



HOUSE BILL 679: Rules of Civ Procedure/E-Filing and Service.

2019-2020 General Assembly

Committee:		Date:	November 5, 2020
Introduced by:		Prepared by:	Tawanda F. Artis
Analysis of:	S.L. 2020-46		Staff Attorney

OVERVIEW: *S.L. 2020-46 amends Rule 3 and Rule 5 of the Rules of Civil Procedure to allow for electronic filing and service.*

This act became effective on October 1, 2020, and applies to filings and service effected on or after that date.

CURRENT LAW: Chapter 1A of the General Statutes sets forth the Rules of Civil Procedure. These rules govern the procedure in the superior and district courts of the State of North Carolina in all actions and proceedings of a civil nature except when a differing procedure is prescribed by statute. They also govern the procedure in tort actions brought before the Industrial Commission except when a differing procedure is prescribed by statute. Rule 3 of the Rules of Civil Procedure governs the commencement of civil actions. Rule 5 of the Rules of Civil Procedure governs service and filing of pleadings and other papers.

BILL ANALYSIS:

This act does the following:

- Amends Rule 3 of the Rules of Civil Procedure to require attorneys to use electronic filing in accordance with Rule 5 of the General Rules of Practice for the Superior and District Courts, if electronic filing is available in the county of filing. Also, allows self-represented litigants who are appropriately registered in the electronic filing system to file electronically in accordance with Rule 5 of the General Rules of Practice for the Superior and District Courts.
- Amends Rule 5 of the Rules of Civil Procedure to clarify service is made if performed through the court's electronic filing service and by email.

EFFECTIVE DATE: This act became effective on October 1, 2020, and applies to filings and service effected on or after that date.

Jeffrey Hudson
Director

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Legislative Analysis
Division
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