

NORTH CAROLINA GENERAL ASSEMBLY
1977 SESSION

CHAPTER 329
HOUSE BILL 402

AN ACT TO PROVIDE FULL SALARY FOR TWO YEARS FOR STATE HIGHWAY
PATROLMEN INJURED IN LINE OF DUTY.

The General Assembly of North Carolina enacts:

Section 1. G.S. 20-185 as the same appears in the 1975 Replacement Volume 1C of the General Statutes of North Carolina is hereby amended by rewriting subsection (b) to read as follows:

"The salary of any officer or member of the State Highway Patrol shall be paid to him so long as his employment as such officer or member of the patrol shall continue, notwithstanding his total or partial incapacity to perform any duties to which he may lawfully be assigned by the commanding officer of the State Highway Patrol, if such incapacity be the result of an injury by accident or occupational disease arising out of and in the course of the performance by him of his official duties; Provided, however, that if such incapacity continue for more than two years from its inception, such officer or member of the State Highway Patrol shall during the further continuance of such incapacity be subject to the provisions of Chapter 97 of the General Statutes. Salary paid to an officer or member of the State Highway Patrol pursuant to this subsection shall cease upon the resumption of his regularly assigned duties, retirement, resignation, or death, whichever first occurs; Provided, however, that temporary return to duty shall not prohibit payment of salary to such officer or member of the State Highway Patrol provided the officer or member submits to the commanding officer of the State Highway Patrol prior to the beginning of each subsequent period of disability during the two-year period medical evidence that such disability is directly related to the original cause of incapacity; Provided further, that officers or members of the State Highway Patrol, notwithstanding the provisions of subsection (c) of this section, shall during the two-year period salary is paid pursuant to this subsection be subject to the provisions of G.S. 97-27. All payments of salary provided for in this subsection shall be made at the same time and in the same manner as other salaries are paid to members of the State Highway Patrol."

Sec. 2. G.S. 20-185 as the same appears in the 1975 Replacement Volume 1C of the General Statutes is hereby amended by rewriting subsection (c) to read as follows:

"The provisions of subsection (b) of this section shall be in lieu of all compensation provided for the first two years of such incapacity by G.S. 97-29 and G.S. 97-30, but shall be in addition to any other benefits or compensation to which such officer or member of the State Highway Patrol shall be entitled under the provisions of the Workmen's Compensation Act. The provisions of G.S. 97-24 will commence at the end of the two-year period salary is paid under subsection (b) of this section to any officer or member of the State Highway Patrol."

Sec. 3. G.S. 20-185(e) as the same appears in the 1975 Replacement Volume 1C of the General Statutes is hereby amended by deleting the words "Commissioner of Motor Vehicles" and "Commissioner" wherever they appear and inserting in lieu thereof the words "commanding officer of the State Highway Patrol."

Sec. 4. This act shall become effective upon ratification and shall apply to all injuries occurring on or after November 1, 1975.

In the General Assembly read three times and ratified, this the 9th day of May, 1977.