

By: Representative Baker

To: Judiciary A

## HOUSE BILL NO. 706

1 AN ACT TO AMEND SECTION 11-46-11, MISSISSIPPI CODE OF 1972,  
2 TO REVISE THE NOTICE OF CLAIM REQUIREMENTS FOR THE TORT CLAIMS  
3 ACT; AND FOR RELATED PURPOSES.

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

5 **SECTION 1.** Section 11-46-11, Mississippi Code of 1972, is  
6 amended as follows:

7 11-46-11. \* \* \*

8 \* \* \*

9 ( \* \* \*1) If the governmental entity to be sued is a state  
10 entity as defined in Section 11-46-1(j), or is a political  
11 subdivision other than a county or municipality, service of notice  
12 of claim shall be had only upon that entity's or political  
13 subdivision's chief executive officer. The chief executive  
14 officer of a governmental entity participating in a plan  
15 administered by the board pursuant to Section 11-46-7(3) shall  
16 notify the board of any claims filed within five (5) days after  
17 receipt thereof.

18 \* \* \*



19           ( \* \* \*2)   (a) All actions brought under this chapter shall  
20 be commenced within one (1) year next after the date of the  
21 tortious, wrongful or otherwise actionable conduct on which the  
22 liability phase of the action is based, and not after \* \* \*.

23       \* \* \*

24           ( \* \* \*b) The limitations period provided in this  
25 section controls and shall be exclusive in all actions subject to  
26 and brought under the provisions of this chapter, notwithstanding  
27 the nature of the claim, the label or other characterization the  
28 claimant may use to describe it, or the provisions of any other  
29 statute of limitations that would otherwise govern the type of  
30 claim or legal theory if it were not subject to or brought under  
31 the provisions of this chapter.

32           ( \* \* \*3) From and after April 1, 1993, if any person  
33 entitled to bring any action under this chapter shall, at the time  
34 at which the cause of action accrued, be under the disability of  
35 infancy or unsoundness of mind, he may bring the action within the  
36 time allowed in this section after his disability shall be removed  
37 as provided by law. The savings in favor of persons under  
38 disability of unsoundness of mind shall never extend longer than  
39 twenty-one (21) years.

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

