

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

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HOUSE BILL 330
Second Edition Engrossed 4/27/17

Short Title: CivPro/Qualified Immunity for Auto Accident. (Public)

Sponsors: Representatives Burr and Millis (Primary Sponsors).

For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Judiciary I

March 14, 2017

1 A BILL TO BE ENTITLED
2 AN ACT PROVIDING THAT A PERSON DRIVING AN AUTOMOBILE WHILE
3 EXERCISING DUE CARE IS IMMUNE FROM CIVIL LIABILITY FOR ANY INJURY
4 TO ANOTHER IF THE INJURED PERSON WAS PARTICIPATING IN A PROTEST
5 OR DEMONSTRATION AND BLOCKING TRAFFIC IN A PUBLIC STREET OR
6 HIGHWAY AT THE TIME OF THE INJURY.

7 The General Assembly of North Carolina enacts:

8 **SECTION 1.** The title of Article 43B of Chapter 1 of the General Statutes reads as
9 rewritten:

10 "Article 43B.

11 ~~"Defense of Charitable Immunity Abolished; and Qualified Immunity for Volunteers.~~
12 ~~Immunities and Other Defenses."~~

13 **SECTION 2.** Article 43B of Chapter 1 of the General Statutes is amended by
14 adding a new section to read:

15 "**§ 1-539.13 Immunity from civil liability for certain automobile drivers.**

16 (a) A person driving an automobile who is exercising due care and injures another
17 person who is participating in a protest or demonstration and is blocking traffic in a public
18 street or highway is immune from civil liability for the injury.

19 (b) A person shall not be immune from civil liability if the actions leading to the injury
20 were willful or wanton.

21 (c) Subsection (a) of this section shall not apply if the injured person participating in a
22 protest or demonstration was doing so with a valid permit allowing persons to protest or
23 demonstrate on the public street or highway where the injury occurred."

24 **SECTION 3.** This act is effective when it becomes law and applies to injuries
25 occurring on or after that date.

