

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

S

1

SENATE BILL 914

Short Title: Contracts to Improve Real Property.

(Public)

Sponsors: Senators Sherron; Codington, Blackmon, Carpenter, Albertson, Marshall, and Folger.

Referred to: Judiciary II.

April 19, 1993

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT ANY PROVISION IN A CONTRACT TO IMPROVE REAL PROPERTY THAT PROVIDES THAT THE CONTRACT IS SUBJECT TO THE LAWS OF ANOTHER STATE OR SUBJECT TO LITIGATION AND ARBITRATION IN ANOTHER STATE IS VOID AS AGAINST PUBLIC POLICY.

The General Assembly of North Carolina enacts:

Section 1. The title of Article 1 of Chapter 22B of the General Statutes reads as rewritten:

~~"CONSTRUCTION INDEMNITY AGREEMENTS INVALID. INVALID AGREEMENTS."~~

Sec. 2. Chapter 22B of the General Statutes is amended by adding a new section to read:

"§ 22B-2. Contracts to improve real property.

A provision in any contract, subcontract, or purchase order for the improvement of real property in this State, or the providing of materials therefor, is void and against public policy if it makes the contract, subcontract, or purchase order subject to the laws of another state, or provides that the exclusive forum for any litigation, arbitration, or other dispute resolution process is located in another state."

Sec. 3. This act is effective upon ratification and applies to all contracts, subcontracts, or purchase orders entered into on or after that date.