

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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HOUSE BILL 563  
Second Edition Engrossed 5/14/91  
Senate Judiciary I Committee Substitute Adopted 6/11/91

Short Title: Action Under Civil Rights Act.

(Public)

Sponsors:

Referred to:

April 1, 1991

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE NORTH CAROLINA HUMAN RELATIONS COMMISSION TO BRING AN ACTION FOR AN INTERFERENCE OF CIVIL RIGHTS UNDER CHAPTER 99D OF THE GENERAL STATUTES AND TO MAKE OTHER CHANGES TO CHAPTER 99D.

The General Assembly of North Carolina enacts:

Section 1. G.S. 99D-1 is amended by adding a new subsection to read:

"(b1) The North Carolina Human Relations Commission may bring a civil action on behalf, and with the consent, of any person subjected to a violation of this Chapter. In any such action, the court may restrain and enjoin such future acts, and may award compensatory damages and punitive damages to the person on whose behalf the action was brought. Court costs may be awarded to the Commission or the defendant, whichever prevails. Notwithstanding the provisions of G.S. 114-2, the commission shall be represented by the Commission's staff attorney."

Sec. 2. G.S. 99D-1(b) reads as rewritten:

"(b) Any person whose exercise or enjoyment of a right described in subdivision (a)(1) has been interfered with, or against whom an attempt has been made to interfere with the exercise or enjoyment of such a right, by a violation of this Chapter may bring a civil action. The court may award to a prevailing party compensatory damages, punitive damages, court costs, and reasonable attorneys' fees. The court may also restrain and enjoin such future acts by any party. The court may restrain and enjoin such future acts, and may award compensatory and punitive damages to the plaintiff. The court may award court

1 costs and attorneys' fees to the prevailing party. However, a prevailing defendant may  
2 be awarded reasonable attorneys' fees only upon a showing that the case is frivolous,  
3 unreasonable, or without foundation."

4 Sec. 3. G.S. 143B-391 reads as rewritten:

5 **"§ 143B-391. North Carolina Human Relations Commission – creation; powers**  
6 **and duties.**

7 There is hereby created the North Carolina Human Relations Commission of the  
8 Department of Administration. The North Carolina Human Relations Commission shall  
9 have the following functions and duties:

- 10 (1) To study problems concerning human relations;
- 11 (2) To promote equality of opportunity for all citizens;
- 12 (3) To promote understanding, respect, and goodwill among all citizens;
- 13 (4) To provide channels of communication among the races;
- 14 (5) To encourage the employment of qualified people without regard to  
15 race;
- 16 (6) To encourage youths to become better trained and qualified for  
17 employment;
- 18 (7) To receive on behalf of the Department of Administration and to  
19 recommend expenditure of gifts and grants from public and private  
20 donors;
- 21 (8) To enlist the cooperation and assistance of all State and local  
22 government officials in the attainment of the objectives of the  
23 Commission;
- 24 (9) To assist local good neighborhood councils and biracial human  
25 relations committees in promoting activities related to the functions of  
26 the Commission enumerated above;
- 27 (10) To advise the Secretary of Administration upon any matter the  
28 Secretary may refer to it; ~~and~~
- 29 (11) To administer the provisions of the State Fair Housing Act as outlined  
30 in Chapter 41A of the General ~~Statutes.~~ Statutes;
- 31 (12) To administer the provisions of Chapter 99D of the General Statutes."

32 Sec. 4. This act is effective upon ratification.