

By: Fleming, Evans, Flaggs, Fredericks,  
Gibbs, Huddleston, Thomas, West

To: Judiciary A

HOUSE BILL NO. 304

1 AN ACT TO REQUIRE THAT JURIES SHALL BE INFORMED OF THE REAL  
2 PARTY IN INTEREST IN LAWSUITS; TO PROVIDE THAT NO INSURANCE  
3 POLICIES SHALL CONFLICT WITH THIS ACT; TO REVISE IDENTIFICATION OF  
4 INSURED DEFENDANTS; AND FOR RELATED PURPOSES.

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

6 SECTION 1. This act shall be known and may be cited as the  
7 Truthfulness in Jury Trials Act.

8 SECTION 2. In actions filed in the courts of the State of  
9 Mississippi, the real party in interest shall be named as a  
10 defendant, and a jury shall be told truthfully of the identity of  
11 the real party in interest. This requirement of truthfulness  
12 applies to every suit of every kind, including suits whereby the  
13 defendant has liability insurance coverage. The practice whereby  
14 the true facts are hidden from juries by not informing the jury  
15 that the real party in interest is a liability insurance carrier  
16 is hereby abolished, and liability insurance companies who have an  
17 interest in the outcome of litigation shall be named as  
18 defendants.

19 SECTION 3. No insurance company may insert into their  
20 policies any provision inconsistent with this act, and any such  
21 provision is void. A provision in an insurance policy providing  
22 that no action against an insurance company may not be brought

23 until a judgment is first obtained against the insured is hereby  
24 declared void as against public policy.

25       SECTION 4. In any civil action alleging wrongdoing or  
26 negligence by an individual or corporation which has liability  
27 insurance, it shall no longer be necessary to name the insured as  
28 a defendant unless plaintiff seeks damages beyond the amount of  
29 the liability policy. Juries shall be informed of the amount of  
30 the insurance coverage so they will know the truth about identity  
31 of the real party in interest, and the liability policy still  
32 admissible into evidence.

33       SECTION 5. This act shall take effect and be in force from  
34 and after its passage and shall apply only to causes of action  
35 filed on or after the passage of this act.