

By: Representative Smith (39th)

To: Judiciary A

HOUSE BILL NO. 150

1 AN ACT TO AMEND SECTION 75-24-15, MISSISSIPPI CODE OF 1972,
2 TO CLARIFY THE AWARDING OF ATTORNEY FEES IN THE UNACCEPTED TRADE
3 PRACTICES ACT; AND FOR RELATED PURPOSES.

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

5 SECTION 1. Section 75-24-15, Mississippi Code of 1972, is
6 amended as follows:

7 75-24-15. (1) In addition to all other statutory and common
8 law rights, remedies and defenses, any person who purchases or
9 leases goods or services primarily for personal, family or
10 household purposes and thereby suffers any ascertainable loss of
11 money or property, real or personal, as a result of the use of
12 employment by the seller, lessor, manufacturer or producer of a
13 method, act or practice prohibited by Section 75-24-5 may bring an
14 action at law in the court having jurisdiction in the county in
15 which the seller, lessor, manufacturer or producer resides, or has
16 his principal place of business or, where the act or practice
17 prohibited by Section 75-24-5 allegedly occurred, to recover such
18 loss of money or damages for the loss of such property, or may
19 assert, by way of setoff or counterclaim, the fact of such loss in
20 a proceeding against him for the recovery of the purchase price or
21 rental, or any portion thereof, of the goods or services.

22 (2) In any private action brought under this chapter, the
23 plaintiff must have first made a reasonable attempt to resolve any
24 claim through an informal dispute settlement program approved by
25 the Attorney General.

26 (3) In any action or counterclaim under this section of this

27 chapter, a prevailing party may recover in addition to any other
28 relief that may be provided in this section costs and a reasonable
29 attorney's fee, if in the opinion of the court, said action or
30 counterclaim was frivolous or filed for the purpose of harassment
31 or delay.

32 (4) Nothing in this chapter shall be construed to permit any
33 class action or suit, but every private action must be maintained
34 in the name of and for the sole use and benefit of the individual
35 person.

36 SECTION 2. This act shall take effect and be in force from
37 and after its passage.