

**GENERAL ASSEMBLY OF NORTH CAROLINA**

**SESSION 1991**

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HOUSE BILL 484\*

Short Title: Rulings on No Contest Motions.

(Public)

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Sponsors: Representative Beard.

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Referred to: Judiciary II.

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April 1, 1991

A BILL TO BE ENTITLED

1 AN ACT THAT, IN ORDER TO ACHIEVE GREATER JUDICIAL EFFICIENCY,  
2 DIRECTS THE SUPREME COURT TO CONSIDER ISSUING RULES THAT  
3 WILL ALLOW THE COURT TO RULE ON MOST TYPES OF MOTIONS  
4 WITHOUT A HEARING WHEN THE OPPOSING PARTY FAILS TO RESPOND  
5 TO THE MOTION WITHIN THIRTY DAYS.  
6

7 The General Assembly of North Carolina enacts:

8 Section 1. (a) In order to increase judicial efficiency, the Supreme Court shall  
9 consider issuing rules which provide that the moving party can request the court to rule  
10 on all motions other than motions for new trial and motions notwithstanding the verdict  
11 without an oral hearing when the opposing party fails to serve and file:

- 12 (1) A response;
- 13 (2) A reply memorandum;
- 14 (3) An affidavit; or
- 15 (4) Other responsive material within 30 days after service of the motion.

16 (b) The General Assembly specifically urges the Supreme Court to consider  
17 under subsection (a) of this section motions for summary judgment and motions for  
18 default judgment.

19 Sec. 2. In its consideration under Section 1 of this act, the Supreme Court  
20 shall consider the rules regarding uncontested motions of other states, specifically  
21 Georgia Uniform Rules of Court 6.2 and 6.3.

22 Sec. 3. Any rule of procedure or rule of practice for the superior court and  
23 district court divisions issued under this act may only be issued if the Supreme Court

1 finds such rule adequately protects the substantive rights of all parties and adequately  
2 addresses due process considerations.

3           Sec. 4. Any rule of procedure or rule of practice for the superior court and  
4 district court divisions issued under this act shall apply notwithstanding the provisions  
5 of Chapter 1A of the General Statutes.

6           Sec. 5. The Supreme Court shall issue rules pursuant to this act no later than  
7 March 1, 1992, to be effective no later than July 1, 1992.

8           Sec. 6. This act is effective upon ratification.