

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

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SENATE BILL 1143

Short Title: Immunity for Certain City/County Officers.

(Public)

Sponsors: Senator Hartsell.

Referred to: Judiciary II.

March 24, 2005

A BILL TO BE ENTITLED

AN ACT TO RESTORE IMMUNITY PROTECTION TO MUNICIPALITIES AND COUNTIES AND THEIR OFFICERS AND EMPLOYEES WHEN PERFORMING DUTIES IN FURTHERANCE OF PUBLIC SAFETY AND WHEN PERFORMING ACTIVITIES RELATED TO BUILDING INSPECTIONS.

The General Assembly of North Carolina enacts:

SECTION 1. Article 8 of Chapter 160A of the General Statutes is amended by adding the following new section:

"§ 160A-200. Immunity for public safety.

No municipality or any officer or employee thereof charged with performing duties in furtherance of the exercise of public safety, including, but not limited to, law enforcement, fire protection, 911 services, rescue squad services, and ambulance services, pursuant to this Article or other provision of general law shall be held to answer in any civil action or proceeding for acts or omissions in performing, or failing to perform, such duties in a particular instance unless such acts or omissions amount to gross negligence or intentional wrongdoing. This section shall not apply to actions arising out of the operation of a motor vehicle."

SECTION 2. Part 5 of Article 19 of Chapter 160A of the General Statutes is amended by adding the following new section:

"§ 160A-439. Immunity for building inspections.

No municipality or any officer or employee thereof charged with performing activities related to building inspections pursuant to this Part or other provision of general law shall be held to answer in any civil action or proceeding for acts or omissions in performing, or failing to perform, such activities in a particular instance unless such acts or omissions amount to gross negligence or intentional wrongdoing. This section shall not apply to actions arising out of the operation of a motor vehicle."

SECTION 3. Article 6 of Chapter 153A of the General Statutes is amended by adding the following new section:

"§ 153A-144. Immunity for public safety.

1 No county or any officer or employee thereof charged with performing duties in
2 furtherance of the exercise of public safety, including, but not limited to, law
3 enforcement, fire protection, 911 services, rescue squad services, and ambulance
4 services, pursuant to this Article or other provision of general law shall be held to
5 answer in any civil action or proceeding for acts or omissions in performing, or failing
6 to perform, such duties in a particular instance unless such acts or omissions amount to
7 gross negligence or intentional wrongdoing. This section shall not apply to actions
8 arising out of the operation of a motor vehicle."

9 **SECTION 4.** Part 4 of Article 18 of Chapter 153A of the General Statutes
10 is amended by adding the following new section:

11 **"§ 153A-375.1. Immunity for building inspections.**

12 No county or any officer or employee thereof charged with performing activities
13 related to building inspections pursuant to this Part or other provision of general law
14 shall be held to answer in any civil action or proceeding for acts or omissions in
15 performing, or failing to perform, such activities in a particular instance unless such acts
16 or omissions amount to gross negligence or intentional wrongdoing. This section shall
17 not apply to actions arising out of the operation of a motor vehicle."

18 **SECTION 5.** This act is effective when it becomes law.