

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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HOUSE DRH10601-MH-6 (1/7)

Short Title: Clarify Local School Board Sovereign Immunity.

(Public)

Sponsors: Representative Glazier.

Referred to:

A BILL TO BE ENTITLED

AN ACT TO CLARIFY THAT AN ADEQUATE STATE REMEDY IS PROVIDED IN
ACTIONS AGAINST LOCAL SCHOOL BOARDS ONLY WHEN SOVEREIGN
IMMUNITY IS WAIVED.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 115C-42 reads as rewritten:

"§ 115C-42. Liability insurance and immunity.

Any local board of education, by securing liability insurance as hereinafter provided, is hereby authorized and empowered to waive its governmental immunity from liability for damage by reason of death or injury to person or property caused by the negligence or tort of any agent or employee of such board of education when acting within the scope of his authority or within the course of his employment. Such immunity shall be deemed to have been waived by the act of obtaining such insurance, but such immunity is waived only to the extent that said board of education is indemnified by insurance for such negligence or tort. The obtaining of insurance by a local board of education and resulting waiver of governmental immunity shall provide an adequate remedy at law only with respect to claims of damage to which a court of this State finds the waiver of immunity applies.

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SECTION 2. This act is effective when it becomes law, and applies to claims for damages against local boards of education filed on or after that date.



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