

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009

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HOUSE BILL 964

Short Title: Insurance Guaranty Association Amendments. (Public)

Sponsors: Representatives Dockham and Braxton (Primary Sponsors).

Referred to: Insurance, if favorable, Judiciary II.

April 2, 2009

1 A BILL TO BE ENTITLED  
2 AN ACT TO EXPAND THE DISCRETIONARY POWERS OF THE INSURANCE  
3 GUARANTY ASSOCIATION TO ALLOW IT TO CONTRACT AS A SERVICING  
4 FACILITY FOR OTHER ENTITIES AND CONFORM THE ASSOCIATION'S  
5 STATUTORY IMMUNITY.

6 The General Assembly of North Carolina enacts:

7 SECTION 1. G.S. 58-48-35 reads as rewritten:

8 "§ 58-48-35. Powers and duties of the Association.

9 ...

10 (b) The Association may:

- 11 (1) Employ or retain such persons as are necessary to handle claims and perform  
12 other duties of the Association.  
13 (2) Borrow funds necessary to effect the purposes of this Article in accord with  
14 the plan of operation.  
15 (3) Sue or be sued.  
16 (4) Negotiate and become a party to such contracts as are necessary to carry out  
17 the purpose of this Article.  
18 (5) Perform such other acts as are necessary or proper to effectuate the purpose  
19 of this Article.  
20 (6) Refund to the member insurers in proportion to the contribution of each  
21 member insurer to that account that amount by which the assets of the  
22 account exceed the liabilities if, at the end of any calendar year, the board of  
23 directors finds that the assets of the Association in any account exceed the  
24 liabilities of that account as estimated by the board of directors for the  
25 coming year.  
26 (7) Be designated or may contract as a servicing facility for any entity which  
27 may be recommended by the Association's board of directors and approved  
28 by the Commissioner of Insurance."

29 SECTION 2. G.S. 58-48-80 reads as rewritten:

30 "§ 58-48-80. Immunity.

31 There shall be no liability on the part of and no cause of action of any nature shall arise  
32 against any member insurer, the Association or its agents or employees, the board of directors,  
33 or the Commissioner or his representatives for any action taken by them in the performance of  
34 their powers and duties under this ~~Article~~ Article, including, but not limited to, those powers  
35 and duties enumerated in G.S. 58-48-35."

36 SECTION 3. This act is effective when it becomes law.

