

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

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HOUSE DRH50095-LD-9 (12/17)

Short Title: Bifurcate Trial for Med. Malpractice Action. (Public)

Sponsors: Representative LaRoque.

Referred to:

A BILL TO BE ENTITLED

AN ACT TO SEPARATE THE TRIAL FOR ANY MEDICAL MALPRACTICE ACTION INTO TWO PHASES IN ORDER TO DETERMINE THE ISSUES OF LIABILITY FOR COMPENSATORY DAMAGES AND THE AMOUNT OF COMPENSATORY DAMAGES SEPARATELY FROM THE LIABILITY FOR PUNITIVE DAMAGES AND THE AMOUNT OF PUNITIVE DAMAGES.

The General Assembly of North Carolina enacts:

SECTION 1. Article 1B of Chapter 90 of the General Statutes is amended by adding a new section to read:

"§ 90-21.13A. Bifurcate trial.

The issues of liability for compensatory damages and the amount of compensatory damages, if any, shall be tried separately from the issues of liability for punitive damages and the amount of punitive damages, if any. Evidence relating solely to punitive damages shall not be admissible until the trier of fact has determined that the defendant is liable for compensatory damages and has determined the amount of compensatory damages. The same trier of fact that tried the issues relating to liability for compensatory damages and the amount of compensatory damages shall try the issues relating to the liability for punitive damages and the amount of punitive damages."

SECTION 2. This act becomes effective October 1, 2005, and applies to actions filed on or after that date.