



# **Landowner Protection Act**

## **Session Law 2011-231**

### **House Bill 762**

*July 2011*

#### **What is the Landowner Protection Act?**

The Landowner Protection Act ([H762](#)) clarifies existing trespass laws, for the purposes of hunting, fishing, and trapping, to specify the requirements for written permission on posted land only. The new law is effective October 1, 2011.

#### **What does the Landowner Protection Act do?**

The Landowner Protection Act addresses existing trespass law to strengthen and clarify four elements:

1. Defines the requirements for written permission to hunt, fish, or trap on posted lands.
2. Allows landowners to post land using purple paint marks or by placing signs or posters, as currently allowed.
3. Allows Wildlife Officers to enforce trespass laws on site, instead of executing process issued by the courts.
4. Removes the exemption for Halifax and Warren counties that requires landowners to initiate prosecution for trespass on posted lands.

The Landowner Protection Act specifically relates only to hunting, fishing, or trapping on posted lands. It clarifies the existing [G.S. 14-159.6](#) requirement for written consent to hunt, fish, or trap on posted lands by specifying that written permission, dated within the past 12 months and signed by the landowner, lessee, or agent of that land, be carried and displayed upon request of any law enforcement officer. If a hunting club has leased the land, a person shall have a copy of their hunting club membership and a copy of the landowner permission granted to that hunting club.

The Landowner Protection Act does not change general trespass laws nor have any effect on lands which are not posted. It does not repeal any local acts currently in effect that require written permission to hunt, fish, or trap.

#### **Why Purple Paint?**

Landowners in North Carolina who want to post their lands can have difficulty keeping posted signs erected and intact. Using paint marks, as an alternative or in addition to signage, is a convenient and effective means of marking lands as posted, and requires less frequent maintenance and cost, since paint marks are more difficult to vandalize than signs.

Many states throughout the U.S. currently allow the use of paint marks to denote land posting. Landowners in N.C. now may use signs, purple paint marks or both to post their properties.

Each paint mark must be a vertical line of at least eight inches in length, and the bottom of the mark shall be no less than three feet or more than five feet from the base of the tree or post. For more information, including an illustration, on how to post property under the new law, see the Landowner Protection Act [document](#) on our website.

**Don't Wildlife Officers already enforce trespass on posted property?**

Prior to passage of the Landowner Protection Act, Wildlife Officers were generally required to execute process in order to enforce trespass under [G.S. 14-159.10](#). This means a Wildlife Officer would obtain an arrest warrant or criminal summons prior to enforcing trespass.

Beginning October 1, 2011 the Landowner Protection Act makes changes that enable Wildlife Officers to write a citation on site, removing the barrier to proper and efficient enforcement of the existing trespass law.

**What liability does a landowner have if written permission is given to hunt, fish or trap on posted lands?**

Chapter 38A of the North Carolina General Statutes specifically encourages landowners to make lands available for recreational use at no cost. [General Statute 38A-4](#) states that a landowner who permits or invites someone, without charge, onto their land for recreational purposes owes them the same duty of care they would owe a trespasser.

**How does the Landowner Protection Act affect current local permission laws in my area?**

There is no change or repeal of local permission laws under the Landowner Protection Act.

**What if a landowner leases his land, from whom do I need to get permission?**

Under the Landowner Protection Act, either the landowner or leaseholder may grant permission to the property.

**What are the permission requirements for a hunting club on private lands?**

The hunting club must have written permission from the landowner or leaseholder and each individual must carry both a current membership card from the hunting club and a copy of the written permission granted to the club.

**If I am in a hunt club that has permission, what if I don't have a membership card or my club doesn't provide membership cards?**

You are required by the new law to carry valid proof of membership in the hunt club and a copy of the club's written permission to hunt on the landowner or leaseholder's posted property.

**Where can I find a permission form?**

The N.C. Wildlife Resources Commission provides a [sample permission form](#) as a public service to N. C. sportsmen to facilitate compliance with the new law. You are not required to use this particular form, and it is not the only allowable format for landowner written permission.

**Must I use the N.C. Wildlife Resources Commission's form? If not, what information should be on the form in order for it to be valid?**

To comply with the written permission requirements of the Landowner Protection Act, you may use any form that provides at least the following information:

- Landowner or leaseholder's name

- Sportsman's name
- Dated within the last 12 months

**Where can I find more information?**

Visit the [N.C. Wildlife Resources Commission](#) online for more information, including a [sample permission form](#).