

By: Representatives Watson,
Blackmon, Eads, Flaggs, Jennings,
Masterson, Moak, Pierce, Robinson
(63rd), Simpson, Smith (39th),
Stevens, Warren

To: Select Committee on
Civil Justice Reform

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 11

1 AN ACT TO AMEND SECTIONS 11-11-3, 11-11-5, 11-11-7, 11-11-11
2 AND 11-11-13, MISSISSIPPI CODE OF 1972, TO REVISE VENUE IN CIVIL
3 ACTIONS; TO AMEND SECTION 11-1-62, MISSISSIPPI CODE OF 1972, TO
4 PROVIDE PROTECTION FOR PHARMACISTS AND LICENSED PHARMACIES IN DRUG
5 SUITS; TO AMEND SECTION 11-1-63, MISSISSIPPI CODE OF 1972, TO
6 CLARIFY CERTAIN PARTIES IN PRODUCTS LIABILITY ACTIONS; TO PROVIDE
7 IMMUNITY FOR PROPERTY OWNERS IN PREMISES LIABILITY ACTIONS; TO
8 PROVIDE AN ASSESSMENT FOR FILING FRIVOLOUS CLAIMS; TO PROHIBIT
9 ATTORNEY ADVERTISING BY ATTORNEYS NOT ADMITTED TO PRACTICE IN
10 MISSISSIPPI; TO AMEND SECTION 85-5-7, MISSISSIPPI CODE OF 1972, TO
11 REVISE JOINT AND SEVERAL LIABILITY IN CERTAIN CIVIL ACTIONS; TO
12 PROVIDE THAT CERTAIN INFORMATION REGARDING A DEFECTIVE PRODUCT,
13 FINANCIAL FRAUD, UNFAIR INSURANCE CLAIMS PRACTICES OR
14 ENVIRONMENTAL HAZARD SHALL BE PRESUMED TO BE PUBLIC INFORMATION;
15 TO ALLOW SUCH INFORMATION TO BE KEPT CONFIDENTIAL BY COURT ORDER;
16 TO DEFINE CERTAIN TERMS; TO AMEND SECTIONS 75-26-5, 75-26-11 AND
17 75-26-15, MISSISSIPPI CODE OF 1972, TO CONFORM TO SUCH PROVISION
18 THAT SUCH INFORMATION IS PRESUMED TO BE PUBLIC; TO LIMIT THE
19 LIABILITY OF THE SPONSOR OR ADVERTISER OF AN EVENT IN THE CASE OF
20 A CIVIL ACTION ARISING OUT OF ACTIVITIES OCCURRING ON THE PREMISES
21 OF THE LOCATION WHERE THE EVENT IS HELD OR CONDUCTED, PROVIDED
22 THAT THE SPONSOR OR ADVERTISER DOES NOT EXERCISE CONTROL OVER ANY
23 ASPECT OF THE EVENT OTHER THAN ACTING AS SPONSOR OR ADVERTISER; TO
24 DEFINE THE TERMS "SPONSOR" AND "EVENT"; TO PROVIDE THAT THIS
25 LIMITATION OF LIABILITY SHALL NOT EXTEND TO WILLFUL ACTS OR GROSS
26 NEGLIGENCE ON THE PART OF A SPONSOR; TO CREATE NEW SECTION
27 11-7-30, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT CIVIL ACTIONS
28 IN CIRCUIT COURT SHALL NOT BE ASSIGNED TO A JUDGE UNTIL AT LEAST
29 ONE DEFENDANT HAS FILED A RESPONSIVE PLEADING; AND FOR RELATED
30 PURPOSES.

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

32 **SECTION 1.** Section 11-11-3, Mississippi Code of 1972, as
33 amended by House Bill No. 2, Third Extraordinary Session 2002, is
34 amended as follows:

35 11-11-3. (1) Civil actions of which the circuit court has
36 original jurisdiction shall be commenced in the county in which
37 the defendant resides or in the county where the cause of action
38 may occur or accrue and, if the defendant is a domestic
39 corporation, in the county in which said corporation is domiciled
40 or in the county where the cause of action may occur or accrue,
41 except where otherwise provided, and except actions of trespass on



42 land, ejectment and actions for the statutory penalty for cutting
43 and boxing trees and firing woods and actions for the actual value
44 of trees cut which shall be brought in the county where the land
45 or some part thereof is situated.

46 (2) Any action against a licensed physician, osteopath,
47 dentist, nurse, nurse practitioner, physician assistant,
48 psychologist, pharmacist, podiatrist, optometrist, chiropractor,
49 institution for the aged or infirm, hospital or licensed pharmacy,
50 including any legal entity which may be liable for their acts or
51 omissions, for malpractice, negligence, error, omission, mistake,
52 breach of standard of care or the unauthorized rendering of
53 professional services shall be brought in the county in which the
54 alleged act or omission occurred.

55 (3) Any cause of action arising from another state which has
56 no legal nexus to the State of Mississippi may not be brought in a
57 state court.

58 (4) If a civil action is brought in an improper county, such
59 action may be transferred to the proper county pursuant to Section
60 11-11-17.

61 **SECTION 2.** Section 11-11-5, Mississippi Code of 1972, is
62 amended as follows:

63 11-11-5. Actions against any railroad, express, steamboat,
64 power, superpower, telegraph or telephone corporation, or against
65 individuals owning, managing, operating or controlling a railroad,
66 express line or route, steamboat, power, superpower, telephone or
67 telegraph line, or against any corporation or individuals owning,
68 managing, operating or controlling a motor transportation line for
69 the conveyance of passengers, freight or express, for hire, over
70 the highways in the State of Mississippi, may be brought in the
71 county where the cause of action accrued or in the county where
72 the defendant has its principal place of business * * * at the
73 time that the cause of action accrued.



74 **SECTION 3.** Section 11-11-7, Mississippi Code of 1972, is
75 amended as follows:

76 11-11-7. Actions against insurance companies, groups of
77 insurance companies or an insurance association may be brought in
78 any county in which a loss may occur, or, if on a life policy, in
79 the county in which the beneficiary resides, and process may be
80 sent to any county, to be served as directed by law. Such actions
81 may also be brought in the county where the principal place of
82 business of such corporation or company may be. In case of a
83 foreign corporation or company, such actions may be brought in the
84 county where service of process may be had on an agent of such
85 corporation or company or service of process in any suit or
86 action, or any other legal process, may be served upon the
87 Insurance Commissioner of the State of Mississippi, and such
88 notice will confer jurisdiction on any court in any county in the
89 state where the suit is filed, provided the suit is brought in the
90 county where the loss occurred * * *.

91 **SECTION 4.** Section 11-11-11, Mississippi Code of 1972, is
92 amended as follows:

93 11-11-11. Any civil action for the recovery of damages
94 brought against a nonresident or the representative of the
95 nonresident in the State of Mississippi may be commenced in the
96 county in which the action accrued * * *, except as otherwise
97 provided by law.

98 **SECTION 5.** Section 11-11-13, Mississippi Code of 1972, is
99 amended as follows:

100 11-11-13. The venue of an action for damages brought against
101 a nonresident arising from his operation, either in person or by
102 agent or employee, of a motor vehicle upon any public street,
103 road, or highway of this state, or elsewhere in this state, shall
104 be * * * in the county where the cause of action accrued * * *.



105 **SECTION 6.** Section 11-1-62, Mississippi Code of 1972, as
106 codified in House Bill No. 2, Third Extraordinary Session 2002, is
107 amended as follows:

108 11-1-62. In any civil action alleging damages caused by a
109 prescription drug that has been approved by the federal Food and
110 Drug Administration, a physician, optometrist, pharmacist,
111 licensed pharmacy, nurse practitioner or physician assistant may
112 not be sued unless the plaintiff pleads specific facts which, if
113 proven, amount to negligence on the part of the medical provider.
114 It is the intent of this section to immunize innocent medical
115 providers listed in this section who are not actively negligent
116 from forum-driven lawsuits.

117 **SECTION 7.** Section 11-1-63, Mississippi Code of 1972, is
118 amended as follows:

119 11-1-63. Notwithstanding the provisions of Section 11-1-62,
120 in any action for damages caused by a product except for
121 commercial damage to the product itself:

122 (a) The manufacturer, or seller, dispenser or
123 prescriber of the product shall not be liable if the claimant does
124 not prove by the preponderance of the evidence that at the time
125 the product left the control of the manufacturer, or seller,
126 dispenser or prescriber:

127 (i) 1. The product was defective because it
128 deviated in a material way from the manufacturer's specifications
129 or from otherwise identical units manufactured to the same
130 manufacturing specifications, or

131 2. The product was defective because it
132 failed to contain adequate warnings or instructions, or

133 3. The product was designed in a defective
134 manner, or

135 4. The product breached an express warranty
136 or failed to conform to other express factual representations upon



137 which the claimant justifiably relied in electing to use the
138 product; and

139 (ii) The defective condition rendered the product
140 unreasonably dangerous to the user or consumer; and

141 (iii) The defective and unreasonably dangerous
142 condition of the product proximately caused the damages for which
143 recovery is sought.

144 (b) A product is not defective in design or formulation
145 if the harm for which the claimant seeks to recover compensatory
146 damages was caused by an inherent characteristic of the product
147 which is a generic aspect of the product that cannot be eliminated
148 without substantially compromising the product's usefulness or
149 desirability and which is recognized by the ordinary person with
150 the ordinary knowledge common to the community.

151 (c) (i) In any action alleging that a product is
152 defective because it failed to contain adequate warnings or
153 instructions pursuant to paragraph (a)(i)2 of this section, the
154 manufacturer, or seller, dispenser or prescriber shall not be
155 liable if the claimant does not prove by the preponderance of the
156 evidence that at the time the product left the control of the
157 manufacturer, seller, dispenser or prescriber, the manufacturer or
158 seller, dispenser or prescriber knew or in light of reasonably
159 available knowledge should have known about the danger that caused
160 the damage for which recovery is sought and that the ordinary user
161 or consumer would not realize its dangerous condition.

162 (ii) An adequate product warning or instruction is
163 one that a reasonably prudent person in the same or similar
164 circumstances would have provided with respect to the danger and
165 that communicates sufficient information on the dangers and safe
166 use of the product, taking into account the characteristics of,
167 and the ordinary knowledge common to an ordinary consumer who
168 purchases the product; or in the case of a prescription drug,
169 medical device or other product that is intended to be used only



170 under the supervision of a physician or other licensed
171 professional person, taking into account the characteristics of,
172 and the ordinary knowledge common to, a physician or other
173 licensed professional who prescribes the drug, device or other
174 product.

175 (d) For purposes of this section:

176 (i) "Seller" means any person or entity that sells
177 products of any kind.

178 (ii) "Prescriber" means any person licensed by the
179 State of Mississippi to prescribe medicine.

180 (iii) "Dispenser" means any person or entity
181 licensed as a pharmacist or pharmacy.

182 (e) In any action alleging that a product is defective
183 pursuant to paragraph (a) of this section, the manufacturer,
184 seller, dispenser or prescriber shall not be liable if the
185 claimant (i) had knowledge of a condition of the product that was
186 inconsistent with his safety; (ii) appreciated the danger in the
187 condition; and (iii) deliberately and voluntarily chose to expose
188 himself to the danger in such a manner to register assent on the
189 continuance of the dangerous condition.

190 (f) In any action alleging that a product is defective
191 pursuant to paragraph (a)(i)2 of this section, the manufacturer,
192 seller, dispenser or prescriber shall not be liable if the danger
193 posed by the product is known or is open and obvious to the user
194 or consumer of the product, or should have been known or open and
195 obvious to the user or consumer of the product, taking into
196 account the characteristics of, and the ordinary knowledge common
197 to, the persons who ordinarily use or consume the product.

198 (g) In any action alleging that a product is defective
199 because of its design pursuant to paragraph (a)(i)3 of this
200 section, the manufacturer or product seller shall not be liable if
201 the claimant does not prove by the preponderance of the evidence



202 that at the time the product left the control of the manufacturer
203 or seller:

204 (i) The manufacturer, seller, dispenser or
205 prescriber knew, or in light of reasonably available knowledge or
206 in the exercise of reasonable care should have known, about the
207 danger that caused the damage for which recovery is sought; and

208 (ii) The product failed to function as expected
209 and there existed a feasible design alternative that would have to
210 a reasonable probability prevented the harm. A feasible design
211 alternative is a design that would have to a reasonable
212 probability prevented the harm without impairing the utility,
213 usefulness, practicality or desirability of the product to users
214 or consumers.

215 (h) (i) The manufacturer of a product who is found
216 liable for a defective product pursuant to paragraph (a) shall
217 indemnify a product seller, dispenser or prescriber for the costs
218 of litigation, any reasonable expenses, reasonable attorney's fees
219 and any damages awarded by the trier of fact unless the seller,
220 dispenser or prescriber exercised substantial control over that
221 aspect of the design, testing, manufacture, packaging or labeling
222 of the product that caused the harm for which recovery of damages
223 is sought; the seller, dispenser or prescriber altered or modified
224 the product, and the alteration or modification was a substantial
225 factor in causing the harm for which recovery of damages is
226 sought; the seller, dispenser or prescriber had actual knowledge
227 of the defective condition of the product at the time he supplied
228 same; or the seller, dispenser or prescriber made an express
229 factual representation about the aspect of the product which
230 caused the harm for which recovery of damages is sought.

231 (ii) Subparagraph (i) shall not apply unless the
232 seller has given prompt notice of the suit to the manufacturer
233 within ninety (90) days of the service of the complaint against



234 the seller. The provision of this subparagraph shall not conflict
235 with the Mississippi Rules of Civil Procedure.

236 (i) With respect to manufacturers of drugs or medical
237 devices, an agent or employee of such manufacturer who directly
238 participates in or authorizes the commission of a tort, shall be
239 subject to liability for any individual act of negligence
240 committed by said agent or employee related to said drugs or
241 medical devices within the course and scope of employment.

242 (j) It is the intent of this section to immunize
243 innocent medical providers including pharmacists and licensed
244 pharmacies who are not actively negligent from forum-driven
245 lawsuits.

246 (k) Nothing in this section shall be construed to
247 eliminate any common law defense to an action for damages caused
248 by a product.

249 **SECTION 8.** No owner, occupant, lessee or managing agent of
250 property shall be civilly liable for the criminal acts of a third
251 party, unless such owner, occupant, lessee or managing agent knew
252 or, with the exercise of reasonable diligence, should have known
253 of the risk of criminal conduct on or around such property and the
254 failure to take reasonable measures to deter such foreseeable
255 conduct is a proximate cause of damages to an individual or
256 entity.

257 **SECTION 9.** If a party files any pleading in commencing a
258 civil action, which in the opinion of the court is frivolous, the
259 court may impose an assessment of not more than One Thousand
260 Dollars (\$1,000.00) against each attorney of record for the party
261 filing the pleading. Such assessment shall be in addition to any
262 other assessments, penalties or sanctions authorized by law or
263 otherwise. The proceeds of any assessment imposed under this
264 section shall be paid to the Mississippi Volunteer Lawyers
265 Project, Inc.



266 **SECTION 10.** An attorney who is not admitted to the
267 Mississippi Bar shall not advertise his legal services in this
268 state for the purpose of soliciting prospective clients for the
269 commencing of any civil action in this state, or for the purpose
270 of soliciting clients for any civil action already commenced or
271 pending in this state, unless the attorney who is not a member of
272 the Mississippi Bar has associated an attorney who (a) is a member
273 of the Mississippi Bar; and (b) will be associated in any civil
274 action filed on behalf of a client solicited as a result of the
275 advertisement. A law firm composed of both attorneys who are
276 members of the Mississippi Bar and attorneys who are not members
277 of the Mississippi Bar may advertise in this state if a majority
278 of the members of the firm are members of the Mississippi Bar.
279 For purposes of this section, a listing in the residential or
280 business section of the white pages of a telephone book shall not
281 be an advertisement.

282 **SECTION 11.** Section 85-5-7, Mississippi Code of 1972, as
283 amended by House Bill No. 2, Third Extraordinary Session 2002, is
284 amended as follows:

285 85-5-7. (1) As used in this section "fault" means an act or
286 omission of a person which is a proximate cause of injury or death
287 to another person or persons, damages to property, tangible or
288 intangible, or economic injury, including, but not limited to,
289 negligence, malpractice, strict liability, absolute liability or
290 failure to warn. "Fault" shall not include any tort which results
291 from an act or omission committed with a specific wrongful intent.

292 (2) Except as may be otherwise provided in subsections (6),
293 (8) and (9) of this section, in any civil action based on fault,
294 the liability for damages caused by two (2) or more persons shall
295 be joint and several only to the extent necessary for the person
296 suffering injury, death or loss to recover fifty percent (50%) of
297 his recoverable damages.



298 (3) Except as otherwise provided in subsections (2) and (6)
299 of this section, in any civil action based on fault, the liability
300 for damages caused by two (2) or more persons shall be several
301 only, and not joint and several and a joint tort-feasor shall be
302 liable only for the amount of damages allocated to him in direct
303 proportion to his percentage of fault. In assessing percentages
304 of fault an employer and the employer's employee or a principal
305 and the principal's agent shall be considered as one (1) defendant
306 when the liability of such employer or principal has been caused
307 by the wrongful or negligent act or omission of the employee or
308 agent.

309 (4) Any defendant held jointly liable under this section
310 shall have a right of contribution against fellow joint
311 tort-feasors. A defendant shall be held responsible for
312 contribution to other joint tort-feasors only for the percentage
313 of fault assessed to such defendant.

314 (5) Nothing in this section shall eliminate or diminish any
315 defenses or immunities which currently exist, except as expressly
316 noted herein.

317 (6) Joint and several liability shall be imposed on all who
318 consciously and deliberately pursue a common plan or design to
319 commit a tortious act, or actively take part in it. Any person
320 held jointly and severally liable under this section shall have a
321 right of contribution from his fellow defendants acting in
322 concert.

323 (7) In actions involving joint tort-feasors, the trier of
324 fact shall determine the percentage of fault for each party
325 alleged to be at fault.

326 (8) Except as provided in subsection (6) of this section, in
327 any action against a licensed physician, psychologist, osteopath,
328 dentist, nurse, nurse practitioner, physician assistant,
329 pharmacist, podiatrist, optometrist, chiropractor, hospital,
330 institution for the aged or infirm, or licensed pharmacy,



331 including any legal entity which may be liable for their acts or
332 omissions, for malpractice, negligence, error, omission, mistake
333 or the unauthorized rendering of professional services which
334 involve joint tort-feasors, the trier of fact shall determine the
335 percentage of fault for each joint tort-feasor, including named
336 parties and absent tort-feasors, without regard to whether the
337 joint tort-feasor is immune from damages. For noneconomic
338 damages, a defendant's liability shall be several only. For
339 economic damages, for any defendant whose fault is determined to
340 be less than thirty percent (30%), liability shall be several only
341 and for any defendant whose fault is determined to be thirty
342 percent (30%) or more, liability shall be joint and several only
343 to the extent necessary for the person suffering injury, death or
344 loss to recover fifty percent (50%) of his recoverable damages.
345 Fault allocated under this subsection to an immune tort-feasor or
346 a tort-feasor whose liability is limited by law shall not be
347 reallocated to any other tort-feasor.

348 (9) Except as provided in subsections (6) and (8) of this
349 section, in actions involving joint tort-feasors, the trier of
350 fact shall determine the percentage of fault for each joint
351 tort-feasor, including named parties and absent tort-feasors,
352 without regard to whether the joint tort-feasor is immune from
353 damages. For any defendant whose fault is determined to be less
354 than ten percent (10%), liability shall be several only and for
355 any defendant whose fault is determined to be ten percent (10%) or
356 more, liability shall be joint and several only to the extent
357 necessary for the person suffering, injury, death or loss to
358 recover fifty percent (50%) of his recoverable damages. Fault
359 allocated under this subsection to an immune tort-feasor or a
360 tort-feasor whose liability is limited by law shall not be
361 reallocated to any other tort-feasor.



362 (10) Nothing in this section shall be construed to create a
363 cause of action. Nothing in this section shall be construed, in
364 any way, to alter the immunity of any person.

365 SECTION 12. (1) Notwithstanding any other provision of law,
366 in an action based upon injury, wrongful death, or financial loss
367 allegedly caused by a defective product, financial fraud, unfair
368 insurance claims practice or environmental hazard, other than any
369 action classified by a court as a mass tort action, information
370 concerning the defective product, financial fraud, unfair
371 insurance claims practice or environmental hazard, which is
372 contained in a settlement agreement pertaining to the action and
373 not filed with the court shall be presumed to be public
374 information and may not be kept confidential pursuant to agreement
375 of the parties. This information may be kept confidential for a
376 period that the court deems appropriate only pursuant to a court
377 order.

378 As used in this section:

379 (a) "Defective product" means a product that may be
380 defective because of a defect in manufacturing or design or a
381 failure to adequately warn the consumer of a hazard involved in
382 the foreseeable use of the product, where the defect may result in
383 personal injury to one or more persons.

384 (b) "Financial fraud" means any fraudulent insurance
385 practice or any fraudulent plan or scheme to sell a publicly
386 offered investment product without full disclosure of the risks
387 associated with the purchase of the product, where the plan or
388 scheme may cause or has caused financial loss.

389 (c) "Environmental hazard" means a release or
390 threatened release of a hazardous substance that poses a threat to
391 public health or safety involving present or future danger of
392 death, bodily injury or health disability to human beings exposed
393 to a hazardous substance release or threatened release.



394 **SECTION 13.** Section 75-26-5, Mississippi Code of 1972, is
395 amended as follows:

396 75-26-5. (1) Except as provided in Section 12 of House Bill
397 No. 11, Third Extraordinary Session 2002, actual or threatened
398 misappropriation may be enjoined. Upon application to the court,
399 an injunction shall be terminated when the trade secret has ceased
400 to exist, but the injunction may be continued for an additional
401 reasonable period of time in order to eliminate commercial
402 advantage that otherwise would be derived from the
403 misappropriation.

404 (2) In exceptional circumstances, an injunction may
405 condition future use upon payment of a reasonable royalty for no
406 longer than the period of time for which use could have been
407 prohibited. Exceptional circumstances include, but are not
408 limited to, a material and prejudicial change of position prior to
409 acquiring knowledge or reason to know of misappropriation that
410 renders a prohibitive injunction inequitable.

411 (3) In appropriate circumstances, affirmative acts to
412 protect a trade secret may be compelled by court order.

413 **SECTION 14.** Section 75-26-11, Mississippi Code of 1972, is
414 amended as follows:

415 75-26-11. Except as provided in Section 12 of House
416 Bill No. 11, Third Extraordinary Session 2002, in an action under
417 this chapter, a court shall preserve the secrecy of an alleged
418 trade secret by reasonable means, which may include granting
419 protective orders in connection with discovery proceedings,
420 holding in-camera hearings, sealing the records of the action and
421 ordering any person involved in the litigation not to disclose an
422 alleged trade secret without prior court approval.

423 **SECTION 15.** Section 75-26-15, Mississippi Code of 1972, is
424 amended as follows:

425 75-26-15. (1) Except as provided in subsection (2), this
426 chapter displaces conflicting tort, restitutionary and other law



427 of this state providing civil remedies for misappropriation of a
428 trade secret.

429 (2) This chapter does not affect:

430 (a) Contractual remedies, whether or not based upon
431 misappropriation of a trade secret;

432 (b) Other civil remedies that are not based upon
433 misappropriation of a trade secret; or

434 (c) Criminal remedies, whether or not based upon
435 misappropriation of a trade secret.

436 (d) The provisions of Section 12 of House Bill No. 11,
437 Third Extraordinary Session 2002.

438 **SECTION 16.** For purposes of Sections 16 and 17 of this act,
439 the following words and phrases shall have the meanings ascribed
440 in this section unless the context clearly indicates otherwise:

441 (a) "Sponsor or advertiser" means any person,
442 corporation or legal entity which, solely for charitable purposes,
443 (i) sells, rents, manufactures or provides products, equipment or
444 promotional materials, or (ii) donates or contributes money or
445 fees, in order that an event may be held or conducted.

446 (b) "Event" means a concert, benefit, fund-raiser,
447 auction or other occasion at which entertainment, food and
448 beverages are provided to persons.

449 **SECTION 17.** (1) Any sponsor or advertiser of an event,
450 which does not exercise control over any aspect of the event other
451 than acting as a sponsor or advertiser, shall be immune from
452 liability for any civil action arising out of activities occurring
453 on the premises of the location where the event is held or
454 conducted.

455 (2) No sponsor or advertiser shall be liable to a person who
456 may lawfully consume any intoxicating beverage for any injury
457 suffered by such person, or by any other person, off the premises
458 of the event, including wrongful death and property damage,
459 because of the intoxication of the person to whom the intoxicating



460 beverages were served or furnished when on the premises of the
461 event.

462 (3) This section shall not extend immunity to willful acts
463 or gross negligence on the part of a sponsor or advertiser;
464 however, the sponsor or advertiser shall not be considered to be a
465 part of a joint venture or the principal of an agent, with regard
466 to any other person, corporation or legal entity which is
467 participating in the event in any capacity other than that of
468 sponsor or advertiser.

469 **SECTION 18.** The following shall be codified as Section
470 11-7-30, Mississippi Code of 1972:

471 11-7-30. Civil actions in circuit court shall not be
472 assigned to a judge until at least one (1) defendant has filed a
473 responsive pleading.

474 **SECTION 19.** If any provision of this act is held by a court
475 to be invalid, such invalidity shall not affect the remaining
476 provisions of this act, and to this end the provisions of this act
477 are declared severable.

478 **SECTION 20.** This act shall take effect and be in force from
479 and after its passage, and shall apply only to causes of action
480 occurring on or after that date.

