

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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SENATE BILL 627

Short Title: Rulings On No Contest Motions.

(Public)

Sponsors: Senator Odom.

Referred to: Judiciary I.

April 15, 1991

A BILL TO BE ENTITLED

1 AN ACT THAT, IN ORDER TO ACHIEVE GREATER JUDICIAL EFFICIENCY,
2 AUTHORIZES THE SUPREME COURT TO ADOPT RULES THAT WILL
3 ALLOW THE COURT TO RULE ON MOST TYPES OF MOTIONS WITHOUT
4 A HEARING WHEN THE OPPOSING PARTY FAILS TO RESPOND TO THE
5 MOTION WITHIN THIRTY DAYS.
6

7 Whereas, Section 13 of Article IV of the Constitution of North Carolina
8 provides that the General Assembly may delegate its authority to the Supreme Court to
9 make rules of procedure and practice for the Superior Court and District Court
10 Divisions; Now, therefore,

11 The General Assembly of North Carolina enacts:

12 Section 1. (a) In order to increase judicial efficiency, the Supreme Court
13 shall make rules which provide that the moving party can request the court to rule on all
14 motions other than motions for new trial and motions notwithstanding the verdict
15 without an oral hearing when the opposing party fails to serve and file:

- 16 (1) A response;
- 17 (2) A reply memorandum;
- 18 (3) An affidavit; or
- 19 (4) Other responsive material

20 within 30 days after service of the motion.

21 (b) The General Assembly specifically urges the Supreme Court to adopt
22 rules under subsection (a) of this section regarding motions for summary judgment and
23 motions for default judgment.

1 Sec. 2. Prior to adopting rules pursuant to Section 1 of this act, the Supreme
2 Court shall consider the rules regarding uncontested motions of other states, specifically
3 Georgia Uniform Rules of Court 6.2 and 6.3.

4 Sec. 3. Any rule of procedure or rule of practice for the Superior Court and
5 District Court Divisions adopted under this act may only be adopted if the Supreme
6 Court finds such rule adequately protects the substantive rights of all parties and
7 adequately addresses due process considerations.

8 Sec. 4. Any rule of procedure or rule of practice for the Superior Court and
9 District Court Divisions adopted under this act shall apply notwithstanding the
10 provisions of Chapter 1A of the General Statutes. Any rule of procedure or rule of
11 practice for the Superior Court and District Court Divisions adopted under this act may
12 amend or supplement the Rules of Civil Procedure or the General Rules of Practice.

13 Sec. 5. The Supreme Court shall adopt rules pursuant to this act no later than
14 March 1, 1992, to be effective no later than July 1, 1992.

15 Sec. 6. This act is effective upon ratification.