

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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SENATE BILL 492

Short Title: Self-Insurers/Attorneys' Fees.

(Public)

Sponsors: Senators Hartsell and Allran.

Referred to: Judiciary II/Election Laws

March 28, 1995

A BILL TO BE ENTITLED

1 AN ACT TO INCLUDE BUSINESSES THAT ARE SELF-INSURERS IN THE
2 ALLOWANCE OF COUNSEL FEES IN CERTAIN SUITS AND TO INCREASE
3 THE THRESHOLD AMOUNT OF A JUDGMENT FOR WHICH COUNSEL FEES
4 ARE ALLOWED IN CERTAIN SUITS.
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6 The General Assembly of North Carolina enacts:

7 Section 1. G.S. 6-21.1 reads as rewritten:

8 "**§ 6-21.1. Allowance of counsel fees as part of costs in certain cases.**

9 In any personal injury or property damage ~~suit,~~ suit against a defendant insurance
10 company or against a defendant business that has elected to act as self-insurer of a
11 program of liability insurance, or in any suit against an insurance company under a policy
12 issued by the defendant insurance company and in which the insured or beneficiary is the
13 plaintiff, upon a finding by the court that there was an unwarranted refusal by the
14 defendant insurance company or defendant self-insurer to pay the claim which constitutes
15 the basis of such suit, instituted in a court of record, where the judgment for recovery of
16 damages is ~~ten thousand dollars (\$10,000)~~ fifteen thousand dollars (\$15,000) or less, the
17 presiding judge may, in his discretion, allow a reasonable attorney fee to the duly
18 licensed attorney representing the litigant obtaining a judgment for damages in said suit,
19 said attorney's fee to be taxed as a part of the court costs."

1 Sec. 2. This act becomes effective October 1, 1995, and applies to any suits
2 brought on or after that date.