GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

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SENATE BILL 586*

Short Title:	Motion Hearings in Multicounty Dist./RCP 7. (Public)

Sponsors:	Senators Newton; Allran, Daniel, Goolsby, Hartsell, and Stevens.

Referred to:	Judiciary II.

April 14, 2011

1   A BILL TO BE ENTITLED
2   AN ACT AMENDING RULE 7 OF THE RULES OF CIVIL PROCEDURE TO PROVIDE
3   THAT, WITH THE PERMISSION OF THE SENIOR RESIDENT SUPERIOR COURT
4   JUDGE, A MOTION IN A CIVIL ACTION IN A COUNTY THAT IS PART OF A
5   MULTICOUNTY JUDICIAL DISTRICT MAY BE HEARD DURING CIVIL SESSION
6   IN AN INCLUDED COUNTY DIFFERENT FROM WHERE THE CASE WAS FILED.
7   The General Assembly of North Carolina enacts:
8   **SECTION 1.** G.S. 1A-1, Rule 7(b)(4) reads as rewritten:
9   "(b)   Motions and other papers. –
10   …
11   (4)   A motion in a civil action in a county that is part of a multicounty judicial
12   district may be heard in another county which is part of that same judicial
13   district with the permission of the senior resident superior court judge of that
14   district or of that judge's designee. Except for emergencies as determined by
15   the senior resident superior court judge or that judge's designee, a motion in
16   a civil action to be heard outside the county in which the case is filed shall
17   be heard at a civil session of court. filed with the superior court clerk of a
18   county that is in a superior court district consisting of more than one county
19   or parts of more than one county may be heard in any county in that superior
20   court district. The motion may be heard at a regular civil or civil priority
21   session of court or, with the consent of the presiding judge, at a regular
22   criminal or criminal priority session of court. A party shall not object to the
23   hearing of the motion outside the county with whose superior court clerk the
24   action was filed if the motion is heard within the superior court district
25   where the action is pending."
26   **SECTION 2.** This act becomes effective October 1, 2011, and applies to motions
27   made on or after that date.