

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011**

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**HOUSE BILL 732
PROPOSED COMMITTEE SUBSTITUTE H732-PCS70238-TG-28**

Short Title: Study Tort Reform.

(Public)

Sponsors:

Referred to:

April 7, 2011

A BILL TO BE ENTITLED

1 AN ACT TO ESTABLISH A BLUE RIBBON COMMISSION TO STUDY THE NEED FOR
2 TORT REFORM.
3

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** Commission Established. – There is established in the General
6 Assembly a Blue Ribbon Commission to study the need for reform of the laws governing tort
7 claims.

8 **SECTION 2.** Membership. – The Commission shall be composed of 25 members as
9 follows:

- 10 (1) Four members of the House of Representatives appointed by the Speaker of
11 the House of Representatives.
12 (2) Four members of the Senate appointed by the President Pro Tempore of the
13 Senate.
14 (3) Four persons appointed by the Governor.
15 (4) Two persons representing the defense bar, appointed by the North Carolina
16 Association of Defense Attorneys.
17 (5) Two persons representing liability insurers, appointed by the North Carolina
18 Insurance Federation.
19 (6) Two persons representing the plaintiff's trial bar, appointed by the North
20 Carolina Advocates for Justice.
21 (7) Three persons appointed by the North Carolina Bar Association, to include
22 at least one Professor of Torts from a law school in North Carolina.
23 (8) Four judges of the General Court of Justice appointed by the Chief Justice of
24 the North Carolina Supreme Court.

25 **SECTION 3.** Duties of Commission. – The Commission shall study the following
26 subjects relating to reform of North Carolina law of tort:

- 27 (1) The adoption of comparative negligence in lieu of contributory negligence.
28 (2) The adoption of several liability in lieu of joint and several liability in tort.
29 (3) The economic impact of any proposals for tort reform considered by the
30 Commission, including the impact on accident victims, businesses, insurers,
31 and State and local government.
32 (4) Any other subjects relating to tort law reform that the Commission
33 determines to be in the public interest to study.



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1 **SECTION 4.** Vacancies. – Any vacancy on the Commission shall be filled by the
2 appointing authority.

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

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

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

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

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

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

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

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

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