

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

H

D

HOUSE DRH80300-MH-107 (04/07)

Short Title: No Sovereign Immunity Nonwaiver Endorsement.

(Public)

Sponsors: Representative Blue.

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO FORBID SOVEREIGN OR GOVERNMENTAL IMMUNITY NONWAIVER
3 ENDORSEMENT IN INSURANCE POLICIES.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** Article 3 of Chapter 58 of the General Statutes is amended by adding
6 a new section to read:

7 "**§ 58-3-280. Prohibition on sovereign or governmental immunity nonwaiver**
8 **endorsement.**

9 (a) Sovereign or governmental immunity nonwaiver endorsements are contrary to the
10 public policies of the State and therefore shall not be attached or otherwise made a part of any
11 contract of insurance made under a policy form issued and approved under this Chapter. For
12 purposes of this section, "sovereign or governmental immunity nonwaiver endorsement" means
13 any language or term in an insurance policy that excludes from coverage or limits the liability
14 of the insurer for any occurrence or act which would have an exemption or be subject to
15 sovereign or governmental immunity but for the purchase of the policy by the insured party.

16 (b) The Commissioner of Insurance may promulgate any rules necessary to implement
17 this section."

18 **SECTION 2.** This act becomes effective October 1, 2009, and applies to any
19 insurance policies issued or renewed after that date.

