

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005**

**SENATE BILL 1118
RATIFIED BILL**

AN ACT TO PERMIT CERTAIN CLAIMS UNDER THE TORT CLAIMS ACT WHEN THE STATE REFUSED TO DEFEND A CIVIL ACTION BROUGHT AGAINST A STATE LAW ENFORCEMENT OFFICER ON THE GROUNDS THAT THE OFFICER DID NOT ACT WITHIN THE SCOPE AND COURSE OF EMPLOYMENT, AND A COURT SUBSEQUENTLY DETERMINED THAT THE OFFICER DID ACT WITHIN THE SCOPE AND COURSE OF EMPLOYMENT.

The General Assembly of North Carolina enacts:

SECTION 1. Notwithstanding G.S. 143-299, where a judgment was entered in a civil action in federal court prior to the effective date of this act against a member of the Highway Patrol for an injury to a person and where the court that rendered the judgment concluded that the person's injury was the result of an act of the member of the Highway Patrol committed while acting within the course and scope of the officer's employment, the person who brought the action has 180 days from the effective date of this act to file an action to recover damages under Article 31 of Chapter 143 of the General Statutes. It shall not be a defense that the member of the Highway Patrol is no longer a State employee, or that any time limit for seeking the recovery of damages or any other time limit of civil procedure has expired. The limitation on the amount that may be recovered under this section shall be the limit of liability under Article 31 of Chapter 143 of the General Statutes applicable at the time the tort occurred. No interest on the amount recoverable shall accrue until an amount of damages is awarded under Article 31 of Chapter 143 of the General Statutes as authorized by this section.

SECTION 2. This act is effective when it becomes law.
In the General Assembly read three times and ratified this the 18th day of
July, 2005.

Beverly E. Perdue
President of the Senate

James B. Black
Speaker of the House of Representatives

Michael F. Easley
Governor

Approved _____ .m. this _____ day of _____, 2005