

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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HOUSE BILL 1305

Short Title: Pine Straw Larceny/Regulation.

(Public)

Sponsors: Representatives Craven, DeVane, Dawkins, and Hasty.

Referred to: Judiciary.

April 12, 1989

A BILL TO BE ENTITLED

AN ACT TO CLARIFY THAT THE THEFT OF PINE STRAW CONSTITUTES LARCENY AND TO CREATE A NEW ARTICLE REGULATING THE COLLECTION OR DISTRIBUTION OF PINE STRAW.

The General Assembly of North Carolina enacts:

Section 1. G.S. 14-80 reads as rewritten:

"§ 14-80. Larceny of wood and other property from land.

If any person not being the present owner or bona fide claimant thereof, shall willfully and unlawfully enter upon the lands of another, carrying off or being engaged in carrying off any ~~wood~~ wood, pine straw, or other kind of property whatsoever, growing or being thereon, the same being the property of the owner of the premises, or under his control, keeping or care, such person shall, if the act be done with felonious intent, be guilty of larceny, and punished as for that offense; and if not done with such intent, he shall be guilty of a misdemeanor."

Sec. 2. Chapter 106 of the General Statutes is amended by adding a new Article to read:

"ARTICLE 31D.
"PINE STRAW.

"§ 106-284.50. Title.

This Article shall be known as the 'Pine Straw Act.'

"§ 106-284.51. Purpose of Article.

The purpose of this Article is to regulate the collection and distribution of pine straw in this State, to protect the owners of private property from the removal of pine straw

1 from their property without their consent, and to protect purchasers from buying
2 illegally obtained pine straw.

3 **"§ 106-284.52. Definitions.**

4 The following definitions apply in this Article:

- 5 (1) Person. Any individual, partnership, corporation, company, society, or
6 association.
7 (2) Pine straw. The needles from all trees generally known as pine trees in
8 this State that are collected for reuse for any purpose, including
9 placement around other trees or plants or as a ground covering
10 material.
11 (3) Pine straw dealer. A person who buys, sells, or offers for sale any pine
12 straw, including the owner of property where pine straw naturally
13 accumulates.

14 **"§ 106-284.53. Records.**

15 Every person transporting, delivering for transportation, selling, or offering for sale
16 pine straw in an amount in excess of 20 pounds shall keep for a period of two years a
17 complete record of the distribution of the pine straw, including invoices showing the
18 origin of the pine straw. These records shall be made available for inspection by the
19 Commissioner in connection with the administration of this Article at any time during
20 customary business hours.

21 **"§ 106-284.54. Registration of dealers.**

22 The Commissioner shall require every pine straw dealer selling or offering for sale
23 in this State or exporting from this State any pine straw to register with the
24 Commissioner.

25 **"§ 106-284.55. Prohibitions.**

26 It shall be unlawful:

- 27 (1) For any person to sell or offer for sale within this State any pine straw
28 unless that person has registered as a dealer in accordance with G.S.
29 106-284.54.
30 (2) To hinder or obstruct in any manner an authorized agent of the
31 Commissioner in the performance of his lawful duties.
32 (4) To fail to keep the records required by G.S. 106-284.53.

33 **"§ 106-284.56. Administration.**

34 The duty of enforcing this Article and its rules and of carrying out its provisions and
35 requirements shall be vested in the Commissioner.

36 **"§ 106-284.57. Rules and standards.**

37 The Commissioner of Agriculture, jointly with the Board of Agriculture, after public
38 hearing immediately following 10 days' public notice may adopt such rules and
39 standards that they find advisable or necessary to carry out and enforce the provisions of
40 this Article, which shall have the force and effect of law.

41 **"§ 106-284.58. Penalty for violations.**

42 Any person violating any provision of this Article or any rule adopted pursuant to
43 this Article shall be guilty of a misdemeanor punishable by a fine of not more than one
44 thousand dollars (\$1,000)."

1 Sec. 3. This act shall become effective October 1, 1989, and shall apply to
2 offenses occurring on or after that date.