

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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HOUSE DRH50515-MH-105 (04/07)

Short Title: Gov. Immunity/Adequacy of Remedies.

(Public)

Sponsors: Representative Blue.

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO CLARIFY WHEN A CLAIMANT AGAINST AN ENTITY PROTECTED BY
3 GOVERNMENTAL IMMUNITY HAS AN ADEQUATE REMEDY AT LAW.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. Article 2 of Chapter 1 of the General Statutes is amended by adding a
6 new section to read:

7 "§ 1-13.1. Adequacy of remedies in actions against local governments, local school
8 boards, and State departments and agencies.

9 A claimant has no adequate remedy under State law and shall not be restrained from
10 pursuing any relief available under the Constitution of the United States and the Constitution of
11 North Carolina when (i) the actions of any agent or employee of a local government, local
12 school board, or State department or agency within the scope of the agent's or employee's
13 authority or within the course of employment of the employee result in death or injury to
14 person or property, (ii) no waiver of immunity is found to apply by a court of competent
15 jurisdiction under any provision of the General Statutes, and (iii) no other claim for relief that
16 would give the claimant full recovery of damages is available under State law."

17 SECTION 2. This act is effective when it becomes law and applies to causes of
18 action arising on or after that date.



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