

GENERAL ASSEMBLY OF NORTH CAROLINA
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SENATE BILL DRS35195-MH-52 (02/14)

Short Title: Livestock and Wildlife Protection Act. (Public)

Sponsors: Senator Brock (Primary Sponsor).

Referred to:

A BILL TO BE ENTITLED

AN ACT TO AMEND VARIOUS LAWS GOVERNING HUNTING AND TRAPPING.

The General Assembly of North Carolina enacts:

SECTION 1. It is the intent of the General Assembly to replace the welter of local acts regulating the hunting and trapping of foxes with seasons and other regulations for management of fox populations set by the Wildlife Resources Commission based on sound science and best practices for the management of the fox population in the State.

SECTION 2. G.S. 113-270.5 reads as rewritten:

"§ 113-270.5. Trapping licenses.

(a) Except as otherwise specifically provided by law, no one may take fur-bearing animals by trapping, or by any other authorized special method that preserves the pelt from injury, without first having procured a current and valid trapping license. When the trapping license is required, it serves in lieu of a hunting license in the taking of fur-bearing animals. If fur-bearing animals are taken as game, at the times and by the hunting methods that may be authorized, hunting license requirements apply.

(b) The trapping licenses issued by the Wildlife Resources Commission are as follows:

- (1) Resident State Trapping License – \$30.00. This license is valid only for use by an individual resident of the State.
- (2) Repealed by Session Laws 2013-283, s. 6, effective August 1, 2014.
- (3) Nonresident State Trapping License – \$125.00. This license is valid for use by an individual within the State.
- (4) Resident Lifetime Trapping License – \$300.00. This license shall be issued only to an individual resident of the State and is valid for the lifetime of the licensee.
- (5) Nonresident Lifetime Trapping License – \$1,000. This license shall be issued only to an individual nonresident of the State and is valid for the lifetime of the licensee."

SECTION 3. G.S. 113-291.6 reads as rewritten:

"§ 113-291.6. Regulation of trapping.

...

(b) No one may take wild animals by trapping with any steel-jaw, leghold, or conibear trap unless it:

- (1) Has a jaw spread of not more than seven and one-half inches.
- (2) Is horizontally offset with closed jaw spread of at least three sixteenths of an inch for a trap with a jaw spread of more than five and one-half inches. This



1 subdivision does not apply if the trap is set in the water with quick-drown
 2 type of set.
 3 (3) Is smooth edged and without teeth or spikes.
 4 (4) Has a weather-resistant permanent tag attached legibly giving the trapper's
 5 identification number issued by the Wildlife Resources Commission or the
 6 trapper's name and address.
 7 A steel-jaw or leghold trap set on dry land with solid anchor may not have a trap chain longer
 8 than eight inches from trap to anchor unless fitted with a shock-absorbing device approved by
 9 the Wildlife Resources Commission.
 10"

11 **SECTION 4.(a)** G.S. 113-291.4 reads as rewritten:

12 "**§ 113-291.4. Regulation of foxes; study of fox and fur-bearer populations.**

13 (a) All of the regulatory powers granted the Wildlife Resources Commission generally
 14 with respect to game, wild animals, and wildlife apply to foxes unless there are specific
 15 overriding restrictions in this section.

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

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

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

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

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

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

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

29 (f) If, on the basis of its studies and other information available, the Wildlife Resources
 30 Commission determines the population of foxes in an area is fully adequate to support a
 31 harvesting of that population, the Wildlife Resources Commission ~~may, upon passage of local~~
 32 ~~legislation permitting same, may~~ open a season for taking foxes by trapping. When the season is
 33 open for trapping, foxes may also be taken by the use of methods lawful for taking game
 34 animals, including the use of firearms. The Wildlife Resources Commission may also establish
 35 different seasons for hunting and trapping of fox, may set different open seasons for different
 36 areas of the State, and may make reasonable rules governing the possession of foxes killed by
 37 motor vehicles or other accidental means. Any bag, possession, or season limits imposed on
 38 foxes taken from the area in question will apply in the aggregate to all foxes killed without
 39 regard to the method of taking.

40"

41 **SECTION 4.(b)** G.S. 113-291.4A and subsection (f1) of G.S. 113-291.4 are
 42 repealed.

43 **SECTION 4.(c)** All local acts in conflict with this section are repealed to the extent
 44 of the conflict.

45 **SECTION 4.(d)** G.S. 113-133.1(e) reads as rewritten:

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

49 Alleghany: Session Laws 1951, Chapter 665; Session Laws 1977, Chapter 526; Session
 50 Laws 1979, Chapter 556.

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

- 1 Ashe: ~~Former G.S. 113-111~~; Session Laws 1951, Chapter 665.
- 2 Avery: Former G.S. 113-122.
- 3 Beaufort: Session Laws 1947, Chapter 466, as amended by Session Laws 1979, Chapter
4 219; Session Laws 1957, Chapter 1364; Session Laws 1971, Chapter 173.
- 5 Bertie: Session Laws 1955, Chapter 1376; Session Laws 1975, Chapter 287.
- 6 Bladen: ~~Public-Local Laws 1933, Chapter 550, Section 2 (as it pertains to fox season)~~;
7 Session Laws 1961, Chapter 348 (as it applies to Bladen residents fishing in Robeson County);
8 Session Laws 1961, Chapter 1023; Session Laws 1971, Chapter 384.
- 9 Brunswick: Session Laws 1975, ~~Chapter 218~~. Chapter 218 (as applied to trapping of wildlife
10 other than red fox, gray fox, or coyote).
- 11 Buncombe: Public-Local Laws 1933, Chapter 308.
- 12 Burke: Public-Local Laws 1921, Chapter 454; Public-Local Laws 1921 (Extra Session),
13 Chapter 213, Section 3 (with respect to fox seasons); Public-Local Laws 1933, Chapter 422,
14 Section 3; Session Laws 1977, Chapter 636.
- 15 Caldwell: Former G.S. 113-122; ~~Session Laws 1977, Chapter 636~~; Session Laws 1979,
16 Chapter 507.
- 17 Camden: Session Laws 1955, Chapter 362 (to the extent it applies to inland fishing waters);
18 Session Laws 1967, Chapter 441.
- 19 Carteret: Session Laws 1955, Chapter 1036; Session Laws 1977, ~~Chapter 695~~. Chapter 695
20 (as applied to trapping of wildlife other than red fox, gray fox, or coyote).
- 21 Caswell: Public-Local Laws 1933, ~~Chapter 311~~; ~~Public-Local Laws 1937, Chapter
22 411~~. Chapter 311.
- 23 Catawba: ~~Former G.S. 113-111, as amended by Session Laws 1955, Chapter 1037.~~
- 24 Chatham: Public-Local Laws 1937 Chapter 236; Session Laws 1963, Chapter 271.
- 25 Chowan: Session Laws 1979, Chapter 184; Session Laws 1979, Chapter 582.
- 26 (See Editor's note) Cleveland: ~~Public Laws 1907, Chapter 388; Session Laws 1951, Chapter
27 1101~~; Session Laws 1979, Chapter 587.
- 28 Columbus: Session Laws 1951, Chapter 492, as amended by Session Laws 1955, ~~Chapter
29 506~~. Chapter 506 (as applied to trapping of wildlife other than red fox, gray fox, or coyote).
- 30 Craven: Session Laws 1971, Chapter 273, as amended by Session Laws 1971, Chapter 629.
- 31 Cumberland: Session Laws 1975, Chapter 748; Session Laws 1977, ~~Chapter 471~~. Chapter
32 471 (as applied to Session Laws 1975, Chapter 95 (as applied to trapping of wildlife other than
33 red fox, gray fox, or coyote).
- 34 Dare: Session Laws 1973, Chapter 259.
- 35 Davie: ~~Former G.S. 113-111, as amended by Session Laws 1947, Chapter 333.~~
- 36 Duplin: ~~Session Laws 1965, Chapter 774~~; Session Laws 1973 (Second Session 1974),
37 Chapter 1266; Session Laws 1979, Chapter 466.
- 38 Edgecombe: Session Laws 1961, Chapter 408.
- 39 Gates: Session Laws 1959, Chapter 298; Session Laws 1975, Chapter 269; Session Laws
40 1975, Chapter 748.
- 41 Granville: ~~Session Laws 1963, Chapter 670.~~
- 42 (See Editor's note) Greene: Session Laws 1975, Chapter ~~219~~; 219 (as it relates to the taking
43 of deer with firearms); Session Laws 1979, Chapter 360.
- 44 Halifax: ~~Public-Local Laws 1925, Chapter 571, Section 3 (with respect to fox hunting
45 seasons)~~; Session Laws 1947, Chapter 954; Session Laws 1955, Chapter 1376.
- 46 Haywood: ~~Former G.S. 113-111, as modified by Session Laws 1963, Chapter 322.~~
- 47 Henderson: ~~Former G.S. 113-111.~~
- 48 Hertford: Session Laws 1959, Chapter 298; Session Laws 1975, Chapter 269; Session Laws
49 1975, Chapter 748; Session Laws 1977, Chapter 67.
- 50 Hoke: Session Laws 1963, Chapter 267.

- 1 Hyde: Public-Local Laws 1929, Chapter 354, Section 1 (as it relates to foxes); Session
2 Laws 1951, Chapter 932.
- 3 Iredell: Session Laws 1979, Chapter 577.
- 4 Jackson: Session Laws 1965, Chapter 765.
- 5 Johnston: Session Laws 1975, Chapter 342.
- 6 Jones: Session Laws 1979, Chapter 441.
- 7 Lee: Session Laws 1963, Chapter ~~271~~; ~~Session Laws 1977, Chapter 636.271~~.
- 8 Lenoir: Session Laws 1979, Chapter 441.
- 9 ~~Lincoln: Public-Local Laws 1925, Chapter 449, Sections 1 and 2; Session Laws 1955,~~
10 ~~Chapter 878.~~
- 11 ~~Madison: Public-Local Laws 1925, Chapter 418, Section 4; Session Laws 1951, Chapter~~
12 ~~1040.~~
- 13 Martin: Session Laws 1955, Chapter ~~1376~~; ~~Session Laws 1977, Chapter 636.1376~~.
- 14 ~~Montgomery: Session Laws 1977 (Second Session 1978), Chapter 1142.~~
- 15 Nash: Session Laws 1961, Chapter 408.
- 16 New Hanover: ~~Session Laws 1971, Chapter 559~~; Session Laws 1975, ~~Chapter 95~~.
17 Chapter 95 (as applied to trapping of wildlife other than red fox, gray fox, or coyote).
- 18 Northampton: Session Laws 1955, Chapter 1376; Session Laws 1975, Chapter 269; Session
19 Laws 1975, Chapter 748; Session Laws 1977, Chapter 67; Session Laws 1979, Chapter 548.
- 20 Orange: Public-Local Laws 1913, Chapter 547.
- 21 Pamlico: Session Laws 1977, Chapter 636.
- 22 Pender: Session Laws 1961, Chapter 333; Session Laws 1967, Chapter 229; Session Laws
23 1969, Chapter 258, as amended by Session Laws 1973, Chapter 420; Session Laws 1977,
24 Chapter 585, as amended by Session Laws 1985, Chapter 421; Session Laws 1977, Chapter
25 805; Session Laws 1979, Chapter 546.
- 26 Perquimans: ~~Former G.S. 113-111~~; Session Laws 1973, Chapter 160; Session Laws 1973,
27 Chapter 264.
- 28 (See Editor's note) Polk: Session Laws 1975, Chapter 269, as amended by Session Laws
29 1977, Chapter 167.
- 30 Randolph: Public-Local Laws 1941, Chapter 246; Session Laws 1947, Chapter 920.
- 31 Robeson: Public-Local Laws 1924 (Extra Session), Chapter 92; Session Laws 1961,
32 Chapter 348.
- 33 Rockingham: ~~Former G.S. 113-111~~; Public-Local Laws 1933, Chapter 310.
- 34 Rowan: Session Laws 1975, Chapter 269, as amended by Session Laws 1977, Chapter 106,
35 and Session Laws 1977, Chapter 500; Session Laws 1979, Chapter 556.
- 36 ~~(See Editor's note) Rutherford: Session Laws 1973, Chapter 114.~~
- 37 Sampson: Session Laws 1979, Chapter 373.
- 38 Scotland: Session Laws 1959, Chapter 1143; Session Laws 1977, Chapter 436.
- 39 Stokes: Former G.S. 113-111; Public-Local Laws 1933, Chapter 310; Session Laws 1979,
40 Chapter 556.
- 41 ~~Surry: Public-Local Laws 1925, Chapter 474, Section 6 (as it pertains to fox seasons);~~
42 ~~Session Laws 1975, Chapter 269, as amended by Session Laws 1977, Chapter 167.~~
- 43 Swain: Public-Local Laws 1935, Chapter 52; Session Laws 1953, Chapter 270; Session
44 Laws 1965, Chapter 765.
- 45 Transylvania: Public Laws 1935, Chapter 107, Section 2, as amended by Public Laws 1935,
46 Chapter 238.
- 47 Tyrrell: ~~Former G.S. 113-111~~; Session Laws 1953, Chapter 685.
- 48 Wake: Session Laws 1973 (Second Session 1974), Chapter 1382.
- 49 Washington: Session Laws 1947, Chapter 620.
- 50 Wayne: Session Laws 1975, Chapter 269; Session Laws 1975, Chapter 342, as amended by
51 Session Laws 1977, Chapter 43; Session Laws 1975, Chapter 343, as amended by Session

1 Laws 1977, Chapter 45; Session Laws 1977, ~~Chapter 695.~~Chapter 695 (as applied to trapping
2 of wildlife other than red fox, gray fox, or coyote).

3 Wilkes: ~~Former G.S. 113-111, as amended by Session Laws 1971, Chapter 385;~~ Session
4 Laws 1951, Chapter 665; Session Laws 1973, Chapter 106; Session Laws 1979, Chapter 507.

5 Yadkin: ~~Former G.S. 113-111, as amended by Session Laws 1953, Chapter 199;~~ Session
6 Laws 1979, Chapter 507.

7 ~~Yancey: Session Laws 1965, Chapter 522."~~

8 **SECTION 4.(e)** G.S. 113-291.4(c) reads as rewritten:

9 "(c) Foxes may not be taken with firearms except:

10 (1) As provided in subsection (f) or (i) of this ~~section~~ or ~~G.S.~~
11 ~~113-291.4A(a).~~section.

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

14 (3) When they are lawfully shot under laws and rules pertaining to the
15 destruction of animals committing depredations to property."

16 **SECTION 4.(f)** The Wildlife Resources Commission may adopt temporary rules in
17 accordance with Chapter 150B of the General Statutes to implement the provisions of this
18 section. Subsections (b), (c), (d), and (e) of this section become effective when the Wildlife
19 Resources Commission notifies the Revisor of Statutes that it has issued temporary rules
20 implementing subsection (a) of this section.

21 **SECTION 5.** Except as otherwise provided, this act becomes effective October 1,
22 2017.