

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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HOUSE BILL 1476
Second Edition Engrossed 5/6/09

Short Title: Gov. Immunity/Adequacy of Remedies. (Public)

Sponsors: Representatives Blue, Glazier (Primary Sponsors); Faison, Harrison, and Lucas.

Referred to: Ways and Means/Broadband Connectivity, if favorable, Judiciary II.

April 13, 2009

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

