

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

H

1

HOUSE BILL 944

Short Title: Wrongful Death/Medical Expenses.

(Public)

Sponsors: Representatives Baddour; Alexander and Griffin.

Referred to: Judiciary III.

April 14, 1993

A BILL TO BE ENTITLED

1 AN ACT TO RAISE THE LIMIT ON THE AMOUNT RECOVERED IN A
2 WRONGFUL DEATH ACTION THAT IS LIABLE FOR THE PAYMENT OF
3 HOSPITAL AND MEDICAL EXPENSES OF THE DECEDENT.
4

5 The General Assembly of North Carolina enacts:

6 Section 1. G.S. 28A-18-2(a) reads as rewritten:

7 "(a) When the death of a person is caused by a wrongful act, neglect or default of
8 another, such as would, if the injured person had lived, have entitled him to an action
9 for damages therefor, the person or corporation that would have been so liable, and his
10 or their personal representatives or collectors, shall be liable to an action for damages, to
11 be brought by the personal representative or collector of the decedent; and this
12 notwithstanding the death, and although the wrongful act, neglect or default, causing the
13 death, amounts in law to a felony. The personal representative or collector of the
14 decedent who pursues an action under this section may pay from the assets of the estate
15 the reasonable and necessary expenses, not including attorneys' fees, incurred in
16 pursuing the action. At the termination of the action, any amount recovered shall be
17 applied first to the reimbursement of the estate for the expenses incurred in pursuing the
18 action, then to the payment of attorneys' fees, and shall then be distributed as provided
19 in this section. The amount recovered in such action is not liable to be applied as assets,
20 in the payment of debts or legacies, except as to burial expenses of the deceased, and
21 reasonable hospital and medical expenses not exceeding ~~one thousand five hundred dollars~~
22 (\$1,500) four thousand five hundred dollars (\$4,500) incident to the injury resulting in
23 death; death, except that the amount applied for hospital and medical expenses,
24 exclusive of attorneys' fees, shall not exceed fifty percent (50%) of the amount of

1 damages recovered; provided that all claims filed for such services shall be approved by
2 the clerk of the superior court and any party adversely affected by any decision of said
3 clerk as to said claim may appeal to the superior court in term time, but shall be
4 disposed of as provided in the Intestate Succession Act."

5 Sec. 2. This act is effective upon ratification.