

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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SENATE BILL 721  
Second Edition Engrossed 5/1/95

Short Title: Strict Liability/Minor's Damage.

(Public)

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Sponsors: Senator Allran

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Referred to: Judiciary I/Constitution

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April 13, 1995

A BILL TO BE ENTITLED

1 AN ACT TO INCREASE THE MAXIMUM AMOUNT THAT MAY BE RECOVERED  
2 IN STRICT LIABILITY FOR DAMAGE TO PERSON OR PROPERTY BY  
3 MINORS.  
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5 The General Assembly of North Carolina enacts:

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

7 "**§ 1-538.1. Strict liability for damage to person or property by minors.**

8 Any person or other legal entity shall be entitled to recover actual damages suffered in  
9 an amount not to exceed a total of ~~two thousand dollars (\$2,000)~~ five thousand dollars  
10 (\$5,000) from the parent or parents of any unemancipated minor who shall maliciously or  
11 willfully injure such person or destroy the real or personal property of such person.  
12 Parents whose custody and control have been removed by court order or by contract prior  
13 to the act complained of shall not be liable under this act. This act shall not preclude or  
14 limit recovery of damages from parents under common law remedies available in this  
15 State."

16 Sec. 2. This act becomes effective October 1, 1995, and applies to causes of  
17 actions arising on or after that date.