

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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SENATE BILL 339

Short Title: Uniform Roadside Hunting.

(Public)

Sponsors: Senators Barker; Daniel, Sherron, and Hardin.

Referred to: Marine Resources and Wildlife.

March 6, 1989

A BILL TO BE ENTITLED

AN ACT TO ESTABLISH UNIFORMITY IN THE REGULATION OF ROADSIDE HUNTING.

Whereas, there are currently over 70 local laws in the State of North Carolina regulating roadside hunting; and

Whereas, the North Carolina Wildlife Resources Commission reports that the lack of uniform regulation of roadside hunting has resulted in complaints from the general public and has produced confusion among hunters in the State; and

Whereas, the posting of these various local laws places a great burden on local officials; Now, therefore,

The General Assembly of North Carolina enacts:

Section 1. Chapter 113 of the General Statutes is amended by adding a new section to read:

**§ 113-291.9. Hunting from roadways and rights-of-way of public roads and highways.**

(a) It is unlawful to do any of the following from, on, or across the right-of-way of an interstate highway, a four-lane highway, or a three-lane highway in this State:

(1) To hunt, take, or kill any wild animal or wild bird with the use of firearms; or

(2) To attempt to hunt, take, or kill any wild animal or wild bird with the use of firearms; or

(3) To otherwise shoot or discharge any type of firearm.

(b) Unless a person owns or possesses a leasehold interest in real property situated on either side of the road or highway, it is unlawful to do any of the following

1 from, on, or across the right-of-way of a public road or highway of this State other than  
2 an interstate highway, a four-lane highway, or a three-lane highway:

3 (1) To hunt, take, or kill any wild animal or wild bird with the use of  
4 firearms; or

5 (2) To attempt to hunt, take, or kill any wild animal or wild bird with the  
6 use of firearms; or

7 (3) To otherwise shoot or discharge any type of firearm.

8 (c) It is **prima facie** evidence of a violation of this section to possess a loaded  
9 firearm outside of a vehicle, during the season for hunting game birds or game animals  
10 with firearms, on the roadway or right-of-way of a public road or highway of this State."

11 Sec. 2. To the extent that this act conflicts with any provision of any local  
12 act, this act prevails.

13 Sec. 3. The following local acts or portions of local acts are repealed as  
14 applicable to the following counties:

15 Alamance: Session Laws 1971, Chapter 206.

16 Alexander: Session Laws 1987, Chapter 298.

17 Alleghany: Session Laws 1967, Chapter 477.

18 Anson: Session Laws 1973, Chapter 1319, as amended by Session Laws  
19 1975, Chapter 597;

20 Session Laws 1987, Chapter 231, Section 2.

21 Ashe: Session Laws 1977, Chapter 13.

22 Bertie: Session Laws 1963, Chapter 252.

23 Bladen: Session Laws 1975, Chapter 525.

24 Burke: Session Laws 1987, Chapter 39.

25 Brunswick: Session Laws 1985, Chapter 840.

26 Buncombe: Session Laws 1967, Chapter 595.

27 Caldwell: Session Laws 1973, Chapter 150, as amended by  
28 Session Laws 1979, Chapter 220;

29 Session Laws 1987, Chapter 39.

30 Camden: Session Laws 1983, Chapter 274.

31 Carteret: Session Laws 1953, Chapter 776.

32 Caswell: Session Laws 1975, Chapter 215;

33 Session Laws 1967, Chapter 350.

34 Catawba: Session Laws 1987, Chapter 298.

35 Chatham: Session Laws 1975, Chapter 540, Section 1.

36 Chowan: Session Laws 1975, Chapter 524;

37 Session Laws 1985, Chapter 868, Section 3.

38 Cleveland: Session Laws 1979, Chapter 587, Section 2.

39 Craven: Session Laws 1957, Chapter 603, as amended by  
40 Session Laws 1963, Chapters 268 and 1163;

41 Session Laws 1981, Chapter 709;

42 Session Laws 1983, Chapter 305;

43 Session Laws 1985, Chapter 882;

44 Session Laws 1987, Chapter 248.

1	Cumberland:	Session Laws 1977, Chapter 241.
2	Currituck:	Session Laws 1985, Chapter 27.
3	Duplin:	Session Laws 1951, Chapter 450;
4		Session Laws 1953, Chapter 776;
5		Session Laws 1969, Chapter 195.
6	Durham:	Session Laws 1969, Chapter 195;
7		Session Laws 1973, Chapter 1319, as amended by
8		Session Laws 1975, Chapter 597;
9		Session Laws 1975, Chapter 539.
10	Edgecombe:	Session Laws 1961, Chapter 863.
11	Franklin:	Session Laws 1965, Chapter 928, Section 2;
12		Session Laws 1969, Chapter 484.
13	Gates:	Session Laws 1971, Chapter 389;
14		Session Laws 1975, Chapter 214, Section 3.
15	Granville:	Session Laws 1959, Chapter 459.
16	Greene:	Session Laws 1985, Chapter 471, as amended by
17		Session Laws 1987, Chapter 132.
18	Guilford:	Session Laws 1967, Chapter 573;
19		Session Laws 1977, Chapter 181.
20	Halifax:	Session Laws 1971, Chapter 404.
21	Harnett:	Session Laws 1983, Chapter 791.
22	Haywood:	Session Laws 1969, Chapter 259.
23	Henderson:	Session Laws 1983, Chapter 946.
24	Hertford:	Session Laws 1963, Chapter 252;
25		Session Laws 1975, Chapter 214, Section 3.
26	Hoke:	Session Laws 1983, Chapter 385.
27	Hyde:	Session Laws 1957, Chapter 205;
28		Session Laws 1971, Chapter 520.
29	Iredell:	Session Laws 1987, Chapter 298.
30	Johnston:	Session Laws 1975, Chapter 341;
31		Session Laws 1965, Chapter 928, as amended by
32		Session Laws 1975, Chapter 343.
33	Jones:	Session Laws 1983, Chapter 979.
34	Lenoir:	Session Laws 1975, Chapter 73.
35	Martin:	Session Laws 1973, Chapter 257, as amended by
36		Session Laws 1977, Chapter 89;
37		Session Laws 1973, Chapter 1002;
38		Session Laws 1979, Chapter 1154.
39	Mecklenburg:	Session Laws 1981, Chapter 524, Section 2.
40	Moore:	Session Laws 1971, Chapter 621.
41		Session Laws 1977, Chapter 447, as amended by
42		Session Laws 1979, Chapter 369.
43	Nash:	Session Laws 1985, Chapter 891, Section 2.
44	Northampton:	Session Laws 1965, Chapter 509, as amended by

- 1                                Session Laws 1967, Chapter 585;  
 2                                Session Laws 1973, Chapter 78, Section 2.  
 3     Orange:                Session Laws 1973, Chapter 1319, as amended by  
 4                                Session Laws 1975, Chapter 597;  
 5                                Session Laws 1975, Chapter 539.  
 6     Pender:                Session Laws 1969, Chapter 129, Sections 2 and 3.  
 7     Perquimans:        Session Laws 1983, Chapter 213;  
 8                                Session Laws 1985, Chapter 867, Section 1.  
 9     Person:                Session Laws 1973, Chapter 1319, as amended by  
 10                                Session Laws 1975, Chapter 597.  
 11     Pitt:                    Session Laws 1977, Chapter 241.  
 12     Polk:                    Session Laws 1977, Chapter 241.  
 13     Randolph:            Session Laws 1985, Chapter 303.  
 14     Richmond:            Session Laws 1973, Chapter 1319;  
 15                                Session Laws 1975, Chapter 539.  
 16     Robeson:             Session Laws 1983, Chapter 385.  
 17     Rowan:                Session Laws 1975, Chapter 341, as amended by  
 18                                Session Laws 1977, Chapter 108.  
 19     Scotland:            Session Laws 1977, Chapter 447.  
 20     Stanly:                Session 1969, Chapter 858.  
 21     Stokes:                Session Laws 1969, Chapter 195;  
 22                                Session Laws 1975, Chapter 542.  
 23     Surry:                 Session Laws 1977, Chapter 181.  
 24     Warren:                Session Laws 1965, Chapter 928, Section 2.  
 25     Wayne:                Session Laws 1975, Chapter 341, as amended by  
 26                                Session Laws 1977, Chapter 46.  
 27                                Session Laws 1975, Chapter 343, as amended by  
 28                                Session Laws 1977, Chapter 45.  
 29     Wilkes:                Session Laws 1973, Chapter 150, as amended by  
 30                                Session Laws 1979, Chapter 220.  
 31     Wilson:                Session Laws 1983, Chapter 423.  
 32     Yadkin:                Session Laws 1973, Chapter 150, as amended by  
 33                                Session Laws 1979, Chapter 220.

34                Sec. 4. (Wake County) Section 1 of Chapter 1382 of the 1973 Session Laws  
 35 reads as rewritten:

36        "**Section 1.** G.S. 113-104 is hereby amended by adding a new paragraph at the end  
 37 thereof to read as follows:

38        'It shall be unlawful for any person to take deer with the aid of dogs in Wake County,  
 39 except within the bounds of land upon which the hunter has in his possession written  
 40 permission of the owner to hunt thereon, and provided also that the geographic area is  
 41 designated by the North Carolina Wildlife Resources Commission as an area in which  
 42 such hunting is ~~allowed; allowed. and furthermore, it shall be unlawful to shoot at a deer~~  
 43 ~~from, on or across a county or State highway right of way."~~

1           Sec. 5. Prosecutions for offenses occurring before the effective date of this  
2 act are not abated or affected by this act, and the statutes that would be applicable but  
3 for this act remain applicable to those prosecutions.

4           Sec. 6. This act shall become effective October 1, 1989.