

GENERAL ASSEMBLY OF NORTH CAROLINA
1983 SESSION

CHAPTER 1039
HOUSE BILL 474

AN ACT TO ALLOW THE AWARDING OF ATTORNEY'S FEES IN CERTAIN CIVIL CASES.

The General Assembly of North Carolina enacts:

Section 1. General Statutes Chapter 6 is amended by adding a new section to read:

"§ 6-21.5. Attorney's fees in nonjusticiable cases.—In any civil action or special proceeding the court, upon motion of the prevailing party, may award a reasonable attorney's fee to the prevailing party if the court finds that there was a complete absence of a justiciable issue of either law or fact raised by the losing party in any pleading. The filing of a general denial or the granting of any preliminary motion, such as a motion for judgment on the pleadings pursuant to G.S. 1A-1, Rule 12, a motion to dismiss pursuant to G.S. 1A-1, Rule 12(b)(6), a motion for a directed verdict pursuant to G.S. 1A-1, Rule 50, or a motion for summary judgment pursuant to G.S. 1A-1, Rule 56, is not in itself a sufficient reason for the court to award attorney's fees, but may be evidence to support the court's decision to make such an award. A party who advances a claim or defense supported by a good faith argument for an extension, modification, or reversal of law may not be required under this section to pay attorney's fees. The court shall make findings of fact and conclusions of law to support its award of attorney's fees under this section."

Sec. 2. This act shall become effective October 1, 1984, and applies to actions begun on and after that date.

In the General Assembly read three times and ratified, this the 29th day of June, 1984.