

By: Representative McInnis

To: Judiciary A

## HOUSE BILL NO. 588

1 AN ACT TO REQUIRE THAT CONSUMER AGREEMENTS BE WRITTEN IN A  
2 CLEAR AND COHERENT MANNER, USING WORDS WITH COMMON AND EVERYDAY  
3 MEANINGS; TO REQUIRE THAT ALL LEGISLATION AND RULES OR REGULATIONS  
4 ADOPTED BY THE STATE OF MISSISSIPPI BE IN LANGUAGE THAT IS SIMPLE  
5 AND CLEAR; AND FOR RELATED PURPOSES.

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

7 SECTION 1. (1) Every written agreement entered into after  
8 July 1, 1999, for the lease of space to be occupied for  
9 residential purposes, or to which a consumer is a party and the  
10 money, property or service which is the subject of the transaction  
11 is primarily for personal, family or household purposes, must be:

12 (a) Written in a clear and coherent manner, using words  
13 with common and everyday meanings; and

14 (b) Appropriately divided and captioned by its various  
15 sections.

16 (2) Any creditor, seller or lessor who fails to comply with  
17 this section shall be liable to a consumer who is a party to a  
18 written agreement governed by this section in an amount equal to  
19 any actual damages sustained, plus a penalty of Fifty Dollars  
20 (\$50.00). No action under this section may be initiated after  
21 both parties to the agreement have fully performed their  
22 obligation under such agreement, nor shall any creditor, seller or  
23 lessor who attempts in good faith to comply with this section be  
24 liable for such penalties. This section shall not be construed to  
25 prohibit the use of words or phrases or forms of agreement  
26 required by state or federal law, rule or regulation or by a  
27 governmental instrumentality.

28           (3) A violation of the provisions of subsection (1) of this  
29 section shall not render any such agreement void or voidable, nor  
30 shall it constitute:

31                   (a) A defense to any action or proceeding to enforce  
32 such agreement; or

33                   (b) A defense to any action or proceeding for breach of  
34 such agreement.

35           (4) In addition to the penalties specified in subsection (2)  
36 of this section, whenever the Attorney General finds that there  
37 has been a violation of this section, he may bring any legal  
38 action necessary to enforce this section.

39           SECTION 2. All bills, resolutions, rules, regulations and  
40 executive orders adopted or promulgated by the State of  
41 Mississippi, or by any agency or political subdivision thereof,  
42 shall be written in language that is simple and clear.

43           SECTION 3. This act shall take effect and be in force from  
44 and after July 1, 1999.