

GENERAL ASSEMBLY OF NORTH CAROLINA
1993 SESSION

CHAPTER 763
HOUSE BILL 619

AN ACT TO MAKE PERMANENT THE LAW REGARDING ATTORNEYS' FEES IN ACTIONS RELATING TO LIENS ON REAL PROPERTY, AND TO CLARIFY THAT AN AGREEMENT TO ARBITRATE A DISPUTE IS NOT CONSIDERED AN UNENFORCEABLE CONTRACT REQUIRING WAIVER OF A JURY TRIAL.

The General Assembly of North Carolina enacts:

Section 1. Section 4 of Chapter 1010 of the 1991 Session Laws reads as rewritten:

"Sec. 4. Section 1 of this act is effective upon ratification and applies to actions filed on or after the date of ratification. Section 2 of this act is effective upon ratification. Section 3 of this act is effective upon ratification and applies to actions filed on or after the date of ~~ratification but before July 1, 1994.~~ ratification."

Sec. 2. G.S. 22B-10 reads as rewritten:

"§ 22B-10. Contract provisions waiving jury trial unenforceable.

Any provision in a contract requiring a party to the contract to waive his right to a jury trial is unconscionable as a matter of law and the provision shall be unenforceable. This section does not prohibit parties from entering into agreements to arbitrate or engage in other forms of alternative dispute resolution."

Sec. 3. Section 2 of this act becomes effective October 1, 1993, and applies to any pending litigation filed on or after that date. The remainder of this act becomes effective June 30, 1994.

In the General Assembly read three times and ratified this the 16th day of July, 1994.

Dennis A. Wicker
President of the Senate

Daniel Blue, Jr.
Speaker of the House of Representatives