

By: Representative Wallace

To: Judiciary A

HOUSE BILL NO. 907

1 AN ACT TO AMEND SECTION 83-58-17, MISSISSIPPI CODE OF 1972,
2 TO PROVIDE THAT THE NEW HOME WARRANTY ACT SHALL SET FORTH THE
3 EXCLUSIVE REMEDIES, WARRANTIES AND LIMITATIONS OF ACTIONS BETWEEN
4 A BUILDER AND A NEW HOME OWNER WITH REGARD TO HOME CONSTRUCTION;
5 TO AMEND SECTION 15-1-41, MISSISSIPPI CODE OF 1972, IN CONFORMITY
6 THERETO; AND FOR RELATED PURPOSES.

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

8 **SECTION 1.** Section 83-58-17, Mississippi Code of 1972, is
9 amended as follows:

10 83-58-17. This chapter provides the exclusive remedies,
11 warranties and limitations of actions between a builder and an
12 owner with regard to home construction and no other provisions of
13 statutory or common law relating to warranties or defects shall
14 apply. Nothing contained in Sections 83-58-1 through 83-58-17
15 shall affect or limit any warranty of title to land or to
16 improvements thereon.

17 **SECTION 2.** Section 15-1-41, Mississippi Code of 1972, is
18 amended as follows:

19 15-1-41. No action may be brought to recover damages for
20 injury to property, real or personal, or for an injury to the
21 person, arising out of any deficiency in the design, planning,
22 supervision or observation of construction, or construction of an
23 improvement to real property, and no action may be brought for
24 contribution or indemnity for damages sustained on account of such
25 injury except by prior written agreement providing for such
26 contribution or indemnity, against any person, firm or corporation
27 performing or furnishing the design, planning, supervision of
28 construction or construction of such improvement to real property
29 more than six (6) years after the written acceptance or actual



30 occupancy or use, whichever occurs first, of such improvement by
31 the owner thereof. This limitation shall apply to actions against
32 persons, firms and corporations performing or furnishing the
33 design, planning, supervision of construction or construction of
34 such improvement to real property for the State of Mississippi or
35 any agency, department, institution or political subdivision
36 thereof as well as for any private or nongovernmental entity.

37 This limitation shall not apply to any person, firm or
38 corporation in actual possession and control as owner, tenant or
39 otherwise of the improvement at the time the defective and unsafe
40 condition of such improvement causes injury.

41 This limitation shall not apply to actions for wrongful
42 death.

43 The provisions of this section shall only apply to causes of
44 action accruing from and after January 1, 1986; and any cause of
45 action accruing prior to January 1, 1986, shall be governed by
46 Chapter 350, Laws of 1972.

47 The provisions of this section shall not apply to any cause
48 of action governed by Section 83-58-1, et seq., and accruing after
49 July 1, 2002.

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

