



HOUSE BILL 404: Ltd. Immunity for PSAP/TC for S.L. 2021-171.

2021-2022 General Assembly

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| Committee: | Date: | February 14, 2022 |
| Introduced by: | Prepared by: | Kristen L. Harris Staff Attorney |
| Analysis of: | S.L. 2021-181 | |

OVERVIEW: *S.L. 2021-181 does the following:*

- *Provides that public safety answering points (PSAPs), regional PSAPs, and their employees and agents, and employees of law enforcement agencies, who are certified by the North Carolina Sheriffs' Education and Training Standards Commission, are liable for damages in a civil action for gross negligence, wanton or willful misconduct, or when there is applicable insurance coverage.*
- *Provides that communication service providers, 911 system providers, next generation 911 system providers, and their employees are liable for damages in a civil action for wanton or willful misconduct.*
- *Makes technical corrections to S.L. 2021-171, The No Patient Left Alone Act.*

The section of the act pertaining to PSAPs and communication service providers became law November 18, 2021, and applies to causes of action filed on or after that date. The section of the act pertaining to The No Patient Left Alone Act became effective November 1, 2021.

BILL ANALYSIS:

Sections 1.(a)-(b) provides that PSAPs, regional PSAPs, and their employees and agents, and employees of law enforcement agencies, who are certified by the North Carolina Sheriffs' Education and Training Standards Commission, are not liable for any damages in a civil action except in cases of wanton or willful misconduct, gross negligence, or when there is applicable insurance coverage. Communication service providers are liable for damages in cases of wanton or willful misconduct. Any limitation of liability provided must not be construed to serve as a bar to any applicable insurance coverage.

Sections 1.(a)-(b) became effective when the act became law (November 18, 2021) and apply to causes of action filed on or after that date.

Sections 2.(a)-(g) make technical changes to S.L. 2021-171, The No Patient Left Alone Act, and became effective November 1, 2021.

EFFECTIVE DATE: Except as otherwise provided, this act became effective when it became law (November 18, 2021.)

BACKGROUND:

Prior to the enact of S.L. 2021-181, G.S. 143B-1413 provided the following limitations on liability:

- Communications service providers, 911 system providers, and next generation 911 system providers were liable for wanton or willful misconduct.

Jeffrey Hudson
Director



Legislative Analysis
Division
919-733-2578

House Bill 404

Page 2

- There was no limitation on liability for PSAPs or their employees or agents, but a plaintiff's burden of proof was the higher standard of clear and convincing evidence.