

NORTH CAROLINA GENERAL ASSEMBLY
1961 SESSION

CHAPTER 212
SENATE BILL 42

1 AN ACT RELATING TO LIABILITY OF PHYSICIANS AND SURGEONS FOR
2 MALPRACTICE WHERE THE PERSON RESPONSIBLE FOR THE ORIGINAL
3 INJURY HAS BEEN RELEASED.

4
5 The General Assembly of North Carolina do enact:

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7 **Section 1.** Article 44, Chapter 1 of the General Statutes is hereby amended by
8 adding after § 1-540 a new Section to be numbered G.S. 1-540.1 and to read as follows:

9 "**§ 1-540.1. Effect of Release of Original Wrongdoer on Liability of Physicians and**
10 **Surgeons for Malpractice.** The compromise, settlement or release of a cause of action against
11 a person responsible for a personal injury to another shall not operate as a bar to an action by
12 the injured party against a physician or surgeon or other professional practitioner treating such
13 injury for the negligent treatment thereof, unless the express terms of the compromise,
14 settlement or release agreement given by the injured party to the person responsible for the
15 initial injury provide otherwise."

16 **Sec. 2.** All laws and clauses of laws in conflict with this Act are hereby repealed.

17 **Sec. 3.** This Act shall become effective October 1, 1961.

18 In the General Assembly read three times and ratified, this the 13th day of April,
19 1961.