

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

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HOUSE BILL 2815

Short Title: CAMA Civil Penalties. (Public)

Sponsors: Representatives Harrison, Wilkins, Justice, Luebke (Primary Sponsors);
Insko, Martin, and Weiss.

Referred to: Rules, Calendar, and Operations of the House.

May 30, 2006

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.