

By: Representatives Brown,  
Watson, Upshaw

To: Judiciary A

HOUSE BILL NO. 5  
(As Sent to Governor)

1 AN ACT TO EXTEND STATUTES OF LIMITATIONS FOR CERTAIN CAUSES  
2 OF ACTION; AND FOR RELATED PURPOSES.

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

4 **SECTION 1.** (1) As a result of the catastrophic impact of  
5 Hurricane Katrina, the statute of limitations applicable to any  
6 action not filed in any state or federal court or administrative  
7 forum as of August 29, 2005, for which venue was proper in a  
8 county located in the Second (Southern) Supreme Court District as  
9 defined by Section 9-3-1, Mississippi Code of 1972, is extended as  
10 follows:

11 (a) If the statute of limitations expired on or after  
12 Monday, August 29, 2005, but before the effective date of this  
13 act, then the time for filing a claim shall be extended to Friday,  
14 December 30, 2005.

15 (b) If the statute of limitations expires on or after  
16 the effective date of this act, but before Tuesday, November 29,  
17 2005, then the time for filing a claim shall be extended to  
18 Friday, December 30, 2005.

19 (2) For any action not filed in any state or federal court  
20 or administrative forum as of August 29, 2005, in which venue was  
21 proper only in a county located in either the First (Central) or  
22 Third (Northern) Supreme Court Districts as defined by Section  
23 9-3-1, Mississippi Code of 1972, the plaintiff may file a motion  
24 asserting that, but for the catastrophic effects of Hurricane  
25 Katrina, the action would have been timely filed. If the court or  
26 administrative hearing officer grants the motion, the statute of  
27 limitations applicable to that action is extended as follows:

28           (a) If the statute of limitations expired on or after  
29 Monday, August 29, 2005, but before the effective date of this  
30 act, then the time for filing a claim shall be extended to Friday,  
31 December 30, 2005.

32           (b) If the statute of limitations expires on or after  
33 the effective date of this act, but before Tuesday, November 29,  
34 2005, then the time for filing a claim shall be extended to  
35 Friday, December 30, 2005.

36           (3) For purposes of the motion referred to in subsection  
37 (2), the plaintiff shall have the burden of proof.

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