

By: Representative Brown

To: Appropriations

HOUSE BILL NO. 1581

1 AN ACT TO AMEND SECTION 31-5-53, MISSISSIPPI CODE OF 1972, TO  
2 CLARIFY THE RIGHTS OF CLAIMANTS ON PERFORMANCE AND PAYMENT BONDS  
3 AND THE TIME AND MANNER FOR BRINGING SUIT ON SUCH BONDS; AND FOR  
4 RELATED PURPOSES.

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

6 **SECTION 1.** Section 31-5-53, Mississippi Code of 1972, is  
7 amended as follows:

8 31-5-53. (a) When suit is instituted on a \* \* \*performance  
9 bond, given in accordance with this Chapter it shall be commenced  
10 within one (1) year after the \* \* \*payment on the contract;  
11 provided, however, if the contract is abandoned by the general  
12 contractor as bond principal or is terminated by the bond obligee,  
13 suit shall be commenced within one year after the earlier of said  
14 abandonment by the bond principal or termination by the bond  
15 obligee.

16 (b) When suit is instituted on a payment bond given in  
17 accordance with this Chapter, it shall be commenced within one  
18 year after the day on which the last of the labor was performed or  
19 material was supplied by the person bringing the action and not  
20 later.

21 (c) \* \* \*Any suit brought on a performance or payment bond  
22 given in accordance with this Chapter shall be brought in the  
23 county in which the contract or some part thereof was performed or  
24 in the county in which service of process may be obtained upon  
25 either the principal or the surety on such bond.

26 **SECTION 2.** This act shall take effect and be in force from  
27 and after July 1, 2004.