

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2003

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SENATE BILL 786  
House Committee Substitute Favorable 6/9/03

Short Title: State Institution Resident Damage Claims.

(Public)

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Sponsors:

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Referred to:

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April 3, 2003

A BILL TO BE ENTITLED

1 AN ACT TO PROVIDE THAT WHEN THE PROPERTY OF A RESIDENT OF A  
2 STATE INSTITUTION UNDER THE DEPARTMENT OF HEALTH AND  
3 HUMAN SERVICES IS LOST, DESTROYED, OR OTHERWISE DAMAGED  
4 THROUGH NEGLIGENT HANDLING BY THE INSTITUTION, THE  
5 INSTITUTION MAY MAKE DIRECT PAYMENT OR PROVIDE  
6 REPLACEMENT OF THE ITEM TO THE RESIDENT WITHOUT RECOURSE  
7 TO THE TORT CLAIMS PROCESS IF THE AMOUNT OF DAMAGES IS LESS  
8 THAN FIVE HUNDRED DOLLARS.  
9

10 The General Assembly of North Carolina enacts:

11 **SECTION 1.** Article 31 of Chapter 143 of the General Statutes is amended  
12 by adding a new section to read:

13 **§ 143-295.1. Settlement of small claims against institutions of the Department of**  
14 **Health and Human Services.**

15 When the property of a resident of a State institution under the Department of Health  
16 and Human Services is lost, destroyed, or otherwise damaged through negligent  
17 handling by the institution, and the amount of damages is less than five hundred dollars  
18 (\$500.00), the institution may make direct payment or provide replacement of the item  
19 to the resident without recourse to the procedures otherwise provided by this Article."

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