

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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SENATE BILL 682
Judiciary III Committee Substitute Adopted 4/24/89

Short Title: File Court Papers by Fax.

(Public)

Sponsors:

Referred to:

March 29, 1989

1 A BILL TO BE ENTITLED
2 AN ACT TO PERMIT COURT PAPERS TO BE FILED BY FACSIMILE MACHINE.
3 The General Assembly of North Carolina enacts:

4 Section 1. G.S. 1A-1, Rule 5(e) reads as rewritten:

5 "(e) (1) Filing with the court defined. – The filing of pleadings and other
6 papers with the court as required by these rules shall be made by filing
7 them with the clerk of the court, except that the judge may permit the
8 papers to be filed with him, in which event he shall note thereon the
9 filing date and forthwith transmit them to the office of the clerk.

10 (2) Filing by transmission to telefacsimile machine. – Where the office of
11 a clerk of superior court has for its use a telefacsimile machine, filing
12 with that clerk may be made by transmission of the pleadings or other
13 papers to the telefacsimile machine in that clerk's office, as provided in
14 this subdivision.

15 a. At any time on or after July 1, 1990, the Supreme Court may,
16 pursuant to G.S. 7A-34, amend the General Rules of Practice
17 for the Superior and District Courts to establish uniform rules
18 and procedural requirements for filing through transmission to a
19 telefacsimile machine, and any limitations on the pleadings or
20 other papers which may be so filed. In so doing, the court shall
21 establish the date, or dates, upon which such filing may begin in
22 the offices of the clerks of Superior Court. In order for a
23 pleading or other paper filed by transmission to a telefacsimile

1 machine to be considered complete and timely, it must be
2 received on the telefacsimile machine in the proper clerk's
3 office in the form and within the time limits for filing
4 established by such requirements. After any pleading or any
5 other paper is filed by transmission to a telefacsimile machine
6 in a clerk's office, the original of the pleading or other paper
7 shall also be filed with the clerk in the manner and within the
8 time established by such requirements.

9 b. When the Court does so amend the General Rules of Practice in
10 the Superior and District Courts, the Director of the
11 Administrative Office of the Courts shall also establish any
12 necessary or appropriate uniform technical specifications for
13 telefacsimile equipment in the offices of the clerks of Superior
14 Court, and any appropriate record keeping requirements for
15 pleadings and other papers filed by transmission to such
16 equipment."

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