

1 Note: The Wildlife Resources Commission requests adding a new section to Subchapter A of Chapter 10 of Title 15A
2 of the Administrative Code and that it be titled as follows: Section .1400 Interstate Wildlife Violator Compact (WVC)

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4 15A NCAC 10A .1401 General Provisions is proposed for adoption as follows:
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6 **15A NCAC 10A .1401 GENERAL PROVISIONS**

7 (a) Purpose. The purpose of this section is to establish the rules necessary to carry out the purposes of Chapter 113
8 Article 22B, the Interstate Wildlife Violator Compact (hereinafter referred to as WVC).

9 (b) Applicability. The rules in Section .1400 shall apply to any person possessing a license, privilege or right to hunt,
10 fish, trap, possess, or transport wildlife in the State of North Carolina. Violations under this Section apply to only
11 hunting, fishing and trapping. This rule shall not apply to any suspensions or convictions committed in North Carolina
12 or any other WVC state prior to the effective date of North Carolina's entry into the WVC.

13 (c) Definitions. The definitions in G.S. 113-300.6 Article II shall apply throughout this Subchapter and to all forms
14 prescribed pursuant to this Subchapter unless otherwise indicated.

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16 *History Note: Authority G.S. 113-134; 113-300.7*
17 *Eff. August 1, 2017*

1 15A NCAC 10A.1402 Wildlife violator compact manual is proposed for adoption as follows:
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3 **15A NCAC 10A .1402 WILDLIFE VIOLATOR COMPACT MANUAL**

4 (a) Subject to all applicable statutes and the constitution of the State of North Carolina, the Wildlife Violator Compact
5 Operations Manual and G.S. 113-300.6 hereby establish the administrative and procedural guidelines for participation
6 in the WVC.

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8 *History Note: Authority G.S. 113-134; 113-300.7*
9 *Eff. August 1, 2017*

1 15A NCAC 10A.1403 Wildlife violator compact conditions for non-residents is proposed for adoption as follows:

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3 **15A NCAC 10A.1403 WILDLIFE VIOLATOR COMPACT CONDITIONS FOR NON-RESIDENTS**

4 (a) Non-residents of North Carolina who are residents of a WVC member state at the time of a misdemeanor hunting,
5 fishing, or trapping violation occurring in North Carolina, may be released on personal recognizance when the
6 violation consists of a written citation requiring a violator to resolve the violation directly with the court, either in
7 person, by mail or through an attorney.

8 (b) The following violations are not subject to the provisions of the WVC.

9 (1) any felony or misdemeanor violation of any North Carolina law with which the non-resident is
10 charged other than a hunting, trapping or fishing violation.

11 (2) any hunting, fishing or trapping offense which also gives rise to a charge of assault, manslaughter
12 or murder.

13 (3) any violation which the laws, policies or procedures of the State of North Carolina dictate shall be
14 handled otherwise.

15 (c) Upon failure to comply with the terms of a citation for violation of North Carolina hunting, fishing or trapping
16 laws, the licensing agency shall send notice of failure to comply, via certified mail, return receipt requested, to the
17 violator's last known address, and report the failure to comply to the home state to start suspension procedures in
18 accordance with the compact manual.

19 (d) The following shall constitute the only valid methods of restoring license privileges in response to a notice of
20 suspension of North Carolina license privileges for non-compliance.

21 (1) resolving the citation in person.

22 (2) submission of payment by a method acceptable to the North Carolina Court System where allowed.

23 (3) resolving through an attorney where allowed.

24 (e) Upon resolving the citation, the non-resident must notify the North Carolina licensing agency so that hunting,
25 fishing or trapping privileges can be restored.

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27 *History Note: Authority G.S. 113-134; 113-300.7*
28 *Eff. August 1, 2017*

1 15A NCAC 10A.1404 Wildlife violator compact conditions for residents is proposed for adoption as follows:

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3 **15A NCAC 10A.1404 WILDLIFE VIOLATOR COMPACT CONDITIONS FOR RESIDENTS**

4 (a) North Carolina residents committing hunting, fishing, or trapping violations in another WVC member state, who
5 upon release on personal recognizance from the issuing state, failed to resolve the violation, will have their hunting,
6 fishing or trapping privileges suspended in North Carolina.

7 (b) If a North Carolina licensing agency receives notice of an unresolved violation, a Notice of Suspension will be
8 prepared and sent to the violator.

9 (1) the notice shall have a delayed effective date of at least 14 business days, to allow the violator to
10 contact the court in the issuing state and resolve the case.

11 (2) the notice shall be delivered personally or by letter sent by certified mail, return receipt requested,
12 to the last known address of the licensee or permit holder.

13 (3) the notice of suspension shall inform the violator of the facts supporting the suspension and
14 procedures to be followed in resolving the matter with the court in the issuing state.

15 (4) the notice shall provide the procedure for appealing the suspension.

16 (c) Any suspensions received by a North Carolina licensing agency shall remain in effect until such time as the North
17 Carolina resident resolves the violation in the issuing state.

18 (d) When a North Carolina resident resolves a violation with the court in the issuing state, it is the responsibility of
19 the resident to present documents to the North Carolina licensing agency that acknowledge compliance. Upon receipt
20 of acceptable documentation, an acknowledgement of compliance will be issued directly to that person by the licensing
21 agency.

22 (e) The following are to be deemed sufficient evidence of compliance in response to a notice of suspension for non-
23 compliance.

24 (1) copy of the court judgment.

25 (2) a copy of a Notice of Compliance from the issuing state.

26 (f) If the acknowledgement of compliance is presented after the effective date of the suspension, reinstatement will
27 be handled in accordance with the laws, policies and procedures of North Carolina.

28 (1) any reinstatement or restoration fees shall be established and assessed in accordance with the laws,
29 policies and procedures of North Carolina.

30 (g) Residents receiving a Notice of Suspension from the North Carolina licensing agency under the WVC provisions
31 for failure to resolve a citation issued in another WVC member state may file a petition with the Office of
32 Administrative Hearings, within 60 days from the date of delivery by certified mail to the residents last known address,
33 pursuant to G.S. 150B-23.

34 (h) The issuing state will be notified if the suspension order is overturned by the Office of Administrative Hearings.
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36 *History Note: Authority G.S. 113-134; 113-300.7*

37 *Eff. August 1, 2017*

1 15A NCAC 10A.1405 Reciprocal recognition of suspensions is proposed for adoption as follows:

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3 **15A NCAC 10A.1405 RECIPROCAL RECOGNITION OF SUSPENSIONS**

4 (a) When a North Carolina licensing agency receives notice of suspension of a North Carolina resident's hunting,
5 fishing, or trapping privileges or licenses by a WVC member state, that are the result of a conviction or an
6 accumulation of convictions of wildlife violations in one or more states which participate in the WVC, that agency
7 shall determine whether the violation, or accumulation of violations, leading to the suspension could have led to the
8 suspension of rights, privileges, or licenses under North Carolina law. If it is determined that the resident's privileges
9 or licenses would have been suspended under North Carolina law, the resident's licenses, rights, and privileges to
10 hunt, fish, or trap in North Carolina, shall be suspended pursuant to Article 22B of G.S. 113 for the same period as
11 imposed by the WVC member state where the violation occurred.

12 (b) North Carolina shall communicate suspension information to other member states, using the WVC database.
13 Information may include but is not limited to: name, date of birth, physical description, and last known address,
14 violation(s) and convictions upon which the suspension is based, the scope of the suspension (i.e., fishing, hunting,
15 trapping, all privileges or rights), effective dates of the suspension and term of the suspension.

16 (c) In the event documentation of a violation and subsequent license suspension is needed by a member state for
17 license suspension hearings or other purposes, North Carolina may provide certified copies of the citation or other
18 charging instrument, any arrest or investigation reports, suspension orders and the disposition of the matter.

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20 *History Note: Authority G.S. 113-134; 113-300.7*
21 *Eff. August 1, 2017*

1 15A NCAC 10A.1406 Appeals is proposed for adoption as follows:
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3 **15A NCAC 10A.1406 APPEALS**

4 (a) A final agency decision made by the North Carolina licensing agency to suspend any North Carolina hunting,
5 fishing or trapping license pursuant to the WVC is appealable to the Office of Administrative Hearings pursuant to
6 G.S. 150B-23. Notice of the right to appeal shall be included in the correspondence notifying the licensee of the final
7 agency decision.

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9 *History Note: Authority G.S. 113-134; 113-300.7*

10 *Eff. August 1, 2017*