

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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SENATE BILL 721

Short Title: Strict Liability/Minor's Damage.

(Public)

Sponsors: Senator Allran.

Referred to: Judiciary I/Constitution

April 13, 1995

A BILL TO BE ENTITLED

AN ACT TO INCREASE THE MAXIMUM AMOUNT THAT MAY BE RECOVERED
IN STRICT LIABILITY FOR DAMAGE TO PERSON OR PROPERTY BY
MINORS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 1-538.1 reads as rewritten:

"§ 1-538.1. Strict liability for damage to person or property by minors.

Any person or other legal entity shall be entitled to recover actual damages suffered in an amount not to exceed a total of ~~two thousand dollars (\$2,000)~~ ten thousand dollars (\$10,000) from the parent or parents of any minor who shall maliciously or willfully injure such person or destroy the real or personal property of such person. Parents whose custody and control have been removed by court order or by contract prior to the act complained of shall not be liable under this act. This act shall not preclude or limit recovery of damages from parents under common law remedies available in this State."

Sec. 2. This act becomes effective October 1, 1995, and applies to claims for relief arising on or after that date.