

By: Representative Brown

To: Appropriations

HOUSE BILL NO. 1581
(As Sent to Governor)

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 * * * obligee shall have made final
11 payment on the contract; provided, however, if the contract is
12 abandoned by the general contractor as bond principal or is
13 terminated by the bond obligee, suit shall be commenced within one
14 (1) year after the earlier of the abandonment by the bond
15 principal or termination by the bond obligee.

16 (b) When suit is instituted on a payment bond given in
17 accordance with this chapter, it shall be commenced within one (1)
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.