

NORTH CAROLINA GENERAL ASSEMBLY  
1961 SESSION

CHAPTER 1179  
HOUSE BILL 1014

AN ACT FOR THE RELIEF OF CHARLES B. GOODMAN.

WHEREAS, on February 15, 1960, there was heavy snow on the roads and highways in Catawba County and Charles B. Goodman, while driving his tractor on Bethlehem Church Road in Catawba County, found a North Carolina Highway Department road scraper stuck on ice and snow and blocking the road; and

WHEREAS, Mr. W. P. Lineberger and Mr. William Rudisill, State Highway Department employees, requested Mr. Goodman to use his tractor to tow the road scraper off the ice and, after repeated requests, Mr. Goodman consented to attempt to tow the road scraper off the ice and snow; and

WHEREAS, when Mr. Goodman attempted to pull the road scraper off the ice and snow, the heavy weight of the road machine caused the tractor to turn over backward on Mr. Goodman inflicting serious and permanent injury, to wit: compressed fracture of the 5th lumbar vertebra, two compound fractures of the left forearm, three broken ribs, and severe abrasions of the left leg; and

WHEREAS, Mr. Goodman was hospitalized for three weeks, wore a body cast extending from his elbows to his hips for over three months, was unable to work for over eight months, and has permanent disability of about 50% in his left arm and will have permanent pain and stiffness in his back and left leg; and

WHEREAS, as a result of these injuries, Mr. Goodman has suffered heavy medical expenses and loss of income, and

WHEREAS, he has no adequate remedy under existing law, but it is proper and just that the State should compensate him for his medical expenses and loss of income: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. That the North Carolina Industrial Commission is authorized and directed to hear the claim of Charles B. Goodman based on the accident described in the preamble to this Act under the provisions of the North Carolina Workmen's Compensation Act and make such award not exceeding ten thousand dollars (\$10,000.00) as would be made if Mr. Goodman had been an employee (as defined in G. S. 97-2) of the State of North Carolina acting in the course and scope of his employment at the time of the injury. The claim to be filed by Charles B. Goodman under this Act must be filed within two years after ratification of this Act.

In all aspects of the hearing, including but not limited to physician's and attorney's fees, rights of appeal, and representation of the State by the Attorney General, the Workmen's Compensation Act and regulations adopted pursuant thereto shall apply but G. S. 97-22 and 97-23 shall not apply. The award made to Charles B. Goodman under the provisions of this Act shall be paid from the Contingency and Emergency Fund.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 22nd day of June, 1961.