

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2025

H

1

HOUSE BILL 547

Short Title: Children's Services Protection Act. (Public)

Sponsors: Representatives Chesser, Balkcom, N. Jackson, and Schietzelt (Primary Sponsors).

For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Health, if favorable, Judiciary 1, if favorable, Rules, Calendar, and Operations of the House

March 31, 2025

A BILL TO BE ENTITLED
AN ACT TO LIMIT LIABILITY FOR NONGOVERNMENTAL ORGANIZATIONS AND
NONGOVERNMENTAL INDEPENDENT CONTRACTORS WORKING WITH AND
FOR CERTAIN PUBLIC AGENCIES.

The General Assembly of North Carolina enacts:

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

"§ 143-300.1B. Limited liability for nongovernmental organizations with agencies.

(a) The following definitions apply in this section:

(1) Health, human, and welfare services. – All services provided by the Department of Health and Human Services and its various divisions, in conjunction with or through nongovernmental organizations.

(2) Nongovernmental organization. – Any corporation, organization, or association, incorporated or otherwise, that is organized or operating in the State.

(3) Public agency. – The Department of Health and Human Services and any county or local agency affiliated with the Department.

(b) Notwithstanding any provision of law to the contrary, any nongovernmental organization that contracts with the public agency for the provision of health, human, and welfare services may be held liable for injury or damage caused by the negligence of the nongovernmental organization, but shall not be held liable for the injury or damage caused by the public agency, including any officer, employee, involuntary servant, volunteer, or agent of the public agency acting within the scope of their employment or contract.

(c) The nongovernmental organization and the public agency shall each bear the costs of defending itself against their respective acts and omissions and claims arising from those acts and omissions.

(d) Notwithstanding any provision of law to the contrary, this section shall not be waived or suspended by any court of competent jurisdiction. Any contract provision between parties which purports to impose on a nongovernmental organization any liability in tort for injury or damage, including bodily injury, mental anguish, property, economic, or noneconomic damages or loss caused by or resulting from a public agency's negligence, in whole or in part, shall be void and unenforceable. This section does not limit or affect the immunity provided by other State or federal law that would otherwise be an available defense to either party."



* H 5 4 7 - V - 1 *

1 **SECTION 2.** Article 31 of Chapter 143 of the General Statutes is amended by adding
2 a new section to read:

3 **"§ 143-300.1C. Limited liability for contractors with agencies.**

4 (a) The following definitions apply in this section:

5 (1) Health, human, and welfare services. – All services provided by the
6 Department of Health and Human Services and its various divisions, in
7 conjunction with or through nongovernmental independent contractors.

8 (2) Nongovernmental independent contractor. – An organization or individual
9 that exercises an independent employment and contracting to do certain work
10 according to its own judgment and method, without being subject to its
11 employer, except as to the result of the work.

12 (3) Public agency. – The Department of Health and Human Services and any
13 county or local agency affiliated with the Department.

14 (b) Notwithstanding any provision of law to the contrary, liability in tort shall be limited
15 and shall be only under this Article for any nongovernmental independent contractor that
16 contracts with the public agency for the provision of health, human, and welfare services, while
17 the nongovernmental independent contractor is performing or providing health, human, and
18 welfare services within the scope of the contract or agreement.

19 (c) In performance of health, human, and welfare services, the nongovernmental
20 independent contractor is deemed to be the functional equivalent of the public agency and, to the
21 extent that the nongovernmental independent contractor is performing or providing those services
22 in the stead of the public agency, the nongovernmental independent contractor is fulfilling a
23 public purpose authorized to be performed by the public agency.

24 (d) In performance of health, human, and welfare services, the nongovernmental
25 independent contractor shall be subject to the monetary limits provided in G.S. 143-299.2,
26 equivalent to those limits for the public agency. Any claim against the nongovernmental
27 independent contractor arising from the nongovernmental independent contractor's provision of
28 health, human, and welfare services shall be filed with a court of competent jurisdiction, and not
29 before the Industrial Commission.

30 (e) If any civil action is commenced against a nongovernmental independent contractor
31 alleging death, bodily injury, or other injury to the claimant arising out of any action or omission
32 within the scope of the nongovernmental independent contractor's performance or provision of
33 health, human, and welfare services, the State shall indemnify the nongovernmental independent
34 contractor for any damages incurred in excess of the monetary limits in G.S. 143-299.2 as applied
35 in subsection (d) of this section.

36 (f) Damages, court costs, litigation expenses, and other costs of indemnification,
37 including attorneys' fees, whether by settlement or by judgment, shall be presented by the
38 claimant to the Industrial Commission.

39 (g) Upon entry of a final judgment in excess of the monetary limits in G.S. 143-299.2 as
40 applied in subsection (d) of this section against the nongovernmental independent contractor, or
41 upon the settlement of a claim in excess of those limits, the claimant or his or her representative
42 shall file a copy of that judgment or settlement within 60 days after the effective date of that
43 settlement or judgment with the Industrial Commission."

44 **SECTION 3.** This act becomes effective October 1, 2025, and applies to claims
45 arising from acts or omissions occurring on or after that date and contracts entered into or
46 renewed on or after that date.