

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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HOUSE BILL 1131*

Short Title: Raise State Tort Claims Cap.

(Public)

Sponsors: Representatives Walend, Nesbitt (Primary Sponsors); Barefoot, Cansler, Church, Culp, Luebke, and Sherrill.

Referred to: Judiciary I.

April 15, 1999

A BILL TO BE ENTITLED

AN ACT TO INCREASE THE STATE TORT CLAIM LIMIT.

The General Assembly of North Carolina enacts:

Section 1. G.S. 143-291(a) reads as rewritten:

"(a) The North Carolina Industrial Commission is hereby constituted a court for the purpose of hearing and passing upon tort claims against the State Board of Education, the Board of Transportation, and all other departments, institutions and agencies of the State. The Industrial Commission shall determine whether or not each individual claim arose as a result of the negligence of any officer, employee, involuntary servant or agent of the State while acting within the scope of his office, employment, service, agency or authority, under circumstances where the State of North Carolina, if a private person, would be liable to the claimant in accordance with the laws of North Carolina. If the Commission finds that there was such negligence on the part of an officer, employee, involuntary servant or agent of the State while acting within the scope of his office, employment, service, agency or authority, which was the proximate cause of the injury and that there was no contributory negligence on the part of the claimant or the person in whose behalf the claim is asserted, the Commission shall determine the amount of damages which the claimant is entitled to be paid, including medical and other expenses, and by appropriate order direct the payment of such damages by the department,

1 institution or agency concerned, but in no event shall the amount of damages awarded
2 exceed the sum of ~~one hundred fifty thousand dollars (\$150,000)~~ three hundred thousand
3 dollars (\$300,000) cumulatively to all claimants on account of injury and damage to any
4 one person. Community colleges and technical colleges shall be deemed State agencies
5 for purposes of this Article. The fact that a claim may be brought under more than one
6 Article under this Chapter shall not increase the foregoing maximum liability of the
7 State."

8 Section 2. G.S. 143-299.2 reads as rewritten:

9 "**§ 143-299.2. Limitation on payments by the State.**

10 The maximum amount which the State may pay cumulatively to all claimants on
11 account of injury and damage to any one person, whether the claim or claims are brought
12 under this Article or Article 31A or Article 31B, shall be ~~one hundred fifty thousand dollars~~
13 ~~(\$150,000)~~, three hundred thousand dollars (\$300,000), less any commercial liability
14 insurance purchased by the State and applicable to the claim or claims under G.S. 143-
15 291(b), 143-300.6(c), or 143-300.16(c). The fact that a claim or claims may be brought
16 under more than one Article under this Chapter shall not increase the above maximum
17 liability of the State."

18 Section 3. This act is effective when it becomes law and applies to judgments
19 entered on or after that date.