

By: Senator(s) Hawks

To: Judiciary

## SENATE BILL NO. 2162

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.