

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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SENATE BILL 1554

Short Title: Limit Debtor's PI Exemption.

(Public)

Sponsors: Senator Warren.

Referred to: Rules and Operation of the Senate.

May 25, 1994

A BILL TO BE ENTITLED

1 AN ACT TO LIMIT, WHEN A CREDITOR SEEKS TO ENFORCE A JUDGMENT
2 AGAINST A DEBTOR, THE CURRENT EXEMPTION EXTENDED TO THE
3 DEBTOR FOR COMPENSATION THE DEBTOR RECEIVED FOR PERSONAL
4 INJURY OR FOR THE DEATH OF ONE UPON WHOM THE DEBTOR WAS
5 DEPENDENT.
6

7 The General Assembly of North Carolina enacts:

8 Section 1. G.S. 1C-1601(a) reads as rewritten:

9 "(a) Exempt property. – Each individual, resident of this State, who is a debtor is
10 entitled to retain free of the enforcement of the claims of his creditors:

- 11 (1) The debtor's aggregate interest, not to exceed ten thousand dollars
12 (\$10,000) in value, in real property or personal property that the debtor
13 or a dependent of the debtor uses as a residence, in a cooperative that
14 owns property that the debtor or a dependent of the debtor uses as a
15 residence, or in a burial plot for the debtor or a dependent of the
16 debtor.
17 (2) The debtor's aggregate interest in any property, not to exceed three
18 thousand five hundred dollars (\$3,500) in value less any amount of the
19 exemption used under subdivision (1).
20 (3) The debtor's interest, not to exceed one thousand five hundred dollars
21 (\$1,500) in value, in one motor vehicle.
22 (4) The debtor's aggregate interest, not to exceed three thousand five
23 hundred dollars (\$3,500) in value for the debtor plus seven hundred
24 fifty dollars (\$750.00) for each dependent of the debtor, not to exceed

- 1 three thousand dollars (\$3,000) total for dependents, in household
2 furnishings, household goods, wearing apparel, appliances, books,
3 animals, crops, or musical instruments, that are held primarily for the
4 personal, family, or household use of the debtor or a dependent of the
5 debtor.
- 6 (5) The debtor's aggregate interest, not to exceed seven hundred fifty
7 dollars (\$750.00) in value, in any implements, professional books, or
8 tools of the trade of the debtor or the trade of a dependent of the
9 debtor.
- 10 (6) Life insurance as provided in Article X, Section 5 of the Constitution
11 of North Carolina.
- 12 (7) Professionally prescribed health aids for the debtor or a dependent of
13 the debtor.
- 14 (8) ~~Compensation~~Compensation, not to exceed seven thousand five
15 hundred dollars (\$7,500) in value, for personal injury or compensation
16 for the death of a person upon whom the debtor was dependent for
17 support, not including pain and suffering or compensation for actual
18 pecuniary loss, but such compensation is not exempt from claims for
19 funeral, legal, medical, dental, hospital, and health care charges related
20 to the accident or injury giving rise to the compensation."
- 21 Sec. 2. This act is effective upon ratification and applies to any action to
22 enforce a judgment filed on or after that date.