



Republic of the Marshall Islands
Jepilpilin Ke Ejukaan

CIVIL PROCEDURES (AMENDMENT) ACT, 2023

Introduced by:

SENATOR CASTEN NEMRA

Approved:

SPEAKER KENNETH A. KEDI

SIGNATURE

NTB No. 98

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**NITIJELA OF THE REPUBLIC OF THE MARSHALL ISLANDS
44TH CONSTITUTION REGULAR SESSION, 2023**



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44TH CONSTITUTION REGULAR SESSION, 2023



Republic of the Marshall Islands
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CIVIL PROCEDURES (AMENDMENT) ACT, 2023

A BILL FOR AN ACT to amend 29 MIRC Chapter 1, Civil Procedures Act, in order to provide exception to the application of statute of limitation.

BE IT ENACTED BY THE NITIJELA OF THE REPUBLIC OF THE MARSHALL ISLANDS

§101. Short title.

This Act may be cited as the Civil Procedures (Amendment) Act, 2023.

§102. Amendment.

(1) Section 118 of the Civil Procedures Act is amended as follows:

§118. Limitation of two years.

Except where it is prescribed in this Chapter, or any other laws, The following actions shall be commenced only within two (2) years after the cause of action accrues:

- (a) actions for assault and battery, false imprisonment, or slander;
- (b) actions against the Chief of Police, policeman or other person duly authorized to serve process, for any act or omission in connection with the performance of his official duties;
- (c) actions for malpractice, error, or mistake against physicians, surgeons, dentists, medical or dental practitioners, and medical or dental assistants; or

1 (d) actions for injury to or death of one caused by the wrongful act
 2 or neglect of another, except as otherwise specifically provided
 3 herein and in subsections 112-115 of this Chapter, or a
 4 depositor against a bank for the payment of a forged or raised
 5 check, or a check which bears a forged or unauthorized
 6 endorsement.

7
 8 (2) Section 123 of the of the Civil Procedures Act is amended as follows:
 9

10 **§123. Extension of time by absence from the Republic.**

11 (a) If at the time a cause of action shall accrue against any person he
 12 shall be out of the Republic, such action may be commenced
 13 within the times limited in this Part after he comes into the
 14 Republic.

15 (b) If, after a cause of action shall have accrued against a person he
 16 shall depart from and reside out of the Republic, the time of his
 17 absence shall be excluded in determining the time limited for
 18 commencement of the action.

19 (c) If, after a cause of action shall have accrued against a person he
 20 shall depart from and reside at a remote atoll or island other
 21 than Majuro Atoll or Kwajalein Atoll, and without accessibility
 22 to administrative remedies, the time of his or her absence shall
 23 be excluded in determining the time limited for commencement
 24 of the action.

25 **§103. Effective date.**

26 This Act shall take effect on the date of its certification in accordance with
 27 the Constitution and the Rules of Procedures for the Nitijela.
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CIVIL PROCEDURES (AMENDMENT) ACT, 2023

BILL SUMMARY

This Bill proposes to amend Civil Procedures Act, in order to provide exception to the application of statute of limitation under Section 123 of the Act where person has left and resides at a remote atoll other than Majuro Atoll or Kwajalein Atoll, without accessibility to administrative remedies. The time of his or her absence shall not be counted in the computation of the statute of limitation.

NITIJELA OF THE REPUBLIC OF THE MARSHALL ISLANDS
44TH CONSTITUTION REGULAR SESSION, 2023

CIVIL PROCEDURES (AMENDMENT) ACT, 2023

SIGNATURES

DATE: 2/1/23 INTRODUCED BY Caster Nemra C. N. S.
Print Name *Signature*

DATE: _____ INTRODUCED BY _____
Print Name *Signature*

DATE: _____ INTRODUCED BY _____
Print Name *Signature*

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Print Name *Signature*

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