

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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HOUSE BILL 150

Short Title: Amend Civil Proc. Rule 6(b).

(Public)

Sponsors: Representative Dawkins.

Referred to: Judiciary.

February 6, 1989

A BILL TO BE ENTITLED

AN ACT TO AMEND RULE 6(b) OF THE NORTH CAROLINA RULES OF CIVIL PROCEDURE TO PROHIBIT THE EXTENSION OF TIME FOR SERVICE OF PROCESS UNDER RULE 4 OF THE NORTH CAROLINA RULES OF CIVIL PROCEDURE.

The General Assembly of North Carolina enacts:

Section 1. G.S. 1A-1, Rule 6(b) reads as rewritten:

"(b) Enlargement. – When by these rules or by a notice given thereunder or by order of court an act is required or allowed to be done at or within a specified time, the court for cause shown may at any time in its discretion with or without motion or notice order the period enlarged if request therefor is made before the expiration of the period originally prescribed or as extended by a previous order. Upon motion made after the expiration of the specified period, the judge may permit the act to be done where the failure to act was the result of excusable neglect. Notwithstanding any other provisions of this rule, the parties may enter into binding stipulations without approval of the court enlarging the time, not to exceed in the aggregate 30 days, within which an act is required or allowed to be done under these rules, provided, however, that neither the court nor the parties may extend the time for taking any action under Rules 4(a), (c), (d), (e), (f), 50(b), 52, 59(b), (d), (e), 60(b), except to the extent and under the conditions stated in them."

Sec. 2. This act shall become effective October 1, 1989, and shall apply to process served on or after that date.