

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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HOUSE BILL 1502*
Second Edition Engrossed 5/24/00
Senate Judiciary I Committee Substitute Adopted 7/6/00

Short Title: Adverse Weather Court Closing.

(Public)

Sponsors:

Referred to:

May 11, 2000

1 A BILL TO BE ENTITLED
2 AN ACT TO AUTHORIZE LOCAL COURT OFFICIALS TO RESPOND TO
3 ADVERSE WEATHER AND OTHER EMERGENCY SITUATIONS BY
4 CANCELING COURT SESSIONS AND CLOSING COURT OFFICES AND TO
5 AUTHORIZE THE CHIEF JUSTICE TO EXTEND STATUTES OF LIMITATIONS
6 AND OTHER COMPARABLE DEADLINES IN RESPONSE TO
7 CATASTROPHIC CONDITIONS, AS RECOMMENDED BY THE NORTH
8 CAROLINA COURTS COMMISSION.

9 The General Assembly of North Carolina enacts:

10 Section 1. Chapter 7A of the General Statutes is amended by adding a new
11 section to read:

12 **"§ 7A-39. Adverse weather cancellation of court sessions and closing court offices;**
13 **extension of statutes of limitations in catastrophic conditions.**

14 (a) Cancellation of Court Sessions, Closing Court Offices. – In response to
15 adverse weather or other comparable emergency situations, any session of any court of
16 the General Court of Justice may be cancelled, postponed, or altered by judicial officials,
17 and court offices may be closed by judicial branch hiring authorities, pursuant to uniform

1 statewide guidelines prescribed by the Director of the Administrative Office of the
2 Courts.

3 (b) Authority of Chief Justice to Extend Statutes of Limitations. – When the Chief
4 Justice of the North Carolina Supreme Court determines and declares that catastrophic
5 conditions exist or have existed in one or more counties of the State, the Chief Justice
6 may by order entered pursuant to this subsection extend, to a date certain no fewer than
7 10 days after the effective date of the order, the time within which pleadings, motions,
8 notices, and other documents and papers may be timely filed and other acts may be
9 timely done in civil actions, criminal actions, estates, and special proceedings in each
10 county named in the order.

11 (1) Catastrophic conditions defined. – As used in this subsection,
12 'catastrophic conditions' means any set of circumstances that make it
13 impossible or extremely hazardous for judicial officials, employees,
14 parties, witnesses, or other persons with business before the courts to
15 reach a courthouse, or that create a significant risk of physical harm to
16 persons in a courthouse, or that would otherwise convince a reasonable
17 person to avoid travelling to or being in the courthouse, including
18 conditions that may result from hurricane, tornado, flood, snowstorm,
19 ice storm, other severe natural disaster, fire, or riot.

20 (2) Entry of order. – The Chief Justice may enter an order under this
21 subsection at any time after catastrophic conditions have ceased to exist.
22 The order shall be in writing and shall become effective for each
23 affected county upon being filed in the office of the clerk of superior
24 court of that county.

25 (c) In Chambers Jurisdiction Not Affected. – Nothing in this section prohibits a
26 judge or other judicial officer from exercising, during adverse weather or other
27 emergency situations, any in chambers or ex parte jurisdiction conferred by law upon that
28 judge or judicial officer, as provided by law. The effectiveness of any such exercise shall
29 not be affected by a determination by the Chief Justice that catastrophic conditions
30 existed at the time it was exercised."

31 Section 2. This act is effective when it becomes law and applies to court
32 closings occurring on or after the date of effectiveness.