

GENERAL ASSEMBLY OF NORTH CAROLINA
1997 SESSION

S.L. 1997-227
HOUSE BILL 374

AN ACT TO AMEND THE CRIME VICTIMS COMPENSATION ACT TO INCREASE THE ALLOWABLE EXPENSE FOR FUNERALS, TO MAKE VICTIMS OF HIT AND RUN ACCIDENTS AND VICTIMS OF TERRORISM ELIGIBLE FOR COMPENSATION, AND TO PROVIDE THAT COLLATERAL SOURCES FOR THE PAYMENT OF FUNERAL EXPENSES SHALL NOT CONSTITUTE GROUNDS FOR DENIAL OR REDUCTION OF AN AWARD OF COMPENSATION.

The General Assembly of North Carolina enacts:

Section 1. G.S. 15B-2(1) reads as rewritten:

"(1) 'Allowable expense' means reasonable charges incurred for reasonably needed products, services, and accommodations, including those for medical care, rehabilitation, medically related property, and other remedial treatment and care.

Allowable expense includes a total charge not in excess of ~~two thousand dollars (\$2,000)~~ three thousand five hundred dollars (\$3,500) for expenses related to funeral, cremation, and burial, including transportation of a body, but excluding expenses for flowers, gravestone, and other items not directly related to the funeral service."

Section 2. G.S. 15B-2(5) reads as rewritten:

"(5) 'Criminally injurious conduct' means conduct ~~which~~ that by its nature poses a substantial threat of personal injury or death, and is punishable by fine or imprisonment or death, or would be so punishable but for the fact that the person engaging in the conduct lacked the capacity to commit the crime under the laws of this State. Criminally injurious conduct includes conduct ~~which~~ that amounts to an offense involving impaired driving as defined in ~~G.S. 20-4.01(24a)~~ G.S. 20-4.01(24a), and conduct that amounts to a violation of G.S. 20-166 if the victim was a pedestrian or was operating a vehicle moved solely by human power or a mobility impairment device. For purposes of this Chapter, a mobility impairment device is a device that is designed for and intended to be used as a means of transportation for a person with a mobility impairment, is suitable for use both inside and outside a building, and whose maximum speed does not exceed 12 miles per hour when the device is being operated by a person with a mobility

impairment. Criminally injurious conduct but does not include conduct arising out of the ownership, maintenance, or use of a motor vehicle when the conduct is punishable only as a violation of other provisions of Chapter 20 of the General Statutes. Criminally injurious conduct shall also include an act of terrorism, as defined in 18 U.S.C. § 2331, that is committed outside of the United States against a citizen of this State."

Section 3. G.S. 15B-11(d) reads as rewritten:

"(d) After reaching a decision to approve an award of compensation, but before notifying the claimant, the Director shall require the claimant to submit current information as to collateral sources on forms prescribed by the Commission.

An award that has been approved shall nevertheless be denied or reduced to the extent that the economic loss upon which the claim is based is or will be recouped from a collateral source. If an award is reduced or a claim is denied because of the expected recoupment of all or part of the economic loss of the claimant from a collateral source, the amount of the award or the denial of the claim shall be conditioned upon the claimant's economic loss being recouped by the collateral source. If it is thereafter determined that the claimant will not receive all or part of the expected recoupment, the claim shall be reopened and an award shall be approved in an amount equal to the amount of expected recoupment that it is determined the claimant will not receive from the collateral source, subject to the limitations set forth in subsections (f) and (g). The existence of a collateral source that would pay expenses directly related to a funeral, cremation, and burial, including transportation of a body, shall not constitute grounds for the denial or reduction of an award of compensation."

Section 4. No additional funds shall be appropriated to implement this act as provided in G.S. 15B-22.

Section 5. This act is effective when it becomes law and applies to claims arising from criminally injurious conduct that occurred on or after April 1, 1997.

In the General Assembly read three times and ratified this the 16th day of June, 1997.

s/ Dennis A. Wicker
President of the Senate

s/ Harold J. Brubaker
Speaker of the House of Representatives

s/ James B. Hunt, Jr.
Governor

Approved 2:55 p.m. this 27th day of June, 1997