

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

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HOUSE BILL 291

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

Sponsors: Representatives LaRoque; Blackwood, Starnes, and Steen.

Referred to: Rules, Calendar, and Operations of the House.

February 17, 2005

A BILL TO BE ENTITLED

1 AN ACT TO SEPARATE THE TRIAL FOR ANY MEDICAL MALPRACTICE
2 ACTION INTO TWO PHASES IN ORDER TO DETERMINE THE ISSUES OF
3 LIABILITY FOR COMPENSATORY DAMAGES AND THE AMOUNT OF
4 COMPENSATORY DAMAGES SEPARATELY FROM THE LIABILITY FOR
5 PUNITIVE DAMAGES AND THE AMOUNT OF PUNITIVE DAMAGES.
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7 The General Assembly of North Carolina enacts:

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

10 "**§ 90-21.13A. Bifurcate trial.**

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

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