GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2011

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HOUSE BILL 732 Committee Substitute Favorable 6/8/11

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appointing authority.

Study Tort Reform. Short Title: (Public) Sponsors: Referred to: April 7, 2011 A BILL TO BE ENTITLED AN ACT TO ESTABLISH A BLUE RIBBON COMMISSION TO STUDY THE NEED FOR TORT REFORM. The General Assembly of North Carolina enacts: **SECTION 1.** Commission Established. – There is established in the General Assembly a Blue Ribbon Commission to study the need for reform of the laws governing tort claims. **SECTION 2.** Membership. – The Commission shall be composed of 25 members as follows: Four members of the House of Representatives appointed by the Speaker of (1) the House of Representatives. Four members of the Senate appointed by the President Pro Tempore of the (2) Senate. (3) Four persons appointed by the Governor. Two persons representing the defense bar, appointed by the North Carolina (4) Association of Defense Attorneys. Two persons representing liability insurers, appointed by the North Carolina (5) Insurance Federation. Two persons representing the plaintiff's trial bar, appointed by the North (6) Carolina Advocates for Justice. Three persons appointed by the North Carolina Bar Association, to include (7) at least one Professor of Torts from a law school in North Carolina. Four judges of the General Court of Justice appointed by the Chief Justice of (8) the North Carolina Supreme Court. **SECTION 3.** Duties of Commission. – The Commission shall study the following subjects relating to reform of North Carolina law of tort: (1) The adoption of comparative negligence in lieu of contributory negligence. The adoption of several liability in lieu of joint and several liability in tort. (2) The economic impact of any proposals for tort reform considered by the (3) Commission, including the impact on accident victims, businesses, insurers, and State and local government. Any other subjects relating to tort law reform that the Commission (4) determines to be in the public interest to study. **SECTION 4.** Vacancies. – Any vacancy on the Commission shall be filled by the



SECTION 5. Cochairs. – Cochairs of the Commission shall be designated by the Speaker of the House of Representatives and the President Pro Tempore of the Senate from among their respective appointees. The Commission shall meet upon the call of the chairs. A quorum of the Commission shall be 13 members.

 SECTION 6. Expenses of Members. – Members of the Commission shall receive per diem, subsistence, and travel allowances in accordance with G.S. 120-3.1, 138-5, or 138-6, as appropriate.

 SECTION 7. Staff. – Adequate staff shall be provided to the Commission by the Legislative Services Office.

SECTION 8. Consultants. – The Commission may hire consultants to assist with the study. Before expending any funds for a consultant, the Commission shall report to the Joint Legislative Commission on Governmental Operations on the consultant selected, the work products to be provided by the consultant, and the cost of the contract, including an itemization of the cost components.

SECTION 9. Cooperation. – The Commission may call upon any department, agency, institution, or officer of the State or any political subdivision thereof for facilities, data, or other assistance.

SECTION 10. Meetings During Legislative Session. – The Commission may meet during a regular or extra session of the General Assembly, subject to approval of the Speaker of the House of Representatives and the President Pro Tempore of the Senate.

SECTION 11. Meeting Location. – The Legislative Services Commission shall grant adequate meeting space to the Commission in the State Legislative Building or the Legislative Office Building.

SECTION 12. Report. – The Commission shall make an interim report of its findings and recommendations to the 2012 Regular Session of the 2011 General Assembly and shall make a final report of its findings and recommendations to the 2013 General Assembly. The Committee shall submit copies of the reports to the Governor. Upon the filing of its final report, the Commission shall terminate.

SECTION 13. This act becomes effective July 1, 2011.