

By: Representative Howell

To: Judiciary A

HOUSE BILL NO. 855

1 AN ACT TO CREATE THE FAIRNESS IN LITIGATION ACT; TO PROVIDE
2 THAT THE SAME RULES WOULD APPLY TO A LEGAL CLAIM BY AN INJURED
3 PERSON WILL APPLY TO THE GOVERNMENT WHEN IT SEEKS TO RECOVER FOR A
4 RELATED INDIRECT ECONOMIC LOSS; 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 "Fairness in Litigation Act."

8 **SECTION 2.** In any action brought by the state, or any
9 political subdivision thereof which accepts state funds, that
10 seeks to recover directly from any defendant, to the extent
11 permitted by applicable law, any benefits or services it has
12 provided or paid for or is obligated directly or indirectly to
13 provide or pay for on behalf of another person, the claimant shall
14 be subject to the same procedural rules and substantive law,
15 including notification requirements, limitations, and affirmative
16 defenses that would apply to a claim brought against such
17 defendant by the person on whose behalf the benefits or services
18 were provided or paid or are obligated to be provided or paid.

19 **SECTION 3.** This act shall take effect and be in force from
20 and after July 1, 2002.

