



CHAPTER 113
ARTICLE 16 - CULTIVATION OF SHELLFISH

N.C.G.S. § 113-208.

Protection of private shellfish rights.

SOURCE General Statutes of North Carolina, as published by the General Assembly	LAST AMENDMENT IN THIS TEXT S.L. 1998-225, s. 3.7 — sixth act in the lineage	RETRIEVED 21 September 2026, 02:00 UTC	SOURCE FINGERPRINT 0ab1c479aa3b97080ed44ce2 - bb427b0d8892dbf03d34bbbb - d206bb778d87fc13
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§ 113-208(a)

CLASS A1
MISDEMEANOR

It is unlawful for any person, other than the holder of private shellfish rights, to take or attempt to take shellfish from any privately leased, franchised, or deeded shellfish bottom area without written authorization of the holder and with actual knowledge it is a private shellfish bottom area. Actual knowledge will be presumed when the shellfish are taken or attempted to be taken:

- (1) From within the confines of posted boundaries of the area as identified by signs, whether the whole or any part of the area is posted, or
- (2) When the area has been regularly posted and identified and the person knew the area to be the subject of private shellfish rights.

A violation of this section shall constitute a Class A1 misdemeanor, which may include a fine of not more than five thousand dollars (\$5,000). The written authorization shall include the lease number or deed reference, name and address of authorized person, date of issuance, and date of expiration, and it must be signed by the holder of the private shellfish right. Identification signs shall include the lease number or deed reference and the name of the holder.

§ 113-208(b)

The prosecutor shall dismiss any case brought for a violation of this section if the defendant produces a notarized written authorization in conformance with subsection (a) which states that the defendant had permission to take oysters or clams from the leased area at the time of the alleged violation; except the prosecutor may refuse to dismiss the case if he has reason to believe that the written authorization is fraudulent.

APPARATUS I
6 ACTS

Amendment lineage

The State prints this history as a single parenthetical at the foot of the section. It is reproduced verbatim in the colophon and unpacked below in order of enactment.

1979			1989			1998		
TICK HEIGHT = ACTS IN THAT YEAR			DASHED = RECODIFICATION, NOT AMENDMENT					
Nº	YEAR	ACT				CHARACTER		
01	1979	c. 537				ENACTED		
02	1987	c. 463				AMENDED		
03	1989	c. 281, s. 2				AMENDED		
04	1993	c. 539, s. 842				AMENDED		
05	1994	Ex. Sess., c. 24, s. 14(c)				AMENDED		
06	1998	S.L. 1998-225, s. 3.7				AMENDED		

APPARATUS III

Citation

FULL SECTION

N.C. Gen. Stat. § 113-208 (1998).

PINPOINT

N.C. Gen. Stat. § 113-208(a) (1998).

Pinpoint keys are set in the left margin of the text rather than line numbers: subsection designators are stable across editions and paper sizes, line numbers are not.

COLOPHON

Provenance

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HISTORY PARENTHETICAL, AS PRINTED BY THE STATE

(1979, c. 537; 1987, c. 463; 1989, c. 281, s. 2; 1993, c. 539, s. 842; 1994, Ex. Sess., c. 24, s. 14(c); 1998-225, s. 3.7.)

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