

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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SENATE BILL 948

Short Title: Obstet. Malpract. Claims/Time Limit.

(Public)

Sponsors: Senator Kincaid.

Referred to: Constitution.

April 19, 1989

A BILL TO BE ENTITLED

AN ACT TO SHORTEN THE STATUTE OF LIMITATIONS FOR OBSTETRICAL
MALPRACTICE CLAIMS BROUGHT ON BEHALF OF MINORS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 1-17 reads as rewritten:

"§ 1-17. Disabilities.

(a) A person entitled to commence an action who is at the time the cause of
action accrued either

(1) Within the age of 18 years; or

(2) Insane; or

(3) Incompetent as defined in G.S. 35A-1101(7) or (8) may bring his
action within the time herein limited, after the disability is removed,
except in an action for the recovery of real property, or to make an
entry or defense founded on the title to real property, or to rents and
services out of the same, when he must commence his action, or make
his entry, within three years next after the removal of the disability,
and at no time thereafter.

For those persons under a disability on January 1, 1976, as a result of being
imprisoned on a criminal charge, or in execution under sentence for a criminal offense,
the statute of limitations shall commence to run and no longer be tolled from January 1,
1976.

(b) Notwithstanding the provisions of subsection (a) of this section, an action on
behalf of a minor for malpractice arising out of the performance of or failure to perform
professional services shall be commenced within the limitations of time specified in

1 G.S. 1-15(c): Provided, that if said time limitations expire before such minor attains the
2 full age of 19 years, the action may be brought before said minor attains the full age of
3 19 years.

4 (c) Notwithstanding subsections (a) and (b) of this section, an action brought on
5 behalf of a minor for malpractice arising out of the performance or failure to perform
6 professional obstetrical services shall be commenced within the limitations of time
7 specified in G.S. 1-15(c), except, if said time limitations expire before the minor attains
8 the full age of nine years, the action may be brought before the minor attains the full age
9 of nine years."

10 Sec. 2. This act shall become effective January 1, 1990, and shall apply to
11 actions accruing on or after that date.