

GENERAL ASSEMBLY OF NORTH CAROLINA
1987 SESSION

CHAPTER 684
HOUSE BILL 754

AN ACT TO EXTEND THE COVERAGE OF THE STATE TORT CLAIMS ACT TO
COMMUNITY COLLEGES AND TECHNICAL COLLEGES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 143-291 reads as rewritten:

"§ 143-291. Industrial Commission constituted a court to hear and determine claims; damages. – The North Carolina Industrial Commission is hereby constituted a court for the purpose of hearing and passing upon tort claims against the State Board of Education, the Board of Transportation, and all other departments, institutions and agencies of the State. The Industrial Commission shall determine whether or not each individual claim arose as a result of the negligence of any officer, employee, involuntary servant or agent of the State while acting within the scope of his office, employment, service, agency or authority, under circumstances where the State of North Carolina, if a private person, would be liable to the claimant in accordance with the laws of North Carolina. If the Commission finds that there was such negligence on the part of an officer, employee, involuntary servant or agent of the State while acting within the scope of his office, employment, service, agency or authority, which was the proximate cause of the injury and that there was no contributory negligence on the part of the claimant or the person in whose behalf the claim is asserted, the Commission shall determine the amount of damages which the claimant is entitled to be paid, including medical and other expenses, and by appropriate order direct the payment of such damages by the department, institution or agency concerned, but in no event shall the amount of damages awarded exceed the sum of one hundred thousand dollars (\$100,000) cumulatively to all claimants on account of injury and damage to any one person. Community colleges and technical colleges shall be deemed State agencies for purposes of this Article."

Sec. 2. G.S. 143-300.2 reads as rewritten:

"§ 143-300.2. Definitions. – Unless the context otherwise requires, the definitions contained in this section govern the construction of this Article.

- (1) 'Civil or criminal action or proceeding' includes any case, prosecution, special proceedings, or administrative proceeding in or before any court or agency of this State or any other state or the United States.
- (2) 'Employee' includes an officer, agent, or employee but does not include an independent contractor.
- (3) 'Employment' includes office, agency, or employment.

- (4) 'The State' includes all departments, agencies, boards, commissions, institutions, bureaus, and authorities of the State. Community colleges and technical colleges shall be deemed State agencies for purposes of this Article."

Sec. 3. This act shall become effective on September 1, 1987, and shall apply to causes of action arising on or after that date.

In the General Assembly read three times and ratified this the 27th day of July, 1987.