

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2005**

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**HOUSE DRH80646-LH-296 (05/18)**

Short Title: CAMA Civil Penalties.

(Public)

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Sponsors: Representative Harrison.

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Referred to:

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A BILL TO BE ENTITLED

AN ACT TO INCREASE CIVIL PENALTIES FOR VIOLATIONS OF THE  
COASTAL AREA MANAGEMENT ACT.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S.113A-126(d) reads as rewritten:

"(d) (1) A civil penalty of not more than ~~two hundred fifty dollars (\$250.00)~~  
two thousand dollars (\$2,000) for a minor development violation and  
~~two thousand five hundred dollars (\$2,500)~~ twenty thousand dollars  
(\$20,000) for a major development violation may be assessed by the  
Commission against any person who:

- a. Is required but fails to apply for or to secure a permit required by G.S. 113A-118, or who violates or fails to act in accordance with the terms, conditions, or requirements of such permit.
- b. Fails to file, submit, or make available, as the case may be, any documents, data or reports required by the Commission pursuant to this Article.
- c. Refuses access to the Commission or its duly designated representative, who has sufficiently identified himself by displaying official credentials, to any premises, not including any occupied dwelling house or curtilage, for the purpose of conducting any investigations provided for in this Article.
- d. Violates a rule of the Commission implementing this Article.

(2) For each willful action or failure to act for which a penalty may be assessed under this subsection, the Commission may consider each day the action or inaction continues after notice is given of the violation as a separate violation; a separate penalty may be assessed for each such separate violation.

- 1           (3)    The Commission may assess the penalties provided for in this  
2           subsection. The Commission shall notify a person who is assessed a  
3           penalty by registered or certified mail. The notice shall state the  
4           reasons for the penalty. A person may contest a penalty by filing a  
5           petition for a contested case under G.S. 150B-23 within 20 days after  
6           receiving the notice of assessment. If a person fails to pay a penalty,  
7           the Commission shall refer the matter to the Attorney General for  
8           collection. An action to collect a penalty must be filed within three  
9           years after the date the final agency decision was served on the  
10          violator.
- 11          (4)    In determining the amount of the penalty the Commission shall  
12          consider the degree and extent of harm caused by the violation and the  
13          cost of rectifying the damage.
- 14          (5)    The clear proceeds of penalties assessed pursuant to this subsection  
15          shall be remitted to the Civil Penalty and Forfeiture Fund in  
16          accordance with G.S. 115C-457.2."

17          **SECTION 2.** This act becomes effective December 1, 2006, and applies to  
18          violations committed on or after that date.