or management may from time to time be classed as unprotected by the Wildlife Resources Commission in any locality or in the entire State, and when so classified they may be taken, possessed, bought, sold and transported at any time."

**Sec. 3.** G.S. 113-102(c), as the same appears in the 1973 Cumulative Supplement to Volume 3A of the General Statutes, is rewritten to read as follows:

"(c) Unprotected birds or animals may not be taken by the use of dynamite or any explosive similarly used or by the use of any poison, except that this shall not apply to any such bird or animal when and where the same shall be declared a pest and appropriate regulations governing the use of pesticides for controlling the said pest have been considered pursuant to the provisions of the North Carolina Pesticide Law of 1971 or the Structural Pest Control Act of 1955."

**Sec. 4.** G.S. 113-102(d), as the same appears in the 1973 Cumulative Supplement to Volume 3A of the General Statutes, is redesignated as subsection (e) of said statute.

**Sec. 5.** G.S. 113-102 is amended by inserting a new subsection (d) as follows:

"(d) When and where a wild bird or animal is declared a pest pursuant to the provisions of the North Carolina Pesticide Law of 1971 or the Structural Pest Control Act of 1955 and has not been classed as unprotected by the Wildlife Resources Commission as provided in subsection (b) above, the Commission shall take one of the following actions within 60 days after proper notification of such declaration:

- (1) After holding a public hearing classify the wild bird or animal in question as either protected or unprotected. If the bird or animal is classed as protected, it shall be subject to subsection (a) above; if unprotected, action may be taken as determined pursuant to the North Carolina Pesticide Law of 1971 or the Structural Pest Control Act of 1955.
- (2) By inaction, or at its discretion, allow the bird or animal to automatically be classed as unprotected and subject to subsection (c) above."

**Sec. 6.** This act shall not invalidate any city or local ordinances now in existence.

**Sec. 7.** This act shall be effective upon ratification.

In the General Assembly read three times and ratified, this the 8th day of April, 1974.