

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007**

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HOUSE BILL 552

Short Title: Firemen's Relief Fund Immunity.-AB

(Public)

Sponsors: Representatives Sutton; Gulley and Wray.

Referred to: Judiciary III.

March 12, 2007

1 A BILL TO BE ENTITLED
2 AN ACT TO PROVIDE QUALIFIED IMMUNITY FOR PERSONS SERVING ON
3 LOCAL BOARDS OF TRUSTEES OF THE FIREMEN'S RELIEF FUND OF
4 NORTH CAROLINA.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** Article 84 of Chapter 58 of the General Statutes of North
7 Carolina is amended by adding a new section to read:

8 "**§ 58-84-60. Immunity.**

9 A person serving on a local board of trustees of the Firemen's Relief Fund shall be
10 immune individually from civil liability for monetary damages, except to the extent
11 covered by insurance, for any act or failure to act arising out of this service, except
12 where the person:

- 13 (1) Was not acting within the scope of that person's official duties;
14 (2) Was not acting in good faith;
15 (3) Committed gross negligence or willful or wanton misconduct that
16 resulted in the damages or injury;
17 (4) Derived an improper personal financial benefit from the transaction; or
18 (5) Incurred the liability from the operation of a motor vehicle."

19 **SECTION 2.** If any section or provision of this act is declared
20 unconstitutional, preempted, or otherwise invalid by the courts, it does not affect the
21 validity of the act as a whole or any part other than the part so declared to be
22 unconstitutional, preempted, or otherwise invalid.

23 **SECTION 3.** This act becomes effective October 1, 2007, and applies only to
24 causes of action arising on or after that date.