

§ 58-32-10. Powers and duties of Commission.

The Commission may acquire from an insurance company or insurance companies a group plan of professional liability insurance covering the law-enforcement officers and/or public officers and employees of any political subdivision of the State. The Commission has full authority to negotiate with insurance companies submitting bids or proposals and shall award its group plan master contract on the basis of the company or companies found by it to offer maximum coverage at the most reasonable premium. The Commission may enter into a master policy contract of any term that it finds to be in the best interests of the law-enforcement officers and/or public officers and employees of the political subdivisions of the State, not to exceed five years. The Commission, in negotiating for the contract, is not authorized to pledge or offer the credit of the State of North Carolina. The insurance premiums shall be paid by the political subdivisions whose employees are covered by the professional liability insurance. Any political subdivision may elect coverage for any or all of its employees on a departmental basis. All employees in a department must be covered if coverage is elected for that department. Nothing in this section requires any political subdivision to participate in any group plan of professional liability insurance.

The Commission may, in its discretion, employ professional and clerical staff whose salaries shall be as established by the State Human Resources Commission.

If the Commission determines that reasonable coverage is not available at a reasonable cost, the Commission may undertake any studies and inquiries into the situation and alternatives, including self-insurance and State-administered funds, that the Commission deems appropriate. The Commission shall then bring before the General Assembly any recommendations that it deems appropriate.

The Commission may acquire information regarding loss ratios, loss factors, loss experience, and other such facts and figures from any agency or company issuing professional liability insurance covering public officers, employees, or law-enforcement officers in this State. This information is not a public record within the meaning of Chapter 132 of the General Statutes where it names the company divulging the information, but the Commission may make public the information to show aggregate statistics in respect to the experience of the State as a whole. The information shall be provided to the Commission upon its written demand and shall be submitted to the Commission by the company or companies upon sworn affidavit. If any agency or company fails or refuses to supply the information to the Commission within a reasonable time following receipt of the demand, the Commission may apply to the Superior Court sitting in Wake County for appropriate orders to enforce the demand.

For purposes of this section, the term "political subdivision" includes any county, city, town, incorporated village, sanitary district, metropolitan water district, county water and sewer district, water and sewer authority, hospital authority, parking authority, local ABC board, special airport district, airport authority, soil and water conservation district created pursuant to G.S. 139-5, fire district, volunteer or paid fire department, rescue squad, city or county parks and recreation commission, area mental health board, area mental health, developmental disabilities, and substance abuse authority as described in G.S. 122C-117, domiciliary home community advisory committee, county or district board of health, nursing home advisory committee, county board of social services, local school administrative unit, local board of education, community college, and all other persons, bodies, or agencies authorized or regulated by Chapters 108A, 115C, 115D, 118, 122C, 130A, 131A, 131D, 131E, 153A, 160A, and 160B of the General Statutes. (1979, c. 325, s. 1; 1983, c. 543, s. 3; 1985, c. 666, s. 79; 1985 (Reg. Sess., 1986), c. 1027, s. 30; 1987, c. 564, s. 9; 2013-382, s. 9.1(c); 2018-47, s. 6(a).)