

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

S

1

SENATE BILL 395

Short Title: Civ. Pro./Good-Cause Continuances. (Public)

Sponsors: Senator Daniel (Primary Sponsor).

Referred to: Rules and Operations of the Senate

March 28, 2019

A BILL TO BE ENTITLED

AN ACT AMENDING THE RULES OF CIVIL PROCEDURE CONCERNING THE GRANTING OF CONTINUANCES FOR GOOD CAUSE ON ACCOUNT OF SERVICE ON A STATE BOARD, COMMISSION, OR AUTHORITY AS AN APPOINTEE OF THE GOVERNOR, LIEUTENANT GOVERNOR, OR GENERAL ASSEMBLY.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 1A-1, Rule 40 of the Rules of Civil Procedure reads as rewritten:

"Rule 40. Assignment of cases for trial; continuances.

(a) The senior resident superior court judge of any superior court district or set of districts as defined in G.S. 7A-41.1 may provide by rule for the calendaring of actions for trial in the superior court division of the various counties within ~~his~~that senior resident's district or set of districts. Calendaring of actions for trial in the district court shall be in accordance with G.S. 7A-146. Precedence shall be given to actions entitled thereto by any statute of this State.

(b) No continuance shall be granted except upon application to the court. A continuance may be granted only for good cause shown and upon such terms and conditions as justice may require. Good cause for granting a continuance shall include those instances when a party to the proceeding, a witness, or counsel of record has an obligation of service to the State of North Carolina, including service as a member of the General Assembly or the Rules Review ~~Commission~~Commission, or any other board, commission, or authority as an appointee of the Governor, the Lieutenant Governor, or the General Assembly."

SECTION 2. This act becomes effective October 1, 2019.

