

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

SENATE BILL 574
RATIFIED BILL

AN ACT CLARIFYING THAT CERTAIN CIVIL ACTIONS RELATING TO GROUNDWATER CONTAMINATION ARE NOT SUBJECT TO THE TEN-YEAR STATUTE OF REPOSE SET FORTH IN G.S. 1-52.

The General Assembly of North Carolina enacts:

SECTION 1. The General Assembly finds that prior to the United States Supreme Court ruling in *CTS Corp. v. Waldburger*, that there was ambiguity and uncertainty regarding the effect of federal law on the North Carolina statute of repose in certain environmental cases. The General Assembly finds that it was the intent of the legislature to maximize under federal law the amount of time a claimant had to bring a claim predicated on exposure to a contaminant regulated by federal or State law. The General Assembly finds that the Supreme Court's decision is inconsistent with the legislature's intentions and the legislature's understanding of federal law at the time that certain actions were filed.

SECTION 2. G.S. 1-52 reads as rewritten:

"§ 1-52. **Three years.**

Within three years an action -

...

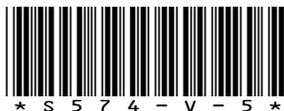
- (16) Unless otherwise provided by ~~statute, law,~~ for personal injury or physical damage to claimant's property, the cause of action, except in causes of actions referred to in G.S. 1-15(c), shall not accrue until bodily harm to the claimant or physical damage to his property becomes apparent or ought reasonably to have become apparent to the claimant, whichever event first occurs. ~~Provided that~~ Except as provided in G.S. 130A-26.3, no cause of action shall accrue more than 10 years from the last act or omission of the defendant giving rise to the cause of action.

...."

SECTION 3. Article 1 of Chapter 130A of the General Statutes is amended by adding a new section to read:

"§ 130A-26.3 Limitations period for certain groundwater contamination actions.

The 10-year period set forth in G.S. 1-52(16) shall not be construed to bar an action for personal injury, or property damages caused or contributed to by the consumption, exposure, or use of water supplied from groundwater contaminated by a hazardous substance, pollutant, or contaminant. For purposes of this subsection, "contaminated by a hazardous substance, pollutant, or contaminant" means the concentration of the hazardous substance, pollutant, or contaminant exceeds a groundwater quality standard set forth in 15A NCAC 2L .0202."



SECTION 4. This act is effective when it becomes law and applies to actions arising or pending on or after that date. For purposes of this section, an action is pending for a plaintiff if there has been no final disposition with prejudice and mandate issued against that plaintiff issued by the highest court of competent jurisdiction where the claim was timely filed or appealed as to all the plaintiff's claims for relief to which this act otherwise applies. This act expires on June 19, 2023, and is not effective for claims for relief brought on or after that date, but does not affect actions pending on that date.

In the General Assembly read three times and ratified this the 19th day of June, 2014.

s/ Daniel J. Forest
President of the Senate

s/ Thom Tillis
Speaker of the House of Representatives

Pat McCrory
Governor

Approved _____m. this _____ day of _____, 2014