

ADOPTED



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 58

AMENDMENT NO. A1
(to be filled in by
Principal Clerk)

S58-ATG-14 [v.5]

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Amends Title [NO]
Third Edition

Date _____, 2023

Senator B. Newton

1 moves to amend the bill on page 1, lines 28-34, by rewriting the lines to read:

2
3 "(e) Civil Remedies. – Any person whose property or person is injured by reason of a
4 violation of subsection (b) of this section shall have a right of action on account of such injury
5 done against the person who committed the violation and any person who acts as an accessory
6 before or after the fact, aids or abets, solicits, conspires, or lends material support to the violation
7 of this section. If damages are assessed in such case the plaintiff shall be entitled to recover treble
8 the amount of damages fixed by the verdict or punitive damages pursuant to Chapter 1D of the
9 General Statutes, together with costs, including attorneys' fees. A violation of this subsection (b)
10 of this section shall constitute willful or wanton conduct within the meaning of G.S. 1D-5(7) in
11 any civil action filed as a result of the violation. The rights and remedies provided by this
12 subsection are in addition to any other rights and remedies provided by law. For purposes of this
13 subsection, the term "damages" includes actual and consequential damages."; and
14

15 on page 2, line 3, by rewriting the line to read:

16
17 "owner or operator authorized to perform such work or activity by the owner or operator.
18 (g) The provisions of subsection (e) of this section relating to treble damages shall not be
19 made known to the trier of fact through any means, including voir dire, the introduction into
20 evidence, argument, or instructions to the jury."

21 **SECTION 1.5.** Chapter 1D of the General Statutes is amended by adding a new
22 section to read:

23 **"§ 1D-27. Injuring energy facility; exemption from cap.**

24 G.S. 1D-25(b) shall not apply to a claim for punitive damages for injury or harm arising from
25 actions of the defendant that constitute a violation of G.S. 14-150.2(b)."



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SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

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and vote information, is available in the
Senate Principal Clerk's Office**