

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005**

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**SENATE BILL 1118
Judiciary I Committee Substitute Adopted 5/3/05**

Short Title: Torts by State Law Enforcement.

(Public)

Sponsors:

Referred to:

March 24, 2005

A BILL TO BE ENTITLED

1
2 AN ACT TO PERMIT CERTAIN CLAIMS UNDER THE TORT CLAIMS ACT
3 WHEN THE STATE REFUSED TO DEFEND A CIVIL ACTION BROUGHT
4 AGAINST A STATE LAW ENFORCEMENT OFFICER ON THE GROUNDS
5 THAT THE OFFICER DID NOT ACT WITHIN THE SCOPE AND COURSE OF
6 EMPLOYMENT, AND A COURT SUBSEQUENTLY DETERMINED THAT
7 THE OFFICER DID ACT WITHIN THE SCOPE AND COURSE OF
8 EMPLOYMENT.

9 The General Assembly of North Carolina enacts:

10 **SECTION 1.** Notwithstanding G.S. 143-299, where a judgment was entered
11 in a civil action in federal court prior to the effective date of this act against a member
12 of the Highway Patrol for an injury to a person and where the court that rendered the
13 judgment concluded that the person's injury was the result of an act of a member of the
14 Highway Patrol committed while the person was acting within the course and scope of
15 the person's employment, the person who brought the action has 180 days from the
16 effective date of this act to file an action to recover damages under Article 31 of Chapter
17 143 of the General Statutes. It shall not be a defense that the member of the Highway
18 Patrol is no longer a State employee, or that any time limit for seeking the recovery of
19 damages or any other time limit of civil procedure has expired. The limitation on the
20 amount that may be recovered under this section shall be the limit of liability under
21 Article 31 of Chapter 143 of the General Statutes applicable at the time the tort
22 occurred. No interest on the amount recoverable shall accrue until an amount of
23 damages is awarded under this section.

24 **SECTION 2.** This act is effective when it becomes law.