

Civil Law and Procedure

See full summary documents for additional detail

H32 - Collaborative Law. (SL 2020-65)

This act is a modified version of the Uniform Collaborative Law Act and became effective October 1, 2020.

H118 - COVID-19 Liability Safe Harbor. (SL 2020-89)

S.L. 2020-89 provides that no person is liable for any act or omission not amounting to gross negligence, willful or wanton conduct, or intentional wrongdoing in a claim alleging damages for contraction of COVID-19. This immunity does not apply to claims arising later than 180 days after the expiration or rescission of Executive Order No. 116, issued on March 10, 2020, and does not apply to workers' compensation claims.

The act requires persons to provide reasonable notice of actions taken by them to reduce the risk of COVID-19 transmission on premises owned by them or under their control. This requirement does not apply to premises owned by an individual unless the premises are used in operating a sole proprietorship.

The act does not affect any immunity granted under S.L. 2020-3 (Senate Bill 704).

The act became effective on July 2, 2020 and applies to claims arising on or after that date.

H308 - Regulatory Reform Act of 2020.

Sec. 27: Extend Sunset on Remote Notary and Video Witnessing. (SL 2020-74)

Section 27 of S.L. 2020-74 extends the authorization for remote notaries and video witnessing from August 1, 2020 to March 1, 2021.

This section became effective July 1, 2020.

H679 - Rules of Civ Procedure/E-Filing and Service. (SL 2020-46)

S.L. 2020-46 amends Rule 3 and Rule 5 of the Rules of Civil Procedure to allow for electronic filing and service.

This act became effective on October 1, 2020, and applies to filings and service effected on or after that date.

H902 - Purchases & Contracts Changes/Global Transpark/Prison Pilot.

Part VI: Limited Immunity from COVID-19 Related Claims Arising from Reopening of Privately Owned Community Swimming Pools. (SL 2020-90)

Part VI of S.L. 2020-90 provides limited immunity to owners and operators of privately owned community swimming pools and their agents for claims and actions seeking damages for injury or death arising from transmission of COVID-19 resulting from pool reopening in accordance with applicable executive orders of the Governor.

This part of the act became effective July 2, 2020 and applies to claims arising on or after that date.

H1064 - GSC Clarifying Bingo License Statute. (SL 2020-72)

S.L. 2020-72 clarifies the bingo license statute, updates references to conform to the current organization of the Department of Public Safety, and expands instances that constitute good cause for a continuance in a civil or criminal action. This act has various effective dates. Please see the full summary for more detail.

S681 - Agency Policy Directives/2019-2020.

Sec. 16.1: Industrial Commission Use Electronic Mail to Send Decisions. (SL 2020-78)

Sec. 16.1 of S.L. 2020-78 allows decisions and orders issued by the North Carolina Industrial Commission to be sent by electronic mail.

This section became effective July 1, 2020 and applies to decisions and orders sent on or after that date.

S704 - COVID-19 Recovery Act.

Sec. 4.1: Emergency Video Notarization. (SL 2020-3)

Section 4.1 of S.L. 2020-3, as amended by Section 27 of S.L. 2020-74, does all of the following:

S704 - COVID-19 Recovery Act.

Sec. 4.2: Emergency Video Witnessing. (SL 2020-3)

Section 4.2 of S.L. 2020-3, as amended by Section 27 of S.L. 2020-74, authorizes a person to witness a principal sign a document by using video conference technology and treats the attesting witness as having signed the document in the presence of the principal if all of the following apply:

- The video conference technology allows for direct, real time audio and video interaction between each principal signer and the witness.

- During that period of direct, real time audio and video interaction, the principal's signature is witnessed by the attesting witness and the attesting witness immediately thereafter signs the document.
- The principal and witnesses are physically located in North Carolina when the document is executed.

This section became effective May 4, 2020, and, as amended by Section 27 of S.L. 2020-74, expires on March 1, 2021.

S704 - COVID-19 Recovery Act .

Sec. 4.11: Adult Guardianship Service. (SL 2020-3)

Section 4.11 of S.L. 2020-3 temporarily amended the law pertaining to service of the notice and petition for incompetency. This section of the act allowed a sheriff to serve process on a resident of a facility that restricts visitors during a public health emergency by leaving a copy of the notice of hearing and petition with the employee of the facility who appears to be in charge of the office or who has apparent authority to receive documents intended for residents. The employee is required to present the documents to the resident respondent as soon as possible. Proof of service would be filed with the clerk showing how the respondent was served.

This section became effective May 4, 2020, and expired August 1, 2020.

S704 - COVID-19 Recovery Act .

Sec. 4.14: Limited Business Immunity for Essential Businesses. (SL 2020-3)

Sec. 4.14 of S.L. 2020-3 provides civil liability immunity for a limited time to:

- Essential businesses with respect to employee or customer claims for injury or death alleged to have been caused by contracting COVID-19 while doing business with or employed by the essential business.
- Emergency response entities with respect to customer, user, or consumer claims for injury or death alleged to have been caused by the COVID-19 pandemic or while doing business with the emergency response entity.

As used in this section, the term "essential business" means businesses, not-for-profit organizations, educational institutions, and governmental entities identified in Executive Order No. 121 issued on March 27, 2020, as amended by executive order, and the term "emergency response entity" means businesses, not-for-profit organizations, educational institutions, and governmental entities that manufacture, produce, or distribute personal protective equipment, testing equipment, or ventilators, or process COVID-19 testing results.

This section does not apply to claims based on acts or omissions constituting gross negligence, reckless misconduct, or intentional infliction of harm, and does not preclude an employee of an essential business or emergency response entity from seeking an appropriate remedy under the Workers' Compensation Act for injuries or death alleged to have been caused as a result of the employee contracting COVID-19 while employed by the essential business or emergency response entity.

These provisions for immunity from civil liability apply to acts or omission occurring after March 27, 2020 and expire upon the rescission or expiration of the COVID-19 emergency declaration (Executive Order No. 116) issued on March 10, 2020.

Section 2 of S.L. 2020-89 (House Bill 118) states that nothing in that act affects the immunity provided by this section.

This section became effective on May 4, 2020 and applies to claims filed on or after March 27, 2020.