

GENERAL ASSEMBLY OF NORTH CAROLINA
1993 SESSION

CHAPTER 299
HOUSE BILL 944

AN ACT TO RAISE THE LIMIT ON THE AMOUNT RECOVERED IN A
WRONGFUL DEATH ACTION THAT IS LIABLE FOR THE PAYMENT OF
HOSPITAL AND MEDICAL EXPENSES OF THE DECEDENT.

The General Assembly of North Carolina enacts:

Section 1. G.S. 28A-18-2(a) reads as rewritten:

"(a) When the death of a person is caused by a wrongful act, neglect or default of another, such as would, if the injured person had lived, have entitled him to an action for damages therefor, the person or corporation that would have been so liable, and his or their personal representatives or collectors, shall be liable to an action for damages, to be brought by the personal representative or collector of the decedent; and this notwithstanding the death, and although the wrongful act, neglect or default, causing the death, amounts in law to a felony. The personal representative or collector of the decedent who pursues an action under this section may pay from the assets of the estate the reasonable and necessary expenses, not including attorneys' fees, incurred in pursuing the action. At the termination of the action, any amount recovered shall be applied first to the reimbursement of the estate for the expenses incurred in pursuing the action, then to the payment of attorneys' fees, and shall then be distributed as provided in this section. The amount recovered in such action is not liable to be applied as assets, in the payment of debts or legacies, except as to burial expenses of the deceased, and reasonable hospital and medical expenses not exceeding ~~one thousand five hundred dollars (\$1,500)~~ four thousand five hundred dollars (\$4,500) incident to the injury resulting in ~~death;~~ death, except that the amount applied for hospital and medical expenses shall not exceed fifty percent (50%) of the amount of damages recovered after deducting attorneys' fees. ~~provided that all~~ All claims filed for such services shall be approved by the clerk of the superior court and any party adversely affected by any decision of said clerk as to said claim may appeal to the superior court in term time, but shall be disposed of as provided in the Intestate Succession Act."

Sec. 2. This act becomes effective October 1, 1993, and applies to deaths occurring on or after that date.

In the General Assembly read three times and ratified this the 7th day of July, 1993.

Dennis A. Wicker
President of the Senate

Daniel Blue, Jr.
Speaker of the House of Representatives