

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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SENATE BILL 431

Short Title: Strict Liability/Minor's Damage.

(Public)

Sponsors: Senators Allran, Hartsell (by request); Carpenter, Codington, and Blackmon.

Referred to: Judiciary I.

March 1, 1993

A BILL TO BE ENTITLED

AN ACT RECOMMENDED BY THE JUVENILE LAW STUDY COMMISSION 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 ~~one thousand dollars (\$1,000)~~ five thousand dollars (\$5,000) 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, 1993, and applies to causes of action arising on or after that date.