

By: Senator(s) Kirby, Hyde-Smith

To: Judiciary, Division A

COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 2239

1 AN ACT TO CODIFY SECTION 15-1-40, MISSISSIPPI CODE OF 1972,
2 TO PROVIDE A STATUTE OF LIMITATION FOR LAND SURVEYORS ENGAGED IN
3 THE PRACTICE OF LAND SURVEYING; AND FOR RELATED PURPOSES.

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

5 **SECTION 1.** The following shall be codified as Section
6 15-1-40, Mississippi Code of 1972:

7 15-1-40. No action to recover damages for any deficiency,
8 defect, omission, error or miscalculation in a survey or plat
9 shall be brought against a professional land surveyor, or the
10 employee of a professional land surveyor, who performed or
11 furnished the survey or plat unless it is filed within three (3)
12 years from the date of discovery of any deficiency, defect,
13 omission, error or miscalculation, but in no event to exceed six
14 (6) years from the date of the survey or plat. The cause of
15 action in such cases shall accrue when services are rendered as
16 shown from the date on the survey or plat or the date of a
17 supplement or amendment to the survey or plat. Any action not
18 instituted within the period provided by this section shall be
19 forever barred.

20 For the purposes of this section, "professional land
21 surveyor" shall have the meaning ascribed in Section 73-13-71.

22 **SECTION 2.** This act shall take effect and be in force from
23 and after its passage.