

**Adopted
AMENDMENT NO 1 TO COMMITTEE AMENDMENT NO 1 PROPOSED
TO**

Senate Bill No. 2864

BY: Representative Franks

1 **AMEND** after line 176 by inserting the following as new
2 Section 5 and renumbering succeeding sections:

3 **"SECTION 5.** Section 13-3-57, Mississippi Code of 1972, is
4 amended as follows:

5 13-3-57. Any nonresident person, firm, general or limited
6 partnership, or any foreign or other corporation not qualified
7 under the Constitution and laws of this state as to doing business
8 herein, who shall make a contract with a resident of this state to
9 be performed in whole or in part by any party in this state, or
10 who shall commit a tort in whole or in part in this state against
11 a resident or nonresident of this state, or who shall do any
12 business or perform any character of work or service in this
13 state, shall by such act or acts be deemed to be doing business in
14 Mississippi and shall thereby be subjected to the jurisdiction of
15 the courts of this state. Service of summons and process upon the
16 defendant shall be had or made as is provided by the Mississippi
17 Rules of Civil Procedure.

18 Any such cause of action against any such nonresident, in the
19 event of death or inability to act for itself or himself, shall
20 survive against the executor, administrator, receiver, trustee or
21 any other selected or appointed representative of such

22 nonresident. Service of process or summons may be had or made
23 upon such nonresident executor, administrator, receiver, trustee
24 or any other selected or appointed representative of such
25 nonresident as is provided by the Mississippi Rules of Civil
26 Procedure, and when such process or summons is served, made or had
27 against the nonresident executor, administrator, receiver, trustee
28 or other selected or appointed representative of such nonresident
29 it shall be deemed sufficient service of such summons or process
30 to give any court in this state in which such action may be filed,
31 in accordance with the provisions of the statutes of the State of
32 Mississippi or the Mississippi Rules of Civil Procedure,
33 jurisdiction over the cause of action and over such nonresident
34 executor, administrator, receiver, trustee or other selected or
35 appointed representative of such nonresident insofar as such cause
36 of action is involved.

37 The provisions of this section shall likewise apply to any
38 person who is a nonresident at the time any action or proceeding
39 is commenced against him even though said person was a resident at
40 the time any action or proceeding accrued against him.

41 The provisions of this section shall apply to causes of
42 action based on violations of Senate Bill No. 2864, 2005 Regular
43 Session."

44 **AMEND further** the title on line 9 by inserting the following
45 after the semicolon:

46 "TO AMEND SECTION 13-3-57, MISSISSIPPI CODE OF 1972, IN
47 CONFORMITY;"