

By: Senator(s) Kirby, Hyde-Smith

To: Judiciary, Division A

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.** Section 15-1-40, Mississippi Code of 1972, is
6 codified as follows:

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 six (6)
12 years from the date of the survey or plat. The cause of action in
13 such cases shall accrue when services are rendered as shown from
14 the date on the survey or plat or the date of a supplement or
15 amendment to the survey or plat. Any action not instituted within
16 the period provided by this section shall be forever barred.

17 In the event the cause of action shall have been fraudulently
18 concealed from the knowledge of the person entitled thereto, the
19 cause of action shall be deemed to have first accrued at, and not
20 before, the time at which such fraud shall be, or with reasonable
21 diligence should have been, first known or discovered.

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

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