Civil Law and Procedure

See full summary documents for additional detail

Worker Safety Act of 2026.

SL 2026-13 (H258)

S.L. 2026-13 (House Bill 258) amends the Retaliatory Employment Discrimination Act (REDA) to do all of the following:

- Provide specific requirements for a complaint alleging a violation.
- Require written authorization for a third party to submit a complaint.
- Require the destruction of any extraneous materials submitted with a complaint.
- Allow a respondent to submit a position statement containing affirmative defenses within seven days of receipt of the complaint.
- Allow the Commissioner of Labor to open an investigation prior to receiving a response from the respondent.
- Provide that computation of time under REDA follows Rule 6 of the Rules of Civil Procedure.

This act became effective June 22, 2026.

Prohibit Litigation Investment – Prohibit Litigation Invest/Amend Workers' Compensation Benefits.

SL 2026-14 (H315), Part I

Part I of S.L. 2026-14 (House Bill 315) enacts the Prohibit Litigation Investments Act (Act) to make it unlawful for a person to engage in litigation investment in this State or to furnish litigation investment to a party or counsel of record in a civil proceeding in this State.

In addition to any other remedies provided by law for a violation, the Attorney General is authorized to bring an action to enjoin violations of the Act, in which the court could impose a civil penalty of up to $50,000 for each violation.

Any person injured by a violation can bring an action seeking damages. An injured person can elect at judgment between an award of compensatory damages as measured by the trier of fact or an award of treble the amount of the full potential litigation investment contemplated by the investor as statutory damages. As part of any judgment the injured person would also be entitled to an award of court costs and reasonable attorneys' fees.

As used in the Act, the term "litigation investment" means the provision of money for the fees, costs, and expenses related to a pending or potential civil proceeding in exchange for the right to receive repayment or other consideration that is contingent in any respect on the outcome of the proceeding.

The following activities are not a prohibited "litigation investment" under the Act:

- The provision of legal services on a contingency fee basis or the advance of costs and expenses by an attorney or law firm in accordance with the North Carolina Rules of Professional Conduct.
- An insurer's or other entity's contractual obligation to indemnify or defend a party to a civil proceeding.
- A nonprofit organization's provision of money for the fees, costs, or expenses of a civil proceeding commenced by the organization on behalf of itself or its members, or the provision of money to or by a nonprofit legal services organization for pro bono, cost-free representation of a client in a civil proceeding, so long as any repayment amount is limited to the original amount plus reasonable interest.
- A direct loan to a party, law firm, or attorney so long as repayment of the loan is not contingent on the outcome of any civil proceeding.
- The provision of financial support to a party for personal and household expenses during the pendency of a civil proceeding so long as it is not used for the fees, costs, or expenses of the proceeding.
- An immediate family member's provision of financial support to a party for fees, costs, or expenses of a civil proceeding or for personal and household expenses during the pendency of the proceeding, regardless of whether the immediate family member receives a right to any portion of the recovery in the civil proceeding or any other right to repayment that is contingent on the outcome of the proceeding.

This Part became effective June 22, 2026, and applies to civil proceedings commenced on or after that date, and applies to contracts entered into, renewed, or amended on or after that date.

Waiver of Local Government Immunity – North Carolina Border Protection Act.

SL 2026-19 (S153), Part V

Part V of S.L. 2026-19 (Senate Bill 153) waives governmental immunity from tort liability for local governments that adopt sanctuary ordinances when an unauthorized alien commits a crime against a person or property within its corporate limits, regardless of whether the local government has purchased liability insurance.

This bill was vetoed by the Governor on June 20, 2025, and that veto was overridden by the General Assembly on June 24, 2026. This Part became effective June 24, 2026.

Clarify Distinction Between Costs and Expenses Awarded – 2026 Appropriations Act.

SL 2026-41 (S257), Sec. 16.15

Section 16.15 of S.L. 2026-41 (Senate Bill 257) modifies G.S. 7A-305 to clarify that fees can be awarded to the prevailing party in a civil action.

This section became effective July 7, 2026, and applies to actions pending or filed on or after that date and applies to judgments entered and docketed before July 7, 2026 for which costs have been docketed.

Establish Procedure for Complex Family Financial Case Disposition. – 2026 Appropriations Act.

SL 2026-41 (S257), Sec. 16.19

Section 16.19 of S.L. 2026-41 (Senate Bill 257), as amended by Sec. 5.1 of S.L. 2026-42 (House Bill 56), establishes a procedure for certain claims related to equitable distribution, alimony, postseparation support, and child support to be designated as a complex family financial case and heard by a Complex Family Financial Court Judge.

By September 1, 2026, the Chief Justice of the North Carolina Supreme Court (Chief Justice) must appoint 3 Complex Family Financial Court Judges who meet minimum requirements and designate 1 of them as the Chief Complex Family Financial Court Judge. In addition to scheduling hearings, the Chief Judge must determine which cases are complex family financial cases and must collaborate with the Administrative Office of the Courts to provide an annual report, beginning August 1, 2027, on the program.

Beginning January 1, 2027, a party can file a notice designating a claim as a complex family financial case and the other party can oppose it. This section provides factors to be considered by the Chief Complex Family Financial Court Judge when determining whether a case is a complex family financial case including the value of real and personal property, the existence of issues related to trusts, businesses, and retirement accounts, and other financial issues that can make a determination of property division or support obligations more complex.

If a claim is designated as a complex family financial claim, there is an additional court cost of $1,100 that is paid in equal shares by the parties.

This section became effective July 1, 2026.

Additional Support for Domestic Violence Center Grants – 2026 Appropriations Act.

SL 2026-41 (S257), Sec. 22.1

Section 22.1 of S.L. 2026-41 (Senate Bill 257) increases the fee assessed against a person filing for absolute divorce from $75.00 to $125.00 and provides that those funds are deposited to the Domestic Violence Center Fund.

This section becomes effective December 1, 2026, and applies to fees assessed on or after that date.

Confidentiality of Wildlife Resource Information – 2026 Wildlife Resources Changes.

SL 2026-43 (H747), Sec. 1

Section 1 of S.L. 2026-43 (House Bill 747) authorizes the Executive Director of the Wildlife Resources Commission to exempt records that contain site-specific information regarding the occurrence of certain rare species of plants or animals, or the location of sensitive habitats, from disclosure under the State's Public Records Law upon finding that disclosure would create a risk of harm, theft, or destruction to the species or habitat or the area where it is located. This section does not apply to a record requested by the landowner of the property where the rare species or sensitive habitat are located.

This section became effective July 7, 2026.

Winter Sports Safety and Accidents.

SL 2026-49 (S648)

S.L. 2026-49 (Senate Bill 648) does the following:

- Defines "inherent risks of skiing," "season pass," and "ski pass."
- Adds additional duties and responsibilities for skiers, as follows:
    - Remain onsite when the skier collides with another individual, unless leaving is necessary to obtain medical help, or when remaining at the scene of the collision places the skier or others at significant risk of injury.
    - After a collision, provide name and current address to ski patrol, ski area employee, or to each person involved in the collision.
    - No skiing off or outside of boundaries.
    - Load and unload properly from a tramway and use any passenger restraining devices on tramway in accordance with intended purpose, posted instructions, and verbal instructions from the ski area operator.
    - No skiing on a slope that is closed or during a time outside of slope operational hours.
    - Stay clear of snow-grooming equipment, vehicles, lift towers, signs, and any other equipment on ski slopes and ski trails.
    - Heed all information and warnings and refrain from acting in a way that could cause injury.
    - Yield the right-of-way to the downhill skier when approaching or overtaking another skier.
    - When a skier younger than 14 years old is participating in winter sports activities, a parent or guardian must properly supervise the skier.
- Provides additional locations where ski area operators can post signs giving reasonable notice of slope and trial conditions, including at ticket kiosks or online.
- Allows assumption of the risk of the inherent risks of skiing to be an affirmative defense for ski area operators.

- Creates Class 1 misdemeanors for (i) misuse of ski passes and season passes, (ii) unauthorized access to or use of a ski area, and (iii) hit and run ski collision.
- Creates a civil action to recover damages from a skier who (i) misuses a ski pass or season pass or (ii) accesses or uses a ski area without authorization.
- Provides limited immunity for the employee or agent of a ski area operator related to an individual's detention or arrest for misuse of a ski pass.
- Establishes that waivers of liability executed in conjunction with winter sports are enforceable.
- Exempts bona fide volunteers at a ski area, including qualified youth under 18 years old, from minimum wage, overtime, youth employment, and recordkeeping requirements.

This act becomes effective October 1, 2026, and applies to causes of action arising on or after that date and offenses committed on or after that date.

Nuisance Immunity for Rural Recreational and Heritage Events. – Regulatory Reform Act of 2026.

SL 2026-59 (S445), Sec. 25

Section 25 of S.L. 2026-59 (Senate Bill 445) provides that a facility that regularly hosts or conducts rural recreational and heritage events, which include motorized and off-road vehicle competitions and horse and farm animal events, is not subject to nuisance or taking claims from surrounding property owners within three miles of the facility if the facility was lawfully established and had hosted at least one rural recreational and heritage event within the 24 months preceding the date the surrounding property owner bought the property or constructed a building on the property.

This section became effective August 11, 2026, and applies to actions commenced on or after that date.

Amend Adoption Law to Facilitate E-Filing – 2026 Court Changes.

Ratified (H377), Sec. 1

Section 1 of House Bill 377 would have modified certain laws relating to adoption to facilitate the electronic filing of adoptions with courts and electronic transmission of adoption records to the Division of Social Services for indexing.

House Bill 377 was ratified by the General Assembly on August 6, 2026, and vetoed by the Governor on August 17, 2026.

Clarify How a Renter-Defendant Appellant Maintains a Stay of Execution of Judgment – 2026 Court Changes.

Ratified (H377), Sec. 2

Section 2 of House Bill 377 would have clarified how a defendant renter maintains a stay of execution pending appeal. If the defendant continued to pay periodic rent, that payment would have satisfied and maintained the stay of execution during the 30-day time period for taking an appeal.

House Bill 377 was ratified by the General Assembly on August 6, 2026, and vetoed by the Governor on August 17, 2026.

Amend Default Judgment Provision in Divorce Proceedings – 2026 Court Changes.

Ratified (H377), Sec. 5

Section 5 of House Bill 377 would have clarified that the clerk of superior court can enter judgment, upon request of a plaintiff, in cases where a plaintiff's only claim against the defendant is for absolute divorce, or absolute divorce and resumption of a former name, when the defendant failed to appear.

House Bill 377 was ratified by the General Assembly on August 6, 2026, and vetoed by the Governor on August 17, 2026.

Clarify Certain Filings – 2026 Court Changes.

Ratified (H377), Sec. 8

Section 8 of House Bill 377 would have made a clarifying change regarding the filing of documents with the courts.

House Bill 377 was ratified by the General Assembly on August 6, 2026, and vetoed by the Governor on August 17, 2026.

Clarify Use of Summonses in Caveat Proceeding. – 2026 Court Changes.

Ratified (H377), Sec. 12

Section 12 of House Bill 377 would have provided that upon the filing of a caveat in a probate proceeding, the caveat must be served on all interested parties in accordance with the rules of civil procedure but that a summons is not required.

House Bill 377 was ratified on August 6, 2026, but was vetoed by the Governor on August 17, 2026.

Modify Laws Related to Frivolous Lawsuits – 2026 Court Changes.

Ratified (H377), Sec. 20

Section 20 of House Bill 377 would have provided that whenever a motion to proceed as an indigent is filed pro se by an inmate in the custody of the Department of Adult Correction or any sheriff in North Carolina, or whenever a motion to proceed as an indigent is filed pro se by any person or entity and the complaint is brought against a federal, State, or local government entity, or government employee in their official capacity, or government employee in their individual capacity but based on the employee's work for the government, the motion to proceed as an indigent and the complaint must be presented to any superior court judge of the judicial district. The court would have been required to dismiss the action if it was frivolous or malicious, failed to state a claim on which relief could be granted, or sought relief against a defendant who was immune from such relief. The proceeding would have been automatically stayed until the judge ruled on the motion to proceed as indigent. This section would also have allowed the clerk to reject certain filings unless the filing was accompanied by any necessary fees or a motion to proceed as indigent.

House Bill 377 was ratified by the General Assembly on August 6, 2026, and vetoed by the Governor on August 17, 2026.

Amend Procedure for Determining Elective Share. – 2026 Court Changes.

Ratified (H377), Sec. 27.1

Section 27.1 of House Bill 377 would have amended the procedure for determining the elective share to provide that the summons and claims in the petition must relate back to the date of the filing of the petition. It would have specified that the requirement that a summons be issued within five days of the filing of the petition under Rule 4(a) of the Rules of Civil Procedure does not apply. This section also would have made other technical and organizational changes.

House Bill 377 was ratified on August 6, 2026, but was vetoed by the Governor on August 17, 2026.

Technical Corrections to Estate Planning Statutes. – 2026 Court Changes.

Ratified (H377), Sec. 27.4

Section 27.4 of House Bill 377 would clarify that revocation of provisions in a revocable trust by divorce or annulment do not apply when the settlor executes a subsequent amendment to the revocable trust, which makes express references to the revocable trust, and which modifies the revocable trust.

House Bill 377 was ratified on August 6, 2026, but was vetoed by the Governor on August 17, 2026.