

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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HOUSE BILL 1005

Short Title: ABC Board Members-Limit Liability.

(Public)

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Sponsors: Representatives Privette; and Bowman.

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Referred to: Judiciary.

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April 4, 1989

A BILL TO BE ENTITLED

AN ACT TO LIMIT THE LIABILITY OF MEMBERS OF ABC BOARDS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 18B-700 is amended by adding a new subsection to read:

"(j) Limited liability.—

(1) A person serving as a member of a local ABC board shall be immune individually from civil liability for monetary damages, except to the extent covered by insurance, for any act or failure to act arising out of this service, except where the person:

a. Was not acting within the scope of his official duties;

b. Was not acting in good faith;

c. Committed gross negligence or willful or wanton misconduct that resulted in the damage or injury;

d. Derived an improper personal financial benefit from the transaction; or

e. Incurred the liability from the operation of a motor vehicle.

(2) The immunity in subdivision (1) of this subsection is personal to the members of local ABC boards and does not immunize the local ABC board for liability for the acts or omissions of members of the local ABC board."

Sec. 2. This act is effective upon ratification.