

NORTH CAROLINA GENERAL ASSEMBLY  
1967 SESSION

CHAPTER 655  
SENATE BILL 470

1 AN ACT REGARDING APPEALS UNDER THE STATE TORT CLAIMS ACT.

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3 The General Assembly of North Carolina do enact:  
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5 **Section 1.** G.S. 143-293 is hereby rewritten to read as follows:

6 "**Section 143-293.** Either the claimant or the State may, within 30 days after receipt of the  
7 decision and order of the Full Commission, to be sent by registered or certified mail, but not  
8 thereafter, appeal from the decision of the Commission to the Court of Appeals. Such appeal  
9 shall be for errors of law only under the same terms and conditions as govern appeals in  
10 ordinary civil actions, and the findings of fact of the Commission shall be conclusive if there is  
11 any competent evidence to support them. The appellant shall cause to be prepared a statement  
12 of the case as required by the rules of the Court of Appeals. A copy of this statement shall be  
13 served on the respondent within 45 day from the entry of the appeal taken; within 20 days after  
14 such service, the respondent shall return the copy with his approval or specified amendments  
15 endorsed or attached; if the case be approved by the respondent, it shall be filed with the Clerk  
16 of the Court of Appeals as a part of the record; if not returned with objections within the time  
17 prescribed, it shall be deemed approved. The Chairman of the Industrial Commission shall have  
18 the power, in the exercise of his discretion, to enlarge the time in which to serve statement of  
19 case on appeal and exceptions thereto or counterstatement of case.

20 "If the case on appeal is returned by the respondent with objections as prescribed, or if a  
21 countercase is served on appellant, the appellant shall immediately request the Chairman of the  
22 Industrial Commission to fix a time and place for settling the case before him. If the appellant  
23 delays longer than 15 days after the respondent serves his counter case or exceptions to request  
24 the Chairman to settle the case on appeal, and delays for such period to mail the case and  
25 countercase or exceptions to the Chairman, then the exceptions filed by the respondent shall be  
26 allowed; or the countercase served by him shall constitute the case on appeal; but the time may  
27 be extended by agreement of counsel.

28 "The Chairman shall forthwith notify the attorneys of the parties to appear before him for  
29 that purpose at a certain time and place, which time shall not be more than 20 days from the  
30 receipt of the request. At the time and place stated, the Chairman of the Industrial Commission  
31 shall settle and sign the case and deliver a copy to the attorneys of each party.

32 The appellant shall within five days thereafter file it with the Clerk of the Court of Appeals,  
33 and if he fails to do so the respondent may file his copy."

34 **Sec. 2.** G.S. 143-294 is hereby amended by striking out "superior court" as the same  
35 appears in line two of such Section and by substituting in lieu thereof "Court of Appeals".

36 **Sec. 3.** All laws and clauses of laws in conflict with this Act are hereby repealed.

37 **Sec. 4.** This Act shall become effective on October 1, 1967.

38 In the General Assembly read three times and ratified, this the 1st day of June, 1967.