§ 97-19. Liability of principal contractors; certificate that subcontractor has complied
with law; right to recover compensation of those who would have been liable;
order of liability.

Any principal contractor, intermediate contractor, or subcontractor who shall sublet any
contract for the performance of any work without obtaining from such subcontractor or
obtaining from the Industrial Commission a certificate, issued by a workers' compensation
insurance carrier, or a certificate of compliance issued by the Department of Insurance to a
self-insured subcontractor, stating that such subcontractor has complied with G.S. 97-93 for a
specified term, shall be liable, irrespective of whether such subcontractor has regularly in
service fewer than three employees in the same business within this State, to the same extent as
such subcontractor would be if he were subject to the provisions of this Article for the payment
of compensation and other benefits under this Article on account of the injury or death of any
employee of such subcontractor due to an accident arising out of and in the course of the
performance of the work covered by such subcontract. If the principal contractor, intermediate
contractor or subcontractor shall obtain such certificate at any time before subletting such
contract to the subcontractor, he shall not thereafter be held liable to any employee of such
subcontractor for compensation or other benefits under this Article and within the term
specified by the certificate.

Notwithstanding the provisions of this section, any principal contractor, intermediate
contractor, or subcontractor who shall sublet any contract for the performance of work shall not
be held liable to any employee of such subcontractor if either (i) the subcontractor has a
workers' compensation insurance policy in compliance with G.S. 97-93 in effect on the date of
injury regardless of whether the principal contractor, intermediate contractor, or subcontractor
failed to timely obtain a certificate from the subcontractor; or (ii) the policy expired or was
cancelled prior to the date of injury provided the principal contractor, intermediate contractor,

Any principal contractor, intermediate contractor, or subcontractor paying compensation or
other benefits under this Article, under the foregoing provisions of this section, may recover the
amount so paid from any person, persons, or corporation who independently of such provision,
would have been liable for the payment thereof.

Every claim filed with the Industrial Commission under this section shall be instituted
against all parties liable for payment, and said Commission, in its award, shall fix the order in
which said parties shall be exhausted, beginning with the immediate employer.

The principal or owner may insure any or all of his contractors and their employees in a
blanket policy, and when so insured such contractor's employees will be entitled to
compensation benefits regardless of whether the relationship of employer and employee exists
between the principal and the contractor. (1929, c. 120, s. 19; 1941, c. 358, s. 1; 1945, c. 766;
1973, c. 1291, s. 10; 1979, c. 247, s. 2; 1987, c. 729, s. 4; 1989, c. 637; 1991, c. 703, s. 7; 1993
(Reg. Sess., 1994), c. 679, s. 10.6; 1995, c. 517, s. 36; 1995 (Reg. Sess., 1996), c. 555, s. 1; 2013-413, s. 13(c).)