

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

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HOUSE BILL 538

Short Title: Transparency in Evidence Standards. (Public)

Sponsors: Representative Stevens.

For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Judiciary 2, if favorable, Rules, Calendar, and Operations of the House

April 14, 2021

1 A BILL TO BE ENTITLED
2 AN ACT AMENDING RULE 411 OF THE NORTH CAROLINA RULES OF EVIDENCE
3 CONCERNING THE INTERPRETATION OF WHAT CONSTITUTES "INSURANCE"
4 UNDER THE COLLATERAL SOURCE RULE.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** G.S. 8C-1, Rule 411 of the North Carolina Rules of Evidence, reads as
7 rewritten:

8 **"Rule 411. Liability insurance.**

9 (a) Evidence that a person was or was not insured against liability is not admissible upon
10 the issue whether he acted negligently or otherwise wrongfully. This rule does not require the
11 exclusion of evidence of insurance against liability or coverage limits when offered for another
12 purpose, such as proof of agency, ownership, or control, or bias or prejudice of a witness.

13 (b) The term "insurance" as used in subsection (a) of this rule bars parties from
14 introducing evidence of any payments made by insurance under the collateral source rule. The
15 term "insurance" shall not be construed to infer that evidence of any of the following are barred
16 by subsection (a) of this rule:

17 (1) Health insurance.

18 (2) Disability insurance.

19 (3) Other forms of benefits that may be characterized as "insurance."

20 **SECTION 2.** This act becomes effective October 1, 2021, and applies to proceedings
21 pending on or after that date.

