



CHAPTER 97
ARTICLE 1 - WORKERS' COMPENSATION ACT

N.C.G.S. § 97-13.

Exceptions from provisions of Article.

SOURCE General Statutes of North Carolina, as published by the General Assembly	LAST AMENDMENT IN THIS TEXT S.L. 2021-180, s. 19C.9(n), (p) — twenty-third act in the lineage	RETRIEVED 21 September 2026, 02:01 UTC	SOURCE FINGERPRINT 9eaa7a15706c8f8f8064ff5b - 6af717a134c678f4bdac02d3 - ebd76fcd2d0dc6b5
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§ 97-13(a) Employees of Certain Railroads. - This Article shall not apply to railroads or railroad employees nor in any way repeal, amend, alter or affect Article 8 of Chapter 60 or any section thereof relating to the liability of railroads for injuries to employees, nor upon the trial of any action in tort for injuries not coming under the provisions of this Article, shall any provision herein be placed in evidence or be permitted to be argued to the jury. Provided, however, that the foregoing exemption to railroads and railroad employees shall not apply to employees of a State-owned railroad company, as defined in G.S. 124-11, or to electric street railroads or employees thereof; and this Article shall apply to electric street railroads and employees thereof and to this extent the provisions of Article 8 of Chapter 60 are hereby amended.

§ 97-13(b) Casual Employment, Domestic Servants, Farm Laborers, Federal Government, Employer of Less than Three Employees. - This Article shall not apply to casual employees, farm laborers when fewer than 10 full-time nonseasonal farm laborers are regularly employed by the same employer, federal government employees in North Carolina, and domestic servants, nor to employees of such persons, nor to any person, firm or private corporation that has regularly in service less than three employees in the same business within this State, except that any employer without regard to number of employees, including an employer of domestic servants, farm laborers, or one who previously had exempted himself, who has purchased workers' compensation insurance to cover his compensation liability shall be conclusively presumed during life of the policy to have accepted the provisions of this Article from the effective date of said policy and his employees shall be so bound unless waived as provided in this Article; provided however, that this Article shall apply to all employers of one or

more employees who are employed in activities which involve the use or presence of radiation.

§ 97-13(c)

Prisoners. - This Article shall not apply to prisoners being worked by the State or any subdivision thereof, except to the following extent: Whenever any prisoner assigned to the Division of Prisons of the Department of Adult Correction shall suffer accidental injury or accidental death arising out of and in the course of the employment to which he had been assigned, if there be death or if the results of such injury continue until after the date of the lawful discharge of such prisoner to such an extent as to amount to a disability as defined in this Article, then such discharged prisoner or the dependents or next of kin of such discharged prisoner may have the benefit of this Article by applying to the Industrial Commission as any other employee; provided, such application is made within 12 months from the date of the discharge; and provided further that the maximum compensation to any prisoner or to the dependents or next of kin of any deceased prisoner shall not exceed thirty dollars (\$30.00) per week and the period of compensation shall relate to the date of his discharge rather than the date of the accident. If any person who has been awarded compensation under the provisions of this subsection shall be recommitted to prison upon conviction of an offense committed subsequent to the award, such compensation shall immediately cease. Any awards made under the terms of this subsection shall be paid by the Department of Adult Correction from the funds available for the operation of the Division of Prisons of the Department of Adult Correction. The provisions of G.S. 97-10.1 and 97-10.2 shall apply to prisoners and discharged prisoners entitled to compensation under this subsection and to the State in the same manner as said section applies to employees and employers.

§ 97-13(c1)

Certain Inmates. - Notwithstanding the thirty dollars (\$30.00) per week limit in subsection (c) of this section, the average weekly wage of inmates employed pursuant to the Prison Industry Enhancement Program shall be calculated pursuant to G.S. 97-2(5).

§ 97-13(d)

Sellers of Agricultural Products. - This Article shall not apply to persons, firms or corporations engaged in selling agricultural products for the producers thereof on commission or for other compensation, paid by the producers, provided the product is prepared for sale by the producer.

APPARATUS I
23 ACTS

Amendment lineage

The State prints this history as a single parenthetical at the foot of the section. It is reproduced verbatim in the colophon and unpacked below in order of enactment.



Nº	YEAR	ACT	CHARACTER
01	1929	c. 120, s. 14	ENACTED
02	1933	c. 401	AMENDED
03	1935	c. 150	AMENDED
04	1941	c. 295	AMENDED
05	1943	c. 543	AMENDED
06	1945	c. 766	AMENDED
07	1957	c. 349, s. 10	AMENDED
08	1957	c. 809	AMENDED
09	1967	c. 996, s. 13	AMENDED
10	1971	c. 284, s. 2	AMENDED
11	1971	c. 1176	AMENDED
12	1975	c. 718, s. 3	AMENDED
13	1979	c. 247, s. 1	AMENDED
14	1979	c. 714, s. 2	AMENDED
15	1981	c. 378, s. 1	AMENDED
16	1981	1983 (Reg. Sess., 1984), c. 1042, s. 2	AMENDED
17	1987	c. 729, s. 3	AMENDED
18	2000	S.L. 2000-146, s. 11	AMENDED
19	2011	S.L. 2011-145, s. 19.1(h)	AMENDED
20	2012	S.L. 2012-83, s. 34	AMENDED
21	2017	S.L. 2017-186, s. 2(tttt)	AMENDED
22	2017	S.L. 2017-212, s. 5.1	AMENDED
23	2021	S.L. 2021-180, s. 19C.9(n), (p)	AMENDED

APPARATUS II
3 AUTHORITIES

Authorities referenced

Every G.S. cross-reference appearing in the text of this section, in order of first appearance. Nothing is characterized; the operative language is quoted from the section itself.

REFERENCE	APPEARS IN	OPERATIVE LANGUAGE IN THIS SECTION
G.S. 124-11	(a)	"State-owned railroad company, as defined in"
G.S. 97-10.1	(c)	"of Adult Correction. The provisions of"
G.S. 97-2(5)	(c1)	"Program shall be calculated pursuant to"

APPARATUS III

Citation

FULL SECTION

N.C. Gen. Stat. § 97-13 (2021).

PINPOINT

N.C. Gen. Stat. § 97-13(a) (2021).

Pinpoint keys are set in the left margin of the text rather than line numbers: subsection designators are stable across editions and paper sizes, line numbers are not.

COLOPHON

Provenance

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HISTORY PARENTHETICAL, AS PRINTED BY THE STATE

(1929, c. 120, s. 14; 1933, c. 401; 1935, c. 150; 1941, c. 295; 1943, c. 543; 1945, c. 766; 1957, c. 349, s. 10; c. 809; 1967, c. 996, s. 13; 1971, c. 284, s. 2; c. 1176; 1975, c. 718, s. 3; 1979, c. 247, s. 1; c. 714, s. 2; 1981, c. 378, s. 1; 1983 (Reg. Sess., 1984), c. 1042, s. 2; 1987, c. 729, s. 3; 2000-146, s. 11; 2011-145, s. 19.1(h); 2012-83, s. 34; 2017-186, s. 2(tttt); 2017-212, s. 5.1; 2021-180, s. 19C.9(n), (p).)

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