

NORTH CAROLINA GENERAL ASSEMBLY
1969 SESSION

CHAPTER 1023
SENATE BILL 809

1 AN ACT AMENDING CHAPTER 116 OF THE GENERAL STATUTES SO AS TO PERMIT
2 NORTH CAROLINA STATE UNIVERSITY TO PROCURE INSURANCE AGAINST
3 THE HAZARDS CREATED BY ASSEMBLING, CONSTRUCTION, USE AND
4 OPERATION OF NUCLEAR REACTORS.

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6 The General Assembly of North Carolina do enact:
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8 **Section 1.** Part 2 of Chapter 116 of the General Statutes is hereby amended by
9 adding at the end thereof a new Section to be designated as Section 116-37.1 and reading as
10 follows:

11 **"G.S. 116-37.1. Authorization to purchase insurance in connection with construction and**
12 **operation of nuclear reactors.** In connection with the construction of, assembling of, use and
13 operation of, any nuclear reactor now owned or hereafter acquired by it, North Carolina State
14 University is hereby authorized and empowered to procure proper insurance against the hazards
15 of explosion, implosion, radiation and any other special hazards unique to nuclear reactors,
16 including nuclear fuel and all other components thereto. Further, North Carolina State
17 University is authorized to enter into agreements with the United States Atomic Energy
18 Commission prerequisite to licensing by that agency of nuclear reactors and to maintain as a
19 part of such agreement or agreements appropriate insurance in amounts required by the Atomic
20 Energy Commission of nuclear reactor licenses.

21 "To the extent that North Carolina State University shall obtain insurance under the
22 provisions of this Section, it is hereby authorized and empowered to waive its governmental
23 immunity from liability for damage to property or injury to death to persons arising from the
24 assembling, construction of, use and operation of nuclear reactors. Such immunity shall be
25 deemed to have been waived by the act of obtaining such insurance, but only to the extent that
26 North Carolina State University is indemnified by such insurance.

27 "Any contract of insurance purchased pursuant to this Section must be issued by a company
28 or corporation duly licensed and authorized to do a business of insurance in this State except to
29 the extent that such insurance may be furnished by or through a governmental agency created
30 for the purpose of insuring against such hazards or through reinsurance pools or associations
31 established to insure against such hazards.

32 "Any person sustaining property damage or personal injury may sue North Carolina State
33 University for damages for injury arising out of the construction, assembly, use or operation of
34 a nuclear reactor on the campus of the University in the Superior Court of Wake County, and to
35 the extent that the University is indemnified by insurance, it shall be no defense to any such
36 action that the University was engaged in the performance of a governmental or discretionary
37 function of the University. In the case of death alleged to have been caused by the assembly,
38 construction, use or operation of such nuclear reactor, the personal representative of the
39 deceased person may bring such action.

40 "Nothing in this Section shall in any way affect any other actions which have been or may
41 hereafter be brought under the Tort Claims Act against North Carolina State University, nor
42 shall the provisions of this Section in any way abrogate or replace the provisions of the
43 Workmen's Compensation Act."

1 **Sec. 2.** All laws and clauses of laws in conflict with this Act are hereby repealed.
2 **Sec. 3.** This Act shall be effective from and after ratification.
3 In the General Assembly read three times and ratified, this the 25th day of June,
4 1969.