

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005**

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**SENATE BILL 1118
Judiciary I Committee Substitute Adopted 5/3/05
House Committee Substitute Favorable 7/5/05**

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 the member of
14 the Highway Patrol committed while acting within the course and scope of the officer's
15 employment, the person who brought the action has 180 days from the effective date of
16 this act to file an action to recover damages under Article 31 of Chapter 143 of the
17 General Statutes. It shall not be a defense that the member of the Highway Patrol is no
18 longer a State employee, or that any time limit for seeking the recovery of damages or
19 any other time limit of civil procedure has expired. The limitation on the amount that
20 may be recovered under this section shall be the limit of liability under Article 31 of
21 Chapter 143 of the General Statutes applicable at the time the tort occurred. No interest
22 on the amount recoverable shall accrue until an amount of damages is awarded under
23 Article 31 of Chapter 143 of the General Statutes as authorized by this section.

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