

NORTH CAROLINA GENERAL ASSEMBLY
1979 SESSION

CHAPTER 206
SENATE BILL 58

AN ACT TO PROVIDE PROFESSIONAL LIABILITY INSURANCE PROTECTION FOR
LAW ENFORCEMENT OFFICERS AND PUBLIC OFFICERS AND EMPLOYEES OF
THE STATE OF NORTH CAROLINA.

The General Assembly of North Carolina enacts:

Section 1. Article 21 of Chapter 58 of the General Statutes of North Carolina is hereby amended by adding thereto a new Section 58-191.3 to read as follows:

"§ 58-191.3. **Professional liability insurance for officials and employees of the State.** —

The Commissioner of Insurance may acquire professional liability insurance covering the officers and employees of any State department, institution or agency upon the request of such State department, institution or agency. Premiums for such insurance coverage shall be paid by the requesting department, institution or agency at rates fixed by the commissioner from funds made available to it for the purpose. The commissioner, in placing a contract for such insurance is authorized to place such insurance through the Public Officers and Employees' Liability Insurance Commission of the Department of Administration, and shall exercise all efforts to place such insurance through the said commission prior to attempting to procure such insurance through any other source.

The commissioner, pursuant to this section, may acquire professional liability insurance covering the officers and employees of a department, institution or agency of State government only if the coverage to be provided by such policy is coverage of claims in excess of the protection provided by Articles 31 and 31A of Chapter 143 of the General Statutes.

The purchase, by any State department, institution or agency of professional liability insurance covering the law enforcement officers, officers or employees of such department, institution or agency shall not be construed as a waiver of any defense of sovereign immunity by such department, institution or agency. The purchase of such insurance shall not be deemed a waiver by any employee of the defense of sovereign immunity to the extent that such defense may be available to him.

The payment, by any State department, institution or agency of funds as premiums for professional liability insurance through the plan provided herein, covering the law enforcement officers or officials or employees of such department, institution or agency is hereby declared to be for a public purpose."

Sec. 2. This act shall become effective on July 1, 1980.

In the General Assembly read three times and ratified, this the 26th day of March, 1979.