

By: Representatives Watson,  
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To: Select Committee on  
Civil Justice Reform

HOUSE BILL NO. 11  
(As Passed the House)

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

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

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

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



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

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

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

59 (4) If a civil action is brought in an improper county, such  
60 action may be transferred to the proper county pursuant to Section  
61 11-11-17.

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

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



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

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

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

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

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

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



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

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

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

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

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

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

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

135                               3. The product was designed in a defective  
136 manner, or

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



139 which the claimant justifiably relied in electing to use the  
140 product; and

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

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

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

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

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



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

177 (d) For purposes of this section:

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

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

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

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

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

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



204 that at the time the product left the control of the manufacturer  
205 or seller:

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

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

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

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



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

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

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

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

251 **SECTION 8.** (1) The authority to bring an action against any  
252 firearms or ammunition manufacturer, distributor or dealer duly  
253 licensed under federal law on behalf of any governmental entity  
254 created by or pursuant to an act of the Mississippi Legislature or  
255 the Mississippi Constitution of 1890, or any department, agency or  
256 authority thereof, for damages, abatement, injunctive relief or  
257 any other relief or remedy resulting from or relating to the  
258 lawful design, manufacture, distribution or sale of firearms,  
259 firearm components, silencers, ammunition or ammunition components  
260 to the public, shall be exclusively reserved to the state. This  
261 section shall not prohibit a political subdivision from bringing  
262 an action against a firearm or ammunition manufacturer,  
263 distributor or dealer for breach of contract or warranty as to  
264 firearms or ammunition purchased by the political subdivision, or  
265 for injuries resulting from a firearm malfunction due to defects  
266 in materials or workmanship.

267 (2) This section shall apply to any action brought on or  
268 after passage of this act.





269 (3) "Political subdivision" and "governmental entity" shall  
270 have the meanings ascribed in Section 11-46-1.

271 **SECTION 9.** No owner, occupant, lessee or managing agent of  
272 property shall be civilly liable for the criminal acts of a third  
273 party, unless such owner, occupant, lessee or managing agent knew  
274 or, with the exercise of reasonable diligence, should have known  
275 of the risk of criminal conduct on or around such property and the  
276 failure to take reasonable measures to deter such foreseeable  
277 conduct is a proximate cause of damages to an individual or  
278 entity.

279 **SECTION 10.** If a party files any pleading in a civil action,  
280 which in the opinion of the court is frivolous, the court may  
281 impose an assessment of not more than One Thousand Dollars  
282 (\$1,000.00) against each attorney of record for the party filing  
283 the pleading. Such assessment shall be in addition to any other  
284 assessments, penalties or sanctions authorized by law or  
285 otherwise. The proceeds of any assessment imposed under this  
286 section shall be paid to the Mississippi Volunteer Lawyers  
287 Project, Inc.

288 **SECTION 11.** The Legislature recognizes that attorneys should  
289 be licensed by the Mississippi Bar before engaging in any  
290 solicitation of clients in this state. Such licensing of  
291 attorneys protects the people of Mississippi in that the  
292 Mississippi Bar has direct jurisdiction over attorneys licensed by  
293 it. The Bar can act against such licensed attorneys in the event  
294 that such licensed attorneys commit violations of Mississippi law,  
295 court rules and rules of ethics for attorneys. The Legislature  
296 finds that this section is necessary for the protection of the  
297 people of Mississippi. An attorney who is not admitted to the  
298 Mississippi Bar shall not advertise his legal services in this  
299 state for the purpose of soliciting prospective clients for the  
300 commencing of any civil action in this state, or for the purpose  
301 of soliciting clients for any civil action already commenced or



302 pending in this state, unless the attorney who is not a member of  
303 the Mississippi Bar has associated an attorney who (a) is a member  
304 of the Mississippi Bar; and (b) will be associated and actively  
305 working on substantial aspects in any civil action filed on behalf  
306 of a client solicited as a result of the advertisement. A law  
307 firm composed of both attorneys who are members of the Mississippi  
308 Bar and attorneys who are not members of the Mississippi Bar may  
309 advertise in this state if a majority of the members of the firm  
310 are members of the Mississippi Bar. For purposes of this section,  
311 a listing in the residential or business section of the white  
312 pages of a telephone book shall not be an advertisement.

313 **SECTION 12.** Section 85-5-7, Mississippi Code of 1972, as  
314 amended by House Bill No. 2, Third Extraordinary Session 2002, is  
315 amended as follows:

316 85-5-7. (1) As used in this section "fault" means an act or  
317 omission of a person which is a proximate cause of injury or death  
318 to another person or persons, damages to property, tangible or  
319 intangible, or economic injury, including, but not limited to,  
320 negligence, malpractice, strict liability, absolute liability or  
321 failure to warn. "Fault" shall not include any tort which results  
322 from an act or omission committed with a specific wrongful intent.

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

329 (3) Except as otherwise provided in subsections (2), (6) and  
330 (8) of this section, in any civil action based on fault, the  
331 liability for damages caused by two (2) or more persons shall be  
332 several only, and not joint and several and a joint tort-feasor  
333 shall be liable only for the amount of damages allocated to him in  
334 direct proportion to his percentage of fault. In assessing



335 percentages of fault an employer and the employer's employee or a  
336 principal and the principal's agent shall be considered as one (1)  
337 defendant when the liability of such employer or principal has  
338 been caused by the wrongful or negligent act or omission of the  
339 employee or agent.

340 (4) Any defendant held jointly liable under this section  
341 shall have a right of contribution against fellow joint  
342 tort-feasors. A defendant shall be held responsible for  
343 contribution to other joint tort-feasors only for the percentage  
344 of fault assessed to such defendant.

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

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

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

357 (8) Except as provided in subsection (6) of this section, in  
358 any action involving joint tort-feasors, the trier of fact shall  
359 determine the percentage of fault for each joint tort-feasor,  
360 including named parties and absent tort-feasors, without regard to  
361 whether the joint tort-feasor is immune from damages. For  
362 noneconomic damages, a defendant's liability shall be several  
363 only. For economic damages, for any defendant whose fault is  
364 determined to be less than thirty percent (30%), liability shall  
365 be several only and for any defendant whose fault is determined to  
366 be thirty percent (30%) or more, liability shall be joint and  
367 several only to the extent necessary for the person suffering



368 injury, death or loss to recover fifty percent (50%) of his  
369 recoverable damages. Fault allocated under this subsection to an  
370 immune tort-feasor or a tort-feasor whose liability is limited by  
371 law shall not be reallocated to any other tort-feasor.

372 (9) Nothing in this section shall be construed to create a  
373 cause of action. Nothing in this section shall be construed, in  
374 any way, to alter the immunity of any person.

375 Notwithstanding any other provisions of law to the contrary,  
376 the doctrine of joint and several liability shall not be limited  
377 as to tortious conduct which injures the health or safety of  
378 Mississippi residents by manufacture or distribution of a drug or  
379 defective or dangerous substance causing injury to Mississippi  
380 residents or which constitutes fraud.

381 **SECTION 13.** (1) Notwithstanding any other provision of law,  
382 in an action based upon injury, wrongful death, or financial loss  
383 allegedly caused by a defective product, financial fraud, unfair  
384 insurance claims practice or environmental hazard, other than any  
385 action classified by a court as a mass tort action, information  
386 concerning the defective product, financial fraud, unfair  
387 insurance claims practice or environmental hazard, which is  
388 contained in a settlement agreement pertaining to the action and  
389 not filed with the court shall be presumed to be public  
390 information and may not be kept confidential pursuant to agreement  
391 of the parties. This information may be kept confidential for a  
392 period that the court deems appropriate only pursuant to a court  
393 order.

394 (2) As used in this section:

395 (a) "Defective product" means a product that may be  
396 defective because of a defect in manufacturing or design or a  
397 failure to adequately warn the consumer of a hazard involved in  
398 the foreseeable use of the product, where the defect may result in  
399 personal injury to one or more persons.



400 (b) "Financial fraud" means any fraudulent insurance  
401 practice or any fraudulent plan or scheme to sell a publicly  
402 offered investment product without full disclosure of the risks  
403 associated with the purchase of the product, where the plan or  
404 scheme may cause or has caused financial loss.

405 (c) "Environmental hazard" means a release or  
406 threatened release of a hazardous substance that poses a threat to  
407 public health or safety involving present or future danger of  
408 death, bodily injury or health disability to human beings exposed  
409 to a hazardous substance release or threatened release.

410 **SECTION 14.** Section 75-26-5, Mississippi Code of 1972, is  
411 amended as follows:

412 75-26-5. (1) Except as provided in Section 12 of House Bill  
413 No. 11, Third Extraordinary Session 2002, actual or threatened  
414 misappropriation may be enjoined. Upon application to the court,  
415 an injunction shall be terminated when the trade secret has ceased  
416 to exist, but the injunction may be continued for an additional  
417 reasonable period of time in order to eliminate commercial  
418 advantage that otherwise would be derived from the  
419 misappropriation.

420 (2) In exceptional circumstances, an injunction may  
421 condition future use upon payment of a reasonable royalty for no  
422 longer than the period of time for which use could have been  
423 prohibited. Exceptional circumstances include, but are not  
424 limited to, a material and prejudicial change of position prior to  
425 acquiring knowledge or reason to know of misappropriation that  
426 renders a prohibitive injunction inequitable.

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

429 **SECTION 15.** Section 75-26-11, Mississippi Code of 1972, is  
430 amended as follows:

431 75-26-11. Except as provided in Section 12 of House



432 Bill No. 11, Third Extraordinary Session 2002, in an action under  
433 this chapter, a court shall preserve the secrecy of an alleged  
434 trade secret by reasonable means, which may include granting  
435 protective orders in connection with discovery proceedings,  
436 holding in-camera hearings, sealing the records of the action and  
437 ordering any person involved in the litigation not to disclose an  
438 alleged trade secret without prior court approval.

439 **SECTION 16.** Section 75-26-15, Mississippi Code of 1972, is  
440 amended as follows:

441 75-26-15. (1) Except as provided in subsection (2), this  
442 chapter displaces conflicting tort, restitutionary and other law  
443 of this state providing civil remedies for misappropriation of a  
444 trade secret.

445 (2) This chapter does not affect:

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

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

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

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

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

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

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



465           **SECTION 18.** (1) Any sponsor or advertiser of an event,  
466 which does not exercise control over any aspect of the event other  
467 than acting as a sponsor or advertiser, shall be immune from  
468 liability for any civil action arising out of activities occurring  
469 on the premises of the location where the event is held or  
470 conducted.

471           (2) No sponsor or advertiser shall be liable to a person who  
472 may lawfully consume any intoxicating beverage for any injury  
473 suffered by such person, or by any other person, off the premises  
474 of the event, including wrongful death and property damage,  
475 because of the intoxication of the person to whom the intoxicating  
476 beverages were served or furnished when on the premises of the  
477 event.

478           (3) This section shall not extend immunity to willful acts  
479 or gross negligence on the part of a sponsor or advertiser;  
480 however, the sponsor or advertiser shall not be considered to be a  
481 part of a joint venture or the principal of an agent, with regard  
482 to any other person, corporation or legal entity which is  
483 participating in the event in any capacity other than that of  
484 sponsor or advertiser.

485           **SECTION 19.** The following shall be codified as Section  
486 11-7-30, Mississippi Code of 1972:

487           11-7-30. Civil actions in circuit court shall not be  
488 assigned to a judge until at least one (1) defendant has filed a  
489 responsive pleading.

490           **SECTION 20.** If any provision of this act is held by a court  
491 to be invalid, such invalidity shall not affect the remaining  
492 provisions of this act, and to this end the provisions of this act  
493 are declared severable.

494           **SECTION 21.** This act shall take effect and be in force from  
495 and after its passage, and shall apply only to causes of action  
496 occurring on or after that date.

