

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

H

1

HOUSE BILL 702

Short Title: DOT Takings Notice to Any Potential Claimant. (Public)

Sponsors: Representative Winslow.

For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Transportation, if favorable, Judiciary 1, if favorable, Rules, Calendar, and Operations of the House

April 19, 2023

A BILL TO BE ENTITLED

AN ACT TO AMEND THE TRANSPORTATION LAWS OF THE STATE TO REQUIRE THE DEPARTMENT OF TRANSPORTATION TO SERVE NOTICE OF TAKING TO ANY POTENTIAL CLAIMANT, INCLUDING A TENANT OR LEASEHOLDER.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 136-103(d) reads as rewritten:

"(d) The filing of said complaint and said declaration of taking shall be accompanied by the deposit of the sum of money estimated by said Department of Transportation to be just compensation for said taking and upon the filing of said complaint and said declaration of taking and deposit of said sum, summons shall be issued and together with a copy of said complaint and said declaration of taking and notice of the deposit be served upon ~~the person named therein~~ any owner, lienholder, tenant, leaseholder, and any person who reasonably appears to be a potential claimant in the manner now provided for the service of process in civil actions. The Department of Transportation may amend the complaint and declaration of taking and may increase the amount of its deposit with the court at any time while the proceeding is pending, and the owner shall have the same rights of withdrawal of this additional amount as set forth in G.S. 136-105 of this Chapter."

SECTION 2. This act is effective when it becomes law and applies to condemnation actions filed on or after that date.



* H 7 0 2 - V - 1 *