

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

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S.B. 395
PRINCIPAL CLERK

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SENATE BILL DRS15204-LR-12

Short Title: Civ. Pro./Good-Cause Continuances.

(Public)

Sponsors: Senator Daniel (Primary Sponsor).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT AMENDING THE RULES OF CIVIL PROCEDURE CONCERNING THE
3 GRANTING OF CONTINUANCES FOR GOOD CAUSE ON ACCOUNT OF SERVICE
4 ON A STATE BOARD, COMMISSION, OR AUTHORITY AS AN APPOINTEE OF THE
5 GOVERNOR, LIEUTENANT GOVERNOR, OR GENERAL ASSEMBLY.
6 The General Assembly of North Carolina enacts:
7 **SECTION 1.** G.S. 1A-1, Rule 40 of the Rules of Civil Procedure reads as rewritten:
8 "**Rule 40. Assignment of cases for trial; continuances.**
9 (a) The senior resident superior court judge of any superior court district or set of districts
10 as defined in G.S. 7A-41.1 may provide by rule for the calendaring of actions for trial in the
11 superior court division of the various counties within ~~his~~that senior resident's district or set of
12 districts. Calendaring of actions for trial in the district court shall be in accordance with
13 G.S. 7A-146. Precedence shall be given to actions entitled thereto by any statute of this State.
14 (b) No continuance shall be granted except upon application to the court. A continuance
15 may be granted only for good cause shown and upon such terms and conditions as justice may
16 require. Good cause for granting a continuance shall include those instances when a party to the
17 proceeding, a witness, or counsel of record has an obligation of service to the State of North
18 Carolina, including service as a member of the General Assembly or the Rules Review
19 ~~Commission.~~Commission, or any other board, commission, or authority as an appointee of the
20 Governor, the Lieutenant Governor, or the General Assembly."
21 **SECTION 2.** This act becomes effective October 1, 2019.

