

*****Pending***
AMENDMENT No. 1 PROPOSED TO**

Committee Sub. for HB NO. 19

By Representative(s) Snowden

1 **AMEND** by inserting the following after line 80 and
2 renumbering succeeding sections:

3 **SECTION 3.** The following shall be codified as Section
4 11-1-64, Mississippi Code of 1972:

5 11-1-64. (1) In any civil action alleging damages caused by
6 a product, a product seller other than a manufacturer shall not be
7 liable for a latent defect if the seller is a mere conduit who
8 purchased the product from a reputable manufacturer. It is the
9 intent of this section to insulate innocent sellers who are not
10 actively negligent from forum-driven lawsuits.

11 (2) A product seller shall not be considered to have failed
12 to exercise reasonable care with respect to a product, based upon
13 an alleged failure to inspect the product, if there was no
14 reasonable opportunity to inspect the product; or the inspection,
15 in the exercise of reasonable care, would not have revealed that
16 the product was defective.

17 (3) Nothing in this section shall be construed to eliminate
18 any common law defense to an action for damages caused by a
19 product.

20 **AMEND FURTHER** by inserting the following after the comma on
21 line 83: "and subject to the provisions of Section 11-1-64,"

22 **AMEND FURTHER**, the title, by inserting the following after
23 the semicolon on line 5: "TO CREATE NEW SECTION 11-1-64,

24 MISSISSIPPI CODE OF 1972, TO PROVIDE THAT A PRODUCT SELLER OTHER
25 THAN A MANUFACTURER SHALL NOT BE LIABLE FOR A LATENT DEFECT IF THE
26 SELLER IS A MERE CONDUIT WHO PURCHASED THE PRODUCT FROM A
27 REPUTABLE MANUFACTURER;"