

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

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HOUSE BILL 169
Committee Substitute Favorable 3/18/15
Committee Substitute #2 Favorable 7/16/15
Senate Commerce Committee Substitute Adopted 5/26/16
Senate Rules and Operations of the Senate Committee Substitute Adopted 6/7/16
Senate Rules and Operations of the Senate Committee Substitute Adopted 6/8/16
Proposed Conference Committee Substitute H169-PCCS40696-TC-9

Short Title: Restore State Claim for Wrongful Discharge.

(Public)

Sponsors:

Referred to:

March 9, 2015

A BILL TO BE ENTITLED

AN ACT TO RESTORE THE STATE TORT CLAIM FOR WRONGFUL DISCHARGE.

The General Assembly of North Carolina enacts:

SECTION 1.(a) G.S. 143-422.3 reads as rewritten:

"§ 143-422.3. Investigations; conciliations.

The Human Relations Commission in the Department of Administration shall have the authority to receive charges of discrimination from the Equal Employment Opportunity Commission pursuant to an agreement under Section 709(b) of Public Law 88-352, as amended by Public Law 92-261, and investigate and conciliate charges of discrimination. Throughout this process, the agency shall use its good offices to effect an amicable resolution of the charges of discrimination. ~~This Article does not create, and shall not be construed to create or support, a statutory or common law private right of action, and no person may bring any civil action based upon the public policy expressed herein.~~

SECTION 1.(b) This section is effective March 23, 2016.

SECTION 2. G.S. 1-54 is amended by adding a new subdivision to read:

"§ 1-54. One year.

Within one year an action or proceeding -

- (1) Repealed by Session Laws 1975, c. 252, s. 5.
- (2) Upon a statute, for a penalty or forfeiture, where the action is given to the State alone, or in whole or in part to the party aggrieved, or to a common informer, except where the statute imposing it prescribes a different limitation.
- (3) For libel and slander.
- (4) Against a public officer, for the escape of a prisoner arrested or imprisoned on civil process.
- (5) For the year's allowance of a surviving spouse or children.
- (6) For a deficiency judgment on any debt, promissory note, bond or other evidence of indebtedness after the foreclosure of a mortgage or deed of trust on real estate securing such debt, promissory note, bond or other evidence of indebtedness, which period of limitation above prescribed commences with the date of the delivery of the deed pursuant to the foreclosure sale: Provided, however, that if an action on the debt, note, bond or other evidence of



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- 1 indebtedness secured would be earlier barred by the expiration of the remainder
2 of any other period of limitation prescribed by this subchapter, that limitation
3 shall govern.
- 4 (7) Repealed by Session Laws 1971, c. 939, s. 2.
- 5 (7a) For recovery of damages under Article 1A of Chapter 18B of the General
6 Statutes.
- 7 (8) As provided in G.S. 105-377, to contest the validity of title to real property
8 acquired in any tax foreclosure action or to reopen or set aside the judgment in
9 any tax foreclosure action.
- 10 (9) As provided in Article 14 of Chapter 126 of the General Statutes, entitled
11 "Protection for Reporting Improper Government Activities".
- 12 (10) Actions contesting the validity of any zoning or unified development ordinance
13 or any provision thereof adopted under Part 3 of Article 18 of Chapter 153A or
14 Part 3 of Article 19 of Chapter 160A of the General Statutes or other applicable
15 law, other than an ordinance adopting or amending a zoning map or approving
16 a special use, conditional use, or conditional zoning district rezoning request.
17 Such an action accrues when the party bringing such action first has standing to
18 challenge the ordinance; provided that, a challenge to an ordinance on the basis
19 of an alleged defect in the adoption process shall be brought within three years
20 after the adoption of the ordinance.
- 21 (11) No suit, action, or proceeding under G.S. 14-190.5A(g) shall be brought or
22 maintained against any person unless such suit, action, or proceeding is
23 commenced within one year after the initial discovery of the disclosure, but in
24 no event may the action be commenced more than seven years from the most
25 recent disclosure of the private image.
- 26 (12) For wrongful discharge in violation of the public policy set forth in
27 G.S. 143-422.2."

28 **SECTION 3.** Except as otherwise provided, this act is effective when it becomes law.