

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

H

1

HOUSE BILL 1476

Short Title: Gov. Immunity/Adequacy of Remedies. (Public)

Sponsors: Representatives Blue, Glazier (Primary Sponsors); Faison, Harrison, and Lucas.

Referred to: Ways and Means/Broadband Connectivity, if favorable, Judiciary II.

April 13, 2009

A BILL TO BE ENTITLED

AN ACT TO CLARIFY WHEN A CLAIMANT AGAINST AN ENTITY PROTECTED BY
GOVERNMENTAL IMMUNITY HAS AN ADEQUATE REMEDY AT LAW.

The General Assembly of North Carolina enacts:

SECTION 1. Article 2 of Chapter 1 of the General Statutes is amended by adding a
new section to read:

**"§ 1-13.1. Adequacy of remedies in actions against local governments, local school
boards, and State departments and agencies.**

A claimant has no adequate remedy under State law and shall not be restrained from
pursuing any relief available under the Constitution of the United States and the Constitution of
North Carolina when (i) the actions of any agent or employee of a local government, local
school board, or State department or agency within the scope of the agent's or employee's
authority or within the course of employment of the employee result in death or injury to
person or property, (ii) no waiver of immunity is found to apply by a court of competent
jurisdiction under any provision of the General Statutes, and (iii) no other claim for relief that
would give the claimant full recovery of damages is available under State law."

SECTION 2. This act is effective when it becomes law and applies to causes of
action arising on or after that date.

