

April 13, 2009

H 1476. GOV. IMMUNITY/ADEQUACY OF REMEDIES. Filed 4/9/09. *TO CLARIFY WHEN A CLAIMANT AGAINST AN ENTITY PROTECTED BY GOVERNMENTAL IMMUNITY HAS AN ADEQUATE REMEDY AT LAW.*

Creates GS 1-13.1 to provide that claimants against local government, local school boards, and state departments and agencies have no adequate remedy under state law and are not to be restrained from pursuing any available relief under the U.S. Constitution and the N.C. Constitution, when (1) the actions of an agent or employee of these entities that is taken within the scope of that person's authority or course of employment results in death or injury to person or property; (2) no waiver of immunity applies; and (3) no other claim for relief that would give the claimant full recovery of damages is available under state law. Effective when the act becomes law and applicable to causes of action arising after that date.

Intro. by Blue.

GS 1

May 6, 2009

H 1476. GOV. IMMUNITY/ADEQUACY OF REMEDIES. Filed 4/9/09. House amendment makes the following changes to 1st edition. Makes clarifying changes only.