

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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SENATE BILL 910

Short Title: Change Limitations for Official Bonds.

(Public)

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Sponsors: Senators Dalton, Kerr; Clark, Warren, and Weinstein.

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Referred to: Judiciary.

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April 17, 1997

A BILL TO BE ENTITLED

AN ACT TO CHANGE THE STATUTE OF LIMITATIONS FOR ACTIONS ON  
OFFICIAL BONDS FROM SIX YEARS TO THREE YEARS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 1-50(a)(1) is repealed.

Section 2. G.S. 1-52 reads as rewritten:

**"§ 1-52. Three years.**

Within three years an action –

(1) Upon a contract, obligation or liability arising out of a contract, express or implied, except those mentioned in the preceding sections or in G.S. 1-53(1).

(1a) Upon the official bond of a public officer.

(2) Upon a liability created by statute, either state or federal, unless some other time is mentioned in the statute creating it.

(3) For trespass upon real property. When the trespass is a continuing one, the action shall be commenced within three years from the original trespass, and not thereafter.

(4) For taking, detaining, converting or injuring any goods or chattels, including action for their specific recovery.

- 1 (5) For criminal conversation, or for any other injury to the person or rights  
2 of another, not arising on contract and not hereafter enumerated.
- 3 (6) Against the sureties of any executor, administrator, collector or guardian  
4 on the official bond of their principal; within three years after the breach  
5 thereof complained of.
- 6 (7) Against bail; within three years after judgment against the principal; but  
7 bail may discharge himself by a surrender of the principal, at any time  
8 before final judgment against the bail.
- 9 (8) For fees due to a clerk, sheriff or other officer, by the judgment of a  
10 court; within three years from the rendition of the judgment, or the  
11 issuing of the last execution thereon.
- 12 (9) For relief on the ground of fraud or mistake; the cause of action shall  
13 not be deemed to have accrued until the discovery by the aggrieved  
14 party of the facts constituting the fraud or mistake.
- 15 (10) Repealed by Session Laws 1977, c. 886, s. 1.
- 16 (11) For the recovery of any amount under and by virtue of the provisions of  
17 the Fair Labor Standards Act of 1938 and amendments thereto, said act  
18 being an act of Congress.
- 19 (12) Upon a claim for loss covered by an insurance policy which is subject to  
20 the three-year limitation contained in lines 158 through 161 of the  
21 Standard Fire Insurance Policy for North Carolina, G.S. 58-44-15(c).
- 22 (13) Against a public officer, for a trespass, under color of his office.
- 23 (14) An action under Chapter 75B of the General Statutes, the action in  
24 regard to a continuing violation accrues at the time of the latest  
25 violation.
- 26 (15) For the recovery of taxes paid as provided in G.S. 105-267 and G.S.  
27 105-381.
- 28 (16) Unless otherwise provided by statute, for personal injury or physical  
29 damage to claimant's property, the cause of action, except in causes of  
30 actions referred to in G.S. 1-15(c), shall not accrue until bodily harm to  
31 the claimant or physical damage to his property becomes apparent or  
32 ought reasonably to have become apparent to the claimant, whichever  
33 event first occurs. Provided that no cause of action shall accrue more  
34 than 10 years from the last act or omission of the defendant giving rise  
35 to the cause of action.
- 36 (17) Against a public utility, electric or telephone membership corporation,  
37 or a municipality for damages or for compensation for right-of-way or  
38 use of any lands for a utility service line or lines to serve one or more  
39 customers or members unless an inverse condemnation action or  
40 proceeding is commenced within three years after the utility service line  
41 has been constructed or by October 1, 1984, whichever is later.
- 42 (18) Against any registered land surveyor as defined in G.S. 89C-3(9) or any  
43 person acting under his supervision and control for physical damage or

1                    economic or monetary loss due to negligence or a deficiency in the  
2                    performance of surveying or platting as defined in G.S. 1-47(6)."  
3                    Section 3. This act becomes effective October 1, 1997, and applies to actions  
4                    occurring on or after that date. This act shall not affect litigation or actions pending on  
5                    October 1, 1997.