

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2005

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HOUSE BILL 1277  
Committee Substitute Favorable 5/18/05

Short Title: Clarify Hunter Safety.

(Public)

Sponsors:

Referred to:

April 19, 2005

A BILL TO BE ENTITLED

AN ACT TO AMEND THE LICENSURE AND EDUCATION REQUIREMENTS FOR PERSONS UNDER SIXTEEN YEARS OF AGE AND TO CHANGE THE FEE CHARGED TO PARTICIPANTS IN THE DISABLED SPORTSMAN PROGRAM AND ALLOW MORE FLEXIBILITY IN THE SCHEDULING OF ACTIVITIES REQUIRED UNDER THAT PROGRAM.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 113-270.1A reads as rewritten:

**"§ 113-270.1A. Hunter safety course required.**

(a) Except as provided in ~~subsection~~subsections (a1) and (d) of this section, on or after July 1, 1991, a person, regardless of age, may not procure a hunting license ~~or hunt~~ in this State without producing a certificate of competency or a hunting license issued prior to July 1, 1991, or signing a statement on a form provided by the Wildlife Resources Commission that he had such a license.

(a1) A person who qualifies for a totally disabled resident combination hunting-fishing license under ~~G.S. 113-270.1C(b)(3)~~G.S. 113-270.1C(b)(4) need not comply with the requirements of subsection (a) of this section in order to receive that license, so long as the person does not make use of the license unless:

- (1) The ~~person~~ disabled hunter is accompanied by an adult of at least 21 years of age who is licensed to hunt; and
- (2) The licensed adult ~~hunter~~ maintains a proximity to the disabled hunter which enables the adult to take immediate control of the hunting device at all times.

(b) The Wildlife Resources Commission shall institute and coordinate a statewide course of instruction in hunter ethics, wildlife laws and regulations, and competency and safety in the handling of firearms, and in so doing, may cooperate with any political subdivision, or with any reputable organization having as one of its objectives the promotion of competency and safety in the handling of firearms, including local rod and gun clubs.

- 1 (1) The Wildlife Resources Commission shall designate those persons or  
2 agencies authorized to give the course of instruction, and this  
3 designation shall be valid until revoked by the Commission. Those  
4 designated persons shall submit to the Wildlife Resources Commission  
5 validated listings naming all persons who have successfully completed  
6 the course of instruction.
- 7 (2) The Wildlife Resources Commission may conduct the course in hunter  
8 safety, using Commission personnel or other persons at times and in  
9 areas where other competent agencies are unable or unwilling to meet  
10 the demand for instruction.
- 11 (3) The Wildlife Resources Commission shall issue a certificate of  
12 competency and safety to each person who successfully completes the  
13 course of instruction, and the certificate shall be valid until revoked by  
14 the Commission.
- 15 (4) Any similar certificate issued outside the State by a governmental  
16 agency, shall be accepted as complying with the requirements of  
17 subsection (a) above, if the privileges are reciprocal for North Carolina  
18 residents.
- 19 (5) The Wildlife Resources Commission shall adopt rules and regulations  
20 to provide for the course of instruction and the issuance of the  
21 certificates consistent with the purpose of this section.

22 (c) On or after July 1, 1991, any person who obtains a hunting license by  
23 presenting a fictitious certificate of competency or who attempts to obtain a certificate  
24 of competency or hunting license through fraud shall have his hunting privileges  
25 revoked by the Wildlife Resources Commission for a period not to exceed one year.

26 (d) ~~Nothing in this section shall be construed to prohibit the sale of~~  
27 Notwithstanding the provisions of subsection (a) of this section, the lifetime licenses as  
28 provided for in G.S. 113-270.1D(b) or G.S. 113-270.2(c)(2). G.S. 113-270.1D(b)(1),  
29 (2), and (3) and G.S. 113-270.2(c)(2) may be purchased by or in the name of persons  
30 under 14 years of age who have not obtained a hunter safety certificate of competency,  
31 subject to the requirements of this subsection. Pending satisfactory completion of the  
32 hunter safety course, persons ~~Persons~~ who possess such licenses one of the lifetime  
33 licenses specified in this subsection but who have not reached the age of 14 may  
34 exercise the privileges thereof of the lifetime license only when accompanied by an  
35 adult at least 21 years of age who is licensed to hunt in this State. For the purpose of this  
36 section, "accompanied" is defined as being able to take immediate control of the hunting  
37 device. means that the adult maintains a proximity to the young hunter at all times that  
38 enables the adult to take immediate control of the hunting device. Upon reaching the  
39 age of 14, the holder of one of the lifetime licenses specified in this subsection may  
40 exercise the privileges of the lifetime license without adult accompaniment, but only  
41 after obtaining a hunter safety certificate of competency as provided in  
42 G.S. 113-270.1A(a)."

43 **SECTION 2.** G.S. 113-276(d) reads as rewritten:

1       "(d) Except as otherwise provided in this Subchapter, individuals under 16 years  
2 of age are exempt from the hunting and trapping license requirements of  
3 G.S. 113-270.1B(a) and G.S. 113-270.3(a), except the falconry license described in  
4 ~~G.S. 113-270.3(b)(4), and the fishing license requirement of G.S. 113-272, if:~~

5           (1) ~~He is accompanied by a responsible adult who is in compliance with  
6 applicable license requirements; or~~

7           (2) ~~He is carrying a current and valid license appropriate to the activity  
8 which has been issued to one of his parents or to his guardian.~~

9 G.S. 113-270.3(b)(4). Individuals under 16 may hunt under this exemption, provided  
10 that the young hunter is accompanied by an adult at least 21 years of age who is  
11 licensed to hunt in this State. For purposes of this section, "accompanied" means that  
12 the licensed adult maintains a proximity to the young hunter that enables the licensed  
13 adult to take immediate control of the hunting device. Upon reaching the age of 14 and  
14 successfully obtaining the hunter safety certificate of competency required by  
15 G.S. 113-270.1A(a), a young hunter may hunt under the license exemption until age 16  
16 without adult accompaniment or may purchase and use a hunting license without adult  
17 accompaniment. Individuals under 16 years of age are exempt from the fishing license  
18 requirements of ~~G.S. 113-270.1B~~ G.S. 113-270.1B(a), 113-272, and ~~G.S. 113-271.~~"

19       **SECTION 3.** G.S. 113-296 reads as rewritten:

20       "**§ 113-296. Disabled Sportsman Program.**

21       (a) The Disabled Sportsman Program is established, to be developed and  
22 administered by the Wildlife Resources Commission. The Disabled Sportsman Program  
23 shall consist of special hunting and fishing activities adapted to the needs of persons  
24 with the disabilities described in subsection (b) of this section.

25       (b) In order to be eligible for participation in the Disabled Sportsman Program  
26 established by this section, a person must be able to certify through competent medical  
27 evidence one of the following disabilities:

28           (1) Amputation of one or more limbs;

29           (2) Paralysis of one or more limbs;

30           (3) Dysfunction of one or more limbs rendering the person unable to  
31 perform the tasks of grasping and lifting with the hands and arms or  
32 unable to walk without mechanical assistance, other than a cane;

33           (4) Disease, injury, or defect confining the person to a wheelchair, walker,  
34 or crutches;

35           (5) Legal deafness; or

36           (6) Legal blindness, for purposes of participation in disabled fishing only.

37       The disability must be permanent, and a person loses eligibility to participate in the  
38 Disabled Sportsman Program when the specified disability ceases to exist.

39       (c) A person who qualifies under subsection (b) of this section may apply for  
40 participation in the Disabled Sportsman Program by completing an application supplied  
41 by the Wildlife Resources Commission and by supplying the medical evidence  
42 necessary to confirm the person's disability. In order to participate in activities under the  
43 Program, each disabled participant may be accompanied by an able-bodied companion,  
44 who may also participate in the hunting, fishing, or other activity. The Commission

1 shall charge each disabled participant an ~~annual application fee of ten dollars (\$10.00)~~  
2 five dollars (\$5.00) for each special hunt for disabled persons for which the disabled  
3 hunter applies to defray the cost of processing the application and administering the  
4 special activities provided under the Program. The participant and the participant's  
5 companion shall also obtain any applicable hunting, fishing, or other special license  
6 required for the activities.

7 (d) In developing the Disabled Sportsman Program, the Wildlife Resources  
8 Commission shall:

- 9 (1) Establish special seasons and bag limits for hunting all or selected  
10 species of wildlife;
- 11 (2) Authorize the manner for taking wildlife, consistent with State law;
- 12 (3) Permit the use of vehicles and other means of conveyance in areas  
13 normally closed to such use;
- 14 (4) Set special fishing seasons and size and creel limits for inland fish; and
- 15 (5) Permit the use of crossbows or other specially equipped bows by  
16 persons incapable of arm movement sufficient to operate a longbow,  
17 recurve bow, or compound bow, but only during a season for hunting  
18 with bow and arrow and only during a special hunt organized and  
19 supervised by the Wildlife Resources Commission for the Disabled  
20 Sportsman Program; and
- 21 (6) Alter any other established rules of the Wildlife Resources  
22 Commission pertaining to hunting, fishing, or special activities, as  
23 generally applicable or as applicable to game lands, for the purpose of  
24 providing access to disabled persons participating in the Disabled  
25 Sportsman Program.

26 The Wildlife Resources Commission may use its game lands for purposes of  
27 conducting special activities for the Disabled Sportsman Program, and may enter into  
28 agreements with other landholders for purposes of conducting special activities on  
29 private lands.

30 (e) The Wildlife Resources Commission may establish special activities under  
31 the Disabled Sportsman Program for any class or classes of disability described in  
32 subsection (b) of this section. The Commission shall publicize these activities through  
33 the public media and in the Commission's publications to ensure that disabled persons  
34 are notified of the activities and informed about the application process.

35 (f) The Wildlife Resources Commission shall hold at least four special hunting  
36 activities under the Disabled Sportsman Program per calendar year, ~~at least two during~~  
37 ~~the season for taking deer with bow and arrow, and at least two during the season for~~  
38 ~~taking deer with guns.~~ year. The Commission shall alternate the location of these special  
39 activities so as to provide equal access to disabled persons in all regions of the State."

40 **SECTION 4.** This act becomes effective July 1, 2005.