

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003**

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SENATE BILL 786

Short Title: State Institution Resident Damage Claims.

(Public)

Sponsors: Senator Reeves.

Referred to: Judiciary I.

April 3, 2003

A BILL TO BE ENTITLED

1 AN ACT TO PROVIDE THAT WHEN THE PROPERTY OF A RESIDENT OF A
2 STATE INSTITUTION UNDER THE DEPARTMENT OF HEALTH AND
3 HUMAN SERVICES IS LOST, DESTROYED, OR OTHERWISE DAMAGED
4 THROUGH NEGLIGENT HANDLING BY THE INSTITUTION, THE
5 INSTITUTION MAY MAKE DIRECT PAYMENT OR PROVIDE
6 REPLACEMENT OF THE ITEM TO THE RESIDENT WITHOUT RECOURSE
7 TO THE TORT CLAIMS PROCESS IF THE AMOUNT OF DAMAGES IS LESS
8 THAN FIVE HUNDRED DOLLARS.
9

10 The General Assembly of North Carolina enacts:

11 **SECTION 1.** Article 31 of Chapter 143 of the General Statutes is amended
12 by adding a new section to read:

13 "**§ 143-285.1. Settlement of small claims against institutions of the Department of**
14 **Health and Human Services.**

15 When the property of a resident of a State institution under the Department of Health
16 and Human Services is lost, destroyed, or otherwise damaged through negligent
17 handling by the institution, and the amount of damages is less than five hundred dollars
18 (\$500.00), the institution may make direct payment or provide replacement of the item
19 to the resident without recourse to the procedures otherwise provided by this Article."

20 **SECTION 2.** This act is effective when it becomes law.