



**STATE OF NORTH CAROLINA
DEPARTMENT OF PUBLIC SAFETY
JOINT FORCE HEADQUARTERS
NORTH CAROLINA NATIONAL GUARD**



ROY COOPER
GOVERNOR

ERIK HOOKS
SECRETARY

GREGORY A. LUSK
MAJOR GENERAL, NCNG
ADJUTANT GENERAL

NGNC-SJA

Senate Bill 420 – North Carolina Servicemembers Civil Relief Act

On 25 July 2019, Governor Roy Cooper signed into law, the North Carolina Servicemembers Civil Relief Act (NCSCRA). This new law is intended to incorporate into North Carolina State law the rights, benefits, and protections of the federal Servicemembers Civil Relief Act (SCRA), and to extend those rights, benefits, and protections to members of the North Carolina National Guard (NCNG) serving on state active duty and to members of the National Guard of other states serving on state active duty who reside in North Carolina. This new law may be found in NC General Statutes §§ 127B-25 through 127B-36.

Military service in the NCSCRA is defined as:

1. Title 10 active duty
2. Title 32 active duty for more than 30 days
3. State active duty for more than 30 days

Servicemembers include any member of the uniformed services who resides in North Carolina or any member of the NCNG.

The NCSCRA allows a servicemember to:

1. Terminate service contracts upon receipt of military order to relocate to a location that does not support those contracts. NCGS § 127B-30
2. Stay court proceedings in civil actions. NCGS § 127B-31
3. Extend residential leases that expire during state active duty. NCGS § 127B-32

The rights provided for in the NCSCRA may not be waived, and the NCSCRA supersedes any agreement that reduces, limits, or eliminates any right or benefit provided by the NCSCRA. NCGS §127B-33

Any knowing violation of the NCSCRA is an unfair or deceptive trade practice. NCGS § 127B-34

Any person that violates the NCSCRA may be sued by the NC Attorney General or the servicemember. NCGS §§ 127B-35, 36.

This new law also clarifies that members of the NCNG called into service of the State by the Governor have the right to take leave without pay from his or her civilian employment, and no NCNG member shall be forced to use any of his or her vacation leave for a period of active service. The choice of leave is solely within the discretion of the servicemember. NCGS § 127A-111

The federal SCRA includes the following benefits and protections found in 50 USC Chapter 50

- § 3931. Protection of servicemembers against default judgments
- § 3932. Stay of proceedings when servicemember has notice
- § 3933. Fines and penalties under contracts
- § 3934. Stay or vacation of execution of judgments, attachments, and garnishments
- § 3935. Duration and term of stays; codefendants not in service
- § 3936. Statute of limitations
- § 3937. Maximum rate of interest on debts incurred before military service
- § 3938. Child custody protection
- § 3951. Evictions and distress
- § 3952. Protection under installment contracts for purchase or lease
- § 3953. Mortgages and trust deeds
- § 3954. Settlement of stayed cases relating to personal property
- § 3955. Termination of residential or motor vehicle leases
- § 3956. Termination of telephone service contracts
- § 3957. Protection of life insurance policy
- § 3958. Enforcement of storage liens

A dependent of a servicemember engaged in military service has the same rights and protections provided to a servicemember under the NCSCRA described above in NCGS § 127B-30 (Termination of Service Contracts) and in the federal SCRA described in 50 USC §§ 3931 through 3938.

The NCNG Legal Assistance Program can assist in providing advice regarding these rights and may be reached at (984) 664-6220 or ng.nc.ncarng.mbx.legal-assistance-office@mail.mil.