To: Judiciary A

MISSISSIPPI LEGISLATURE REGULAR SESSION 2002

By: Representative Wallace

HOUSE BILL NO. 907

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

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

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

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

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

15-1-41. No action may be brought to recover damages for injury to property, real or personal, or for an injury to the person, arising out of any deficiency in the design, planning, supervision or observation of construction, or construction of an improvement to real property, and no action may be brought for contribution or indemnity for damages sustained on account of such injury except by prior written agreement providing for such contribution or indemnity, against any person, firm or corporation performing or furnishing the design, planning, supervision of construction or construction of such improvement to real property more than six (6) years after the written acceptance or actual
occupancy or use, whichever occurs first, of such improvement by
the owner thereof. This limitation shall apply to actions against
persons, firms and corporations performing or furnishing the
design, planning, supervision of construction or construction of
such improvement to real property for the State of Mississippi or
any agency, department, institution or political subdivision
thereof as well as for any private or nongovernmental entity.
This limitation shall not apply to any person, firm or
corporation in actual possession and control as owner, tenant or
otherwise of the improvement at the time the defective and unsafe
condition of such improvement causes injury.
This limitation shall not apply to actions for wrongful
death.

The provisions of this section shall only apply to causes of
action accruing from and after January 1, 1986; and any cause of
action accruing prior to January 1, 1986, shall be governed by

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

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