

NORTH CAROLINA GENERAL ASSEMBLY
1975 SESSION

CHAPTER 252
SENATE BILL 276

AN ACT TO AMEND G.S. 1-17 SO AS TO ELIMINATE IMPRISONMENT AS A DISABILITY UNDER THE STATUTE OF LIMITATIONS AND TO SUBJECT THE CIVIL RIGHTS ACT OF 1871, 42 U.S.C. § 1983, TO THE NORTH CAROLINA STATUTE OF LIMITATIONS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 1-17 is hereby rewritten to read as follows: "A person entitled to commence an action, who is at the time the cause of action accrued either

(1) within the age of 18 years; or (2) insane;
may bring his action within the time herein limited, after the disability is removed, except in an action for the recovery of real property, or to make an entry or defense founded on the title to real property, or to rents and services out of the same, when he must commence his action, or make his entry, within three years next after the removal of the disability, and at no time thereafter."

Sec. 2. G.S. 1-52(2) is hereby rewritten to read as follows: "Upon a liability created by statute, either state or federal, unless some other time is mentioned in the statute creating it."

Sec. 3. For those persons under a disability on the effective date of this Chapter as a result of being imprisoned on a criminal charge, or in execution under sentence for a criminal offense, the statute of limitations shall commence to run and no longer be tolled from the effective date of the enactment of this Chapter.

Sec. 4. G.S. 1-52 is hereby amended to add a new subsection as follows:

"(13) against a public officer, for a trespass, under color of his office."

Sec. 5. G.S. 1-54, subsection (1) is deleted and the remaining subsections of G.S. 1-54 are renumbered accordingly.

Sec. 6. This act shall be in full force and effect January 1, 1976.

In the General Assembly read three times and ratified, this the 12th day of May, 1975.