

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001**

S

1

SENATE BILL 686*

Short Title: Extend Limitations for Some Intentional Torts.

(Public)

Sponsors: Senator Miller.

Referred to: Judiciary II.

March 26, 2001

A BILL TO BE ENTITLED

1
2 AN ACT TO EXTEND THE STATUTE OF LIMITATIONS FOR ASSAULT,
3 BATTERY, AND FALSE IMPRISONMENT TO THREE YEARS IN ORDER TO
4 PROVIDE THAT THE PERIOD OF LIMITATIONS FOR THESE INTENTIONAL
5 TORTS IS AS LONG AS THE PERIOD OF LIMITATIONS FOR
6 UNINTENTIONAL TORTS.

7 The General Assembly of North Carolina enacts:

8 **SECTION 1.** G.S. 1-54 reads as rewritten:

9 "**§ 1-54. One year.**

10 Within one year an action or proceeding –

- 11 (1) Repealed by Session Laws 1975, c. 252, s. 5.
- 12 (2) Upon a statute, for a penalty or forfeiture, where the action is given to
13 the State alone, or in whole or in part to the party aggrieved, or to a
14 common informer, except where the statute imposing it prescribes a
15 different limitation.
- 16 (3) For ~~libel, slander, assault, battery, or false imprisonment.~~libel and
17 slander.
- 18 (4) Against a public officer, for the escape of a prisoner arrested or
19 imprisoned on civil process.
- 20 (5) For the year's allowance of a surviving spouse or children.
- 21 (6) For a deficiency judgment on any debt, promissory note, bond or other
22 evidence of indebtedness after the foreclosure of a mortgage or deed of
23 trust on real estate securing such debt, promissory note, bond or other
24 evidence of indebtedness, which period of limitation above prescribed
25 commences with the date of the delivery of the deed pursuant to the
26 foreclosure sale: Provided, however, that if an action on the debt, note,
27 bond or other evidence of indebtedness secured would be earlier

1 barred by the expiration of the remainder of any other period of
2 limitation prescribed by this subchapter, that limitation shall govern.

3 (7) Repealed by Session Laws 1971, c. 939, s. 2.

4 (7a) For recovery of damages under Article 1A of ~~General Statutes Chapter~~
5 ~~18B. Chapter 18B of the General Statutes.~~

6 (8) As provided in G.S. 105-377, to contest the validity of title to real
7 property acquired in any tax foreclosure action or to reopen or set
8 aside the judgment in any tax foreclosure action.

9 (9) As provided in Article 14 of Chapter 126 of the General Statutes,
10 entitled 'Protection for Reporting Improper ~~Governmental~~ Government
11 Activities.'

12 **SECTION 2.** G.S. 1-52 reads as rewritten:

13 "**§ 1-52. Three years.**

14 Within three years an action –

15 (1) Upon a contract, obligation or liability arising out of a contract,
16 express or implied, except those mentioned in the preceding sections
17 or in G.S. 1-53(1).

18 (1a) Upon the official bond of a public officer.

19 (2) Upon a liability created by statute, either state or federal, unless some
20 other time is mentioned in the statute creating it.

21 (3) For trespass upon real property. When the trespass is a continuing one,
22 the action shall be commenced within three years from the original
23 trespass, and not thereafter.

24 (4) For taking, detaining, converting or injuring any goods or chattels,
25 including action for their specific recovery.

26 (5) For criminal conversation, or for any other injury to the person or
27 rights of another, not arising on contract and not hereafter enumerated.

28 (6) Against the sureties of any executor, administrator, collector or
29 guardian on the official bond of their principal; within three years after
30 the breach thereof complained of.

31 (7) Against bail; within three years after judgment against the principal;
32 but bail may discharge himself by a surrender of the principal, at any
33 time before final judgment against the bail.

34 (8) For fees due to a clerk, sheriff or other officer, by the judgment of a
35 court; within three years from the rendition of the judgment, or the
36 issuing of the last execution thereon.

37 (9) For relief on the ground of fraud or mistake; the cause of action shall
38 not be deemed to have accrued until the discovery by the aggrieved
39 party of the facts constituting the fraud or mistake.

40 (10) Repealed by Session Laws 1977, c. 886, s. 1.

41 (11) For the recovery of any amount under and by virtue of the provisions
42 of the Fair Labor Standards Act of 1938 and amendments thereto, said
43 act being an act of Congress.

- 1 (12) Upon a claim for loss covered by an insurance policy which is subject
2 to the three-year limitation contained in lines 158 through 161 of the
3 Standard Fire Insurance Policy for North Carolina, G.S. 58-44-15(c).
- 4 (13) Against a public officer, for a trespass, under color of his office.
- 5 (14) An action under Chapter 75B of the General Statutes, the action in
6 regard to a continuing violation accrues at the time of the latest
7 violation.
- 8 (15) For the recovery of taxes paid as provided in G.S. 105-267 and G.S.
9 105-381.
- 10 (16) Unless otherwise provided by statute, for personal injury or physical
11 damage to claimant's property, the cause of action, except in causes of
12 actions referred to in G.S. 1-15(c), shall not accrue until bodily harm to
13 the claimant or physical damage to his property becomes apparent or
14 ought reasonably to have become apparent to the claimant, whichever
15 event first occurs. Provided that no cause of action shall accrue more
16 than 10 years from the last act or omission of the defendant giving rise
17 to the cause of action.
- 18 (17) Against a public utility, electric or telephone membership corporation,
19 or a municipality for damages or for compensation for right-of-way or
20 use of any lands for a utility service line or lines to serve one or more
21 customers or members unless an inverse condemnation action or
22 proceeding is commenced within three years after the utility service
23 line has been constructed or by October 1, 1984, whichever is later.
- 24 (18) Against any registered land surveyor as defined in G.S. 89C-3(9) or
25 any person acting under his supervision and control for physical
26 damage or economic or monetary loss due to negligence or a
27 deficiency in the performance of surveying or platting as defined in
28 G.S. 1-47(6).
- 29 (19) For assault, battery, or false imprisonment."

30 **SECTION 3.** This act becomes effective October 1, 2001, and applies to
31 claims arising on or after that date.