

By: Smith (59th)

To: Judiciary A

HOUSE BILL NO. 1472

1 AN ACT TO AMEND SECTION 15-3-1, MISSISSIPPI CODE OF 1972, TO
2 PROVIDE A CONTRACT OR PROMISE TO LEND MONEY MUST BE IN WRITING FOR
3 PURPOSES OF THE STATUTE OF FRAUDS; AND FOR RELATED PURPOSES.

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

5 SECTION 1. Section 15-3-1, Mississippi Code of 1972, is
6 amended as follows:[LH1]

7 15-3-1. An action shall not be brought whereby to charge a
8 defendant or other party:

9 (a) Upon any special promise to answer for the debt or
10 default or miscarriage of another person;

11 (b) Upon any agreement made upon consideration of
12 marriage, mutual promises to marry excepted;

13 (c) Upon any contract for the sale of lands, tenements,
14 or hereditaments, or the making of any lease thereof for a longer
15 term than one (1) year;

16 (d) Upon any agreement which is not to be performed
17 within the space of fifteen (15) months from the making
18 thereof; * * *

19 (e) Upon any special promise by an executor or
20 administrator to answer any debt or damage out of his own estate;
21 or

22 (f) Upon any contract, promise, undertaking or
23 commitment to lend money, or to extend credit, or to renew, modify
24 or forbear from enforcing any obligation to repay money loaned or
25 credit extended;

26 unless, in each of said cases, the promise or agreement upon which

27 such action may be brought, or some memorandum or note thereof,
28 shall be in writing, and signed by the party to be charged
29 therewith or signed by some person by him or her thereunto
30 lawfully authorized in writing.

31 SECTION 2. This act shall take effect and be in force from
32 and after July 1, 2000.