

By: Representative Chaney

To: Judiciary A

HOUSE BILL NO. 641

1 AN ACT TO AMEND SECTION 15-1-49, MISSISSIPPI CODE OF 1972, TO
2 INCORPORATE A STATUTE OF REPOSE IN THE STATUTES OF LIMITATIONS
3 CONTAINED THEREIN; AND FOR RELATED PURPOSES.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

5 SECTION 1. Section 15-1-49, Mississippi Code of 1972, is
6 amended as follows:

7 15-1-49. (1) All actions for which no other period of
8 limitation is prescribed shall be commenced within three (3) years
9 next after the cause of such action accrued, and not after.

10 (2) In actions for which no other period of limitation is
11 prescribed and which involve latent injury or disease, the cause
12 of action does not accrue until the plaintiff has discovered, or
13 by reasonable diligence should have discovered, the injury.

14 (3) The provisions of subsection (2) of this section shall
15 apply to all pending and subsequently filed actions.

16 (4) In no event may any action be commenced to recover
17 damages for actions to which this statute of limitation applies
18 more than ten (10) years after the date of the alleged act,
19 omission or negligence.

20 (5) Except as otherwise provided in subsections (6) and (7)
21 of this section, if at the time at which the cause of action shall
22 or with reasonable diligence first might have been known or
23 discovered, the person to whom such claim has accrued shall be six
24 (6) years of age or younger, then such minor or the person
25 claiming through such minor, notwithstanding that the period of
26 time limited pursuant to subsection (1) of this section shall have

27 expired, may commence action on such claim at any time within
28 three (3) years next after the time at which the minor shall have
29 reached his sixth birthday, or shall have died, whichever shall
30 have first occurred.

31 (6) If at the time at which the cause of action shall or
32 with reasonable diligence first might have been known or
33 discovered, the person to whom such claim has accrued shall be a
34 minor without a parent or legal guardian, then such minor or the
35 person claiming through such minor, notwithstanding that the
36 period of time limited pursuant to subsection (1) of this section
37 shall have expired, may commence action on such claim at any time
38 within three (3) years next after the time at which the minor
39 shall have a parent or legal guardian or shall have died,
40 whichever shall have first occurred; provided, however, that in no
41 event shall the period of limitation begin to run prior to such
42 minor's sixth birthday unless such minor shall have died.

43 (7) If at the time at which the cause of action shall or
44 with reasonable diligence first might have been known or
45 discovered, the person to whom such claim has accrued shall be
46 under the disability of unsoundness of mind, then such person or
47 the person claiming through him, notwithstanding that the period
48 of time hereinbefore limited shall have expired, may commence
49 action on such claim at any time within three (3) years next after
50 the time at which the person to whom the right shall have first
51 accrued shall have ceased to be under the disability, or shall
52 have died, whichever shall have first occurred.

53 (8) When any person who shall be under the disabilities
54 mentioned in subsections (5), (6) and (7) of this section at the
55 time which his right shall have first accrued, shall depart this
56 life without having ceased to be under such disability, no time
57 shall be allowed by reason of the disability of such person
58 prescribed under Section 15-1-55.

59 (9) For the purposes of subsection (5) of this section, and
60 only for the purposes of such subsection, the disability of
61 infancy or minority shall be removed from and after the time a
62 person has reached his sixth birthday.

63 (10) For the purposes of subsection (6) of this section, and

64 only for the purposes of such subsection, the disability of
65 infancy or minority shall be removed from and after the time a
66 person has reached his sixth birthday, or from and after the time
67 such person shall have a parent or legal guardian, whichever
68 occurs later, unless such disability is otherwise removed by law.

69 (11) The limitation established by subsection (4) of this
70 section as to the ten-year statute of repose applicable to all
71 negligence actions shall apply only to actions the cause of which
72 accrued on or after July 1, 1999.

73 SECTION 2. The provisions of this act are remedial in nature
74 and shall be applied to all causes of action pending or filed on
75 or after July 1, 1999, including matters on appeal.