

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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HOUSE BILL 1143

Short Title: Appeal At-Fault Accident Determination.

(Public)

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Sponsors: Representative Hackney.

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Referred to: Commerce.

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April 10, 1989

A BILL TO BE ENTITLED

1 AN ACT TO PROVIDE FOR APPEAL TO THE COMMISSIONER OF INSURANCE  
2 OF DECISIONS MADE BY THE GOVERNING BOARD OR OTHER  
3 EXECUTIVES OF THE NORTH CAROLINA RATE BUREAU REGARDING  
4 THE PROPRIETY OF INSURER DETERMINATIONS THAT INSURED ARE  
5 AT FAULT IN MOTOR VEHICLE ACCIDENTS.  
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7 The General Assembly of North Carolina enacts:

8 Section 1. G.S. 58-124.24 reads as rewritten:

9 "**§ 58-124.24. Appeal to Commissioner from decision of Bureau.**

10 (a) Any member of the Bureau may appeal to the Commissioner from any  
11 decision of the Bureau and the Commissioner shall, after a hearing held on not less than  
12 10 days' written notice to the appellant and to the Bureau, issue an order approving the  
13 decision of the Bureau or directing it to give further consideration to such proposal. In  
14 the event the Bureau fails to take satisfactory action, the Commissioner shall make such  
15 order as he may see fit.

16 (b) Decisions made by the governing committee or other proper executive of the  
17 Bureau pursuant to G.S. 58-124.17(2) as to whether an insurer made an erroneous  
18 determination that an operator of an insured vehicle was at fault in a motor vehicle  
19 accident may be appealed by the insured or the insurer to the Commissioner. Upon the  
20 issuance of a decision, the Bureau shall notify the parties to the proceeding of the  
21 decision and of their right to appeal that decision to the Commissioner.

22 On appeal of the decision to the Commissioner, at least 10 days notice shall be given  
23 to the appellant and the Bureau. Notice shall include a statement of the date, hour, place,  
24 and nature of the hearing. The Commissioner shall issue an order approving or

1 disapproving the decision. In the event the Commissioner disapproves the decision, he  
2 shall direct the Bureau to take such action as he deems appropriate.

3 Review of the Commissioner's order may be made pursuant to G.S. 58-9.3."

4           Sec. 2. There is appropriated from the General Fund to the Department of  
5 Insurance the sum of sixty thousand dollars (\$60,000) for the 1989-90 fiscal year for the  
6 purpose of hiring an appeals referee and support staff necessary to implement this act.

7           Sec. 3. This act shall become effective July 1, 1989.