

NORTH CAROLINA GENERAL ASSEMBLY
1977 SESSION

CHAPTER 115
HOUSE BILL 92

AN ACT TO AMEND THE CONSTITUTION OF NORTH CAROLINA TO ALLOW EVERY PERSON THE RIGHT TO INSURE HIS OR HER LIFE FOR THE BENEFIT OF HIS OR HER SPOUSE OR CHILDREN OR BOTH.

The General Assembly of North Carolina enacts:

Section 1. Article X, Section 5 of the Constitution of North Carolina, is rewritten to read as follows:

"Sec. 5. Insurance. A person may insure his or her own life for the sole use and benefit of his or her spouse or children or both, and upon his or her death the proceeds from the insurance shall be paid to or for the benefit of the spouse or children or both, or to a guardian, free from all claims of the representatives or creditors of the insured or his or her estate. Any insurance policy which insures the life of a person for the sole use and benefit of that person's spouse or children or both shall not be subject to the claims of creditors of the insured during his or her lifetime, whether or not the policy reserves to the insured during his or her lifetime any or all rights provided for by the policy and whether or not the policy proceeds are payable to the estate of the insured in the event the beneficiary or beneficiaries predecease the insured."

Sec. 2. The amendment set out in Section 1 of this act shall be submitted to the qualified voters of the State at the next general election or at the next statewide election, whichever is earlier. That election shall be conducted under the laws then governing elections in this State.

Sec. 3. At that election, each qualified voter desiring to vote shall be provided a ballot on which shall be printed the following:

"[] FOR constitutional amendment allowing every person the right to insure his or her life for the benefit of his or her spouse or children or both, free from all claims of the representatives or creditors of the insured or his or her estate.

"[] AGAINST constitutional amendment allowing every person the right to insure his or her life for the benefit of his or her spouse or children or both, free from all claims of the representatives or creditors of the insured or his or her estate."

Those qualified voters favoring the amendment set out in Section 1 of this act shall vote by making an X or a check mark in the square beside the statement beginning "FOR", and those qualified voters opposing the amendment shall vote by making an X or a check mark in the square beside the statement beginning "AGAINST".

Sec. 4. If a majority of votes cast thereon are in favor of the amendment, the State Board of Elections shall certify the amendment to the Secretary of State, who shall enroll the amendment so certified among the permanent records of his office, and the amendment shall become effective upon such certification.

Sec. 5. This act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 28th day of March, 1977.