

*****Adopted*****

AMENDMENT No. 1 PROPOSED TO

House Bill NO. 19

By Senator(s) Committee

**Amend by striking all after the enacting clause and inserting
in lieu thereof the following:**

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

32 11-11-3. (1) Civil actions of which the circuit court has
33 original jurisdiction shall be commenced * * * in the county where
34 the alleged act or omission occurred or where the event that
35 caused the injury occurred * * *. Civil actions against a
36 nonresident may also be commenced in the county where the
37 plaintiff resides or is domiciled. Civil actions alleging a
38 defective product may also be commenced in the county where the
39 plaintiff obtained the product.

40 * * *

41 (2) If a civil action is brought in an improper county, such
42 action may be transferred to the proper county pursuant to Section
43 11-11-17.

44 **SECTION 2.** Sections 11-11-5, 11-11-7, 11-11-11 and 11-11-13,
45 Mississippi Code of 1972, which provide venue in actions against
46 nonresidents, nonresident motorists, railroads and insurance
47 companies, are hereby repealed.

48 **SECTION 3.** Section 85-5-7, Mississippi Code of 1972, as

49 amended by House Bill No. 2, Third Extraordinary Session 2002, is
50 amended as follows:

51 85-5-7. (1) As used in this section "fault" means an act or
52 omission of a person which is a proximate cause of injury or death
53 to another person or persons, damages to property, tangible or
54 intangible, or economic injury, including, but not limited to,
55 negligence, malpractice, strict liability, absolute liability or
56 failure to warn. "Fault" shall not include any tort which results
57 from an act or omission committed with a specific wrongful intent.

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

64 (3) Except as otherwise provided in subsections (2), (6) and
65 (8) of this section, in any civil action based on fault, the
66 liability for damages caused by two (2) or more persons shall be
67 several only, and not joint and several and a joint tort-feasor
68 shall be liable only for the amount of damages allocated to him in
69 direct proportion to his percentage of fault. In assessing
70 percentages of fault an employer and the employer's employee or a
71 principal and the principal's agent shall be considered as one (1)
72 defendant when the liability of such employer or principal has
73 been caused by the wrongful or negligent act or omission of the
74 employee or agent.

75 (4) Any defendant held jointly liable under this section
76 shall have a right of contribution against fellow joint
77 tort-feasors. A defendant shall be held responsible for
78 contribution to other joint tort-feasors only for the percentage
79 of fault assessed to such defendant.

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

83 (6) Joint and several liability shall be imposed on all who

84 consciously and deliberately pursue a common plan or design to
85 commit a tortious act, or actively take part in it. Any person
86 held jointly and severally liable under this section shall have a
87 right of contribution from his fellow defendants acting in
88 concert.

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

92 (8) Except as provided in subsection (6) of this section, in
93 any action * * * involving joint tort-feasors, the trier of fact
94 shall determine the percentage of fault for each joint
95 tort-feasor, including named parties and absent tort-feasors,
96 without regard to whether the joint tort-feasor is immune from
97 damages. For noneconomic damages, a defendant's liability shall
98 be several only. For economic damages, for any defendant whose
99 fault is determined to be less than thirty percent (30%),
100 liability shall be several only and for any defendant whose fault
101 is determined to be thirty percent (30%) or more, liability shall
102 be joint and several only to the extent necessary for the person
103 suffering injury, death or loss to recover fifty percent (50%) of
104 his recoverable damages. Fault allocated under this subsection to
105 an immune tort-feasor or a tort-feasor whose liability is limited
106 by law shall not be reallocated to any other tort-feasor.

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

110 **SECTION 4.** Section 11-1-63, Mississippi Code of 1972, is
111 amended as follows:

112 11-1-63. In any action for damages caused by a product
113 except for commercial damage to the product itself:

114 (a) The manufacturer or seller of the product shall not
115 be liable if the claimant does not prove by the preponderance of
116 the evidence that at the time the product left the control of the
117 manufacturer or seller:

118 (i) 1. The product was defective because it

deviated in a material way from the manufacturer's specifications or from otherwise identical units manufactured to the same manufacturing specifications, or

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

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

4. The product breached an express warranty or failed to conform to other express factual representations upon which the claimant justifiably relied in electing to use the product; and

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

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

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

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

(ii) An adequate product warning or instruction is one that a reasonably prudent person in the same or similar

154 circumstances would have provided with respect to the danger and
155 that communicates sufficient information on the dangers and safe
156 use of the product, taking into account the characteristics of,
157 and the ordinary knowledge common to an ordinary consumer who
158 purchases the product; or in the case of a prescription drug,
159 medical device or other product that is intended to be used only
160 under the supervision of a physician or other licensed
161 professional person, taking into account the characteristics of,
162 and the ordinary knowledge common to, a physician or other
163 licensed professional who prescribes the drug, device or other
164 product.

165 (d) In any action alleging that a product is defective
166 pursuant to paragraph (a) of this section, the manufacturer or
167 seller shall not be liable if the claimant (i) had knowledge of a
168 condition of the product that was inconsistent with his safety;
169 (ii) appreciated the danger in the condition; and (iii)
170 deliberately and voluntarily chose to expose himself to the danger
171 in such a manner to register assent on the continuance of the
172 dangerous condition.

173 (e) In any action alleging that a product is defective
174 pursuant to paragraph (a)(i)2 of this section, the manufacturer or
175 seller shall not be liable if the danger posed by the product is
176 known or is open and obvious to the user or consumer of the
177 product, or should have been known or open and obvious to the user
178 or consumer of the product, taking into account the
179 characteristics of, and the ordinary knowledge common to, the
180 persons who ordinarily use or consume the product.

181 (f) In any action alleging that a product is defective
182 because of its design pursuant to paragraph (a)(i)3 of this
183 section, the manufacturer or product seller shall not be liable if
184 the claimant does not prove by the preponderance of the evidence
185 that at the time the product left the control of the manufacturer
186 or seller:

187 (i) The manufacturer or seller knew, or in light
188 of reasonably available knowledge or in the exercise of reasonable

care should have known, about the danger that caused the damage for which recovery is sought; and

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

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

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

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

SECTION 5. Section 11-1-65, Mississippi Code of 1972, is amended as follows:

11-1-65. (1) In any action in which punitive damages are sought:

224 (a) Punitive damages may not be awarded if the claimant
225 does not prove by clear and convincing evidence that the defendant
226 against whom punitive damages are sought acted with actual malice,
227 gross negligence which evidences a willful, wanton or reckless
228 disregard for the safety of others, or committed actual fraud.

229 (b) In any action in which the claimant seeks an award
230 of punitive damages, the trier of fact shall first determine
231 whether compensatory damages are to be awarded and in what amount,
232 before addressing any issues related to punitive damages.

233 (c) If, but only if, an award of compensatory damages
234 has been made against a party, the court shall promptly commence
235 an evidentiary hearing before the same trier of fact to determine
236 whether punitive damages may be considered.

237 (d) The court shall determine whether the issue of
238 punitive damages may be submitted to the trier of fact; and, if
239 so, the trier of fact shall determine whether to award punitive
240 damages and in what amount.

241 (e) In all cases involving an award of punitive
242 damages, the fact finder, in determining the amount of punitive
243 damages, shall consider, to the extent relevant, the following:
244 the defendant's financial condition and net worth; the nature and
245 reprehensibility of the defendant's wrongdoing, for example, the
246 impact of the defendant's conduct on the plaintiff, or the
247 relationship of the defendant to the plaintiff; the defendant's
248 awareness of the amount of harm being caused and the defendant's
249 motivation in causing such harm; the duration of the defendant's
250 misconduct and whether the defendant attempted to conceal such
251 misconduct; and any other circumstances shown by the evidence that
252 bear on determining a proper amount of punitive damages. The
253 trier of fact shall be instructed that the primary purpose of
254 punitive damages is to punish the wrongdoer and deter similar
255 misconduct in the future by the defendant and others while the
256 purpose of compensatory damages is to make the plaintiff whole.

257 (f) (i) Before entering judgment for an award of
258 punitive damages the trial court shall ascertain that the award is

reasonable in its amount and rationally related to the purpose to punish what occurred giving rise to the award and to deter its repetition by the defendant and others.

(ii) In determining whether the award is excessive, the court shall take into consideration the following factors:

1. Whether there is a reasonable relationship between the punitive damage award and the harm likely to result from the defendant's conduct as well as the harm that actually occurred;

2. The degree of reprehensibility of the defendant's conduct, the duration of that conduct, the defendant's awareness, any concealment, and the existence and frequency of similar past conduct;

3. The financial condition and net worth of the defendant; and

4. In mitigation, the imposition of criminal sanctions on the defendant for its conduct and the existence of other civil awards against the defendant for the same conduct.

(2) The seller of a product other than the manufacturer shall not be liable for punitive damages unless the seller exercised substantial control over that aspect of the design, testing, manufacture, packaging or labeling of the product that caused the harm for which recovery of damages is sought; the seller altered or modified the product, and the alteration or modification was a substantial factor in causing the harm for which recovery of damages is sought; the seller had actual knowledge of the defective condition of the product at the time he supplied same; or the seller made an express factual representation about the aspect of the product which caused the harm for which recovery of damages is sought.

(3) (a) In all civil actions where an entitlement to punitive damages shall have been established under applicable laws, no award of punitive damages shall exceed the following unless the finder of fact and court find by clear and convincing

evidence that the defendant acted with criminal intent to cause serious physical bodily injury:

(i) Ten (10) times the total amount of compensatory damages not to exceed One Million Dollars (\$1,000,000.00), if the total amount of compensatory damages is One Hundred Thousand Dollars (\$100,000.00) or less;

(ii) Eight (8) times the total amount of compensatory damages not to exceed Two Million Dollars (\$2,000,000.00), if the total amount of compensatory damages is more than One Hundred Thousand Dollars (\$100,000.00) but not more than Two Hundred Fifty Thousand Dollars (\$250,000.00); provided, however, if the amount of punitive damages, as computed by multiplying total compensatory damages times the multiple provided in this subparagraph (ii), is less than the maximum dollar amount allowed for punitive damages in subparagraph (i), then the maximum amount of punitive damages allowed under this subparagraph (ii) shall be the maximum dollar amount allowed in subparagraph (i);

(iii) Six (6) times the total amount of compensatory damages not to exceed Three Million Dollars (\$3,000,000.00), if the total amount of compensatory damages is more than Two Hundred Fifty Thousand Dollars (\$250,000.00) but not more than Five Hundred Thousand Dollars (\$500,000.00); provided, however, if the amount of punitive damages, as computed by multiplying total compensatory damages times the multiple provided in this subparagraph (iii), is less than the maximum dollar amount allowed for punitive damages in subparagraph (ii), then the maximum amount of punitive damages allowed under this subparagraph (iii) shall be the maximum dollar amount allowed in subparagraph (ii);

(iv) Four (4) times the total amount of compensatory damages not to exceed Four Million Dollars (\$4,000,000.00), if the total amount of compensatory damages is more than Five Hundred Thousand Dollars (\$500,000.00) but not more than One Million Dollars (\$1,000,000.00); provided, however, if the amount of punitive damages, as computed by multiplying total

329 compensatory damages times the multiple provided in this
330 subparagraph (iv), is less than the maximum dollar amount allowed
331 for punitive damages in subparagraph (iii), then the maximum
332 amount of punitive damages allowed under this subparagraph (iv)
333 shall be the maximum dollar amount allowed in subparagraph (iii);
334 or

335 (v) Three (3) times the total amount of
336 compensatory damages not to exceed Twenty Million Dollars
337 (\$20,000,000.00), if the total amount of compensatory damages is
338 more than One Million Dollars (\$1,000,000.00); provided, however,
339 if the amount of punitive damages, as computed by multiplying
340 total compensatory damages times the multiple provided in this
341 subparagraph (v), is less than the maximum dollar amount allowed
342 for punitive damages in subparagraph (iv), then the maximum amount
343 of punitive damages allowed under this subparagraph (v) shall be
344 the maximum dollar amount allowed in subparagraph (iv).

345 (b) The limitation in this subsection (3) shall not be
346 disclosed to the trier of fact, but shall be applied by the court
347 to any punitive damages verdict.

348 (4) Nothing herein shall be construed as creating a right to
349 an award of punitive damages or to limit the duty of the court, or
350 the appellate courts, to scrutinize all punitive damage awards,
351 ensure that all punitive damage awards comply with applicable
352 procedural, evidentiary and constitutional requirements, and to
353 order remittitur where appropriate.

354 (5) Subsections (1) and (2) of Section 11-1-65 shall not
355 apply to:

- 356 (a) Contracts;
357 (b) Libel and slander; or
358 (c) Causes of action for persons and property arising
359 out of asbestos.

360 **SECTION 6.** No owner, lessee or person in control of any
361 property or premises shall be held liable for failing to prevent
362 or failing to deter any act or omission committed by another
363 person upon such property or premises that is a reckless, wanton,

intentionally wrongful, illegal or criminal act.

SECTION 7. Civil actions in circuit, chancery and county court shall not be assigned to a judge until at least one (1) defendant has filed a responsive pleading. However, any necessary preliminary matters may be decided by a judge on a separate rotating basis before assignment of the action to a particular judge.

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

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

SECTION 9. (1) In any civil action for personal injury there may be a recovery for pain and suffering and loss of enjoyment of life. However, there shall be no recovery for loss of enjoyment of life as a separate element of damages apart from pain and suffering damages, and there shall be no instruction given to the jury which separates loss of enjoyment of life from pain and suffering. The determination of the existence and extent of recovery for pain and suffering and loss of enjoyment of life shall be a question for the finder of fact, subject to appellate review, and shall not be made the subject of expert testimony.

399 (2) In any wrongful death action, there shall be no recovery
400 for loss of enjoyment of life caused by death.

401 **SECTION 10.** Section 11-7-13, Mississippi Code of 1972, is
402 amended as follows:

403 11-7-13. Whenever the death of any person shall be caused by
404 any real, wrongful or negligent act or omission, or by such unsafe
405 machinery, way or appliances as would, if death had not ensued,
406 have entitled the party injured or damaged thereby to maintain an
407 action and recover damages in respect thereof, or whenever the
408 death of any person shall be caused by the breach of any warranty,
409 express or implied, of the purity or fitness of any foods, drugs,
410 medicines, beverages, tobacco or any and all other articles or
411 commodities intended for human consumption, as would, had the
412 death not ensued, have entitled the person injured or made ill or
413 damaged thereby, to maintain an action and recover damages in
414 respect thereof, and such deceased person shall have left a widow
415 or children or both, or husband or father or mother, or sister, or
416 brother, the person or corporation, or both that would have been
417 liable if death had not ensued, and the representatives of such
418 person shall be liable for damages, notwithstanding the death, and
419 the fact that death was instantaneous shall in no case affect the
420 right of recovery. The action for such damages may be brought in
421 the name of the personal representative of the deceased person for
422 the benefit of all persons entitled under the law to recover, or
423 by widow for the death of her husband, or by the husband for the
424 death of the wife, or by the parent for the death of a child, or
425 in the name of a child, or in the name of a child for the death of
426 a parent, or by a brother for the death of a sister, or by a
427 sister for the death of a brother, or by a sister for the death of
428 a sister, or a brother for the death of a brother, or all parties
429 interested may join in the suit, and there shall be but one (1)
430 suit for the same death which shall ensue for the benefit of all
431 parties concerned, but the determination of such suit shall not
432 bar another action unless it be decided on its merits. Except as
433 otherwise provided in Section 9 of House Bill No. 19, 2002 Third

434 Extraordinary Session, in such action the party or parties suing
435 shall recover such damages allowable by law as the jury may
436 determine to be just, taking into consideration all the damages of
437 every kind to the decedent and all damages of every kind to any
438 and all parties interested in the suit.

439 This section shall apply to all personal injuries of servants
440 and employees received in the service or business of the master or
441 employer, where such injuries result in death, and to all deaths
442 caused by breach of warranty, either express or implied, of the
443 purity and fitness of foods, drugs, medicines, beverages, tobacco
444 or other articles or commodities intended for human consumption.

445 Any person entitled to bring a wrongful death action may
446 assert or maintain a claim for any breach of expressed warranty or
447 for any breach of implied warranty. A wrongful death action may
448 be maintained or asserted for strict liability in tort or for any
449 cause of action known to the law for which any person,
450 corporation, legal representative or entity would be liable for
451 damages if death had not ensued.

452 In an action brought pursuant to the provisions of this
453 section by the widow, husband, child, father, mother, sister or
454 brother of the deceased, or by all interested parties, such party
455 or parties may recover as damages property damages and funeral,
456 medical or other related expenses incurred by or for the deceased
457 as a result of such wrongful or negligent act or omission or
458 breach of warranty, whether an estate has been opened or not. Any
459 amount, but only such an amount, as may be recovered for property
460 damage, funeral, medical or other related expenses shall be
461 subject only to the payment of the debts or liabilities of the
462 deceased for property damages, funeral, medical or other related
463 expenses. All other damages recovered under the provisions of
464 this section shall not be subject to the payment of the debts or
465 liabilities of the deceased, except as hereinafter provided, and
466 such damages shall be distributed as follows:

467 Damages for the injury and death of a married man shall be
468 equally distributed to his wife and children, and if he has no

children all shall go to his wife; damages for the injury and death of a married woman shall be equally distributed to the husband and children, and if she has no children all shall go to the husband; and if the deceased has no husband or wife, the damages shall be equally distributed to the children; if the deceased has no husband, nor wife, nor children, the damages shall be distributed equally to the father, mother, brothers and sisters, or such of them as the deceased may have living at his or her death. If the deceased have neither husband, nor wife, nor children, nor father, nor mother, nor sister, nor brother, then the damages shall go to the legal representative, subject to debts and general distribution, and the fact that the deceased was instantly killed shall not affect the right of the legal representative to recover. All references in this section to children shall include descendants of a deceased child, such descendants to take the share of the deceased child by representation. There shall not be, in any case, a distinction between the kindred of the whole and half blood of equal degree. The provisions of this section shall apply to illegitimate children on account of the death of the mother and to the mother on account of the death of an illegitimate child or children, and they shall have all the benefits, rights and remedies conferred by this section on legitimates. The provisions of this section shall apply to illegitimate children on account of the death of the natural father and to the natural father on account of the death of the illegitimate child or children, and they shall have all the benefits, rights and remedies conferred by this section on legitimates, if the survivor has or establishes the right to inherit from the deceased under Section 91-1-15.

Any rights which a blood parent or parents may have under this section are hereby conferred upon and vested in an adopting parent or adopting parents surviving their deceased adopted child, just as if the child were theirs by the full blood and had been born to the adopting parents in lawful wedlock.

SECTION 11. The Legislature recognizes that attorneys should

be licensed by the State of Mississippi before engaging in any solicitation of clients in this state. Such licensing of attorneys protects the people of Mississippi in that The Mississippi Bar has direct jurisdiction over attorneys licensed by it. The Mississippi Supreme Court can act against such licensed attorneys in the event that such licensed attorneys commit violations of Mississippi law, court rules and rules of ethics for attorneys. The Legislature finds that this section is necessary for the protection of the people of Mississippi. An attorney who is not admitted to The Mississippi Bar shall not advertise his legal services in this state for the purpose of soliciting prospective clients for the commencing of any civil action in this state, or for the purpose of soliciting clients for any civil action already commenced or pending in this state, unless the attorney who is not a member of The Mississippi Bar has associated an attorney who (a) is a member of The Mississippi Bar; and (b) will be associated and actively working on substantial aspects in any civil action filed on behalf of a client solicited as a result of the advertisement. A law firm composed of both attorneys who are members of The Mississippi Bar and attorneys who are not members of The Mississippi Bar may advertise in this state if a majority of the members of the firm are members of The Mississippi Bar. For purposes of this section, a listing in the residential or business section of the white pages of a telephone book shall not be an advertisement.

SECTION 12. If a party files any pleading in a civil action, which in the opinion of the court is frivolous, the court may impose an assessment of not more than One Thousand Dollars (\$1,000.00) against each party and attorney of record for the party filing the pleading. Such assessment shall be in addition to any other assessments, penalties or sanctions authorized by law or otherwise. The proceeds of any assessment imposed under this section shall be paid to the Mississippi Volunteer Lawyers Project, Inc.

SECTION 13. Sections 11-3-23 and 11-3-25, Mississippi Code

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of 1972, which provide for the assessment of a penalty on the appeal of certain judgments to the Supreme Court, are repealed.

SECTION 14. If any provision of this act is held by a court to be invalid, such invalidity shall not affect the remaining provisions of this act, and to this end the provisions of this act are declared severable.

SECTION 15. This act shall take effect and be in force from and after January 1, 2003, and shall apply to all causes of action filed on or after that date.

Further, amend by striking the title in its entirety and inserting in lieu thereof the following:

AN ACT TO AMEND SECTION 11-11-3, MISSISSIPPI CODE OF 1972, AS AMENDED BY HOUSE BILL NO. 2, 2002 THIRD EXTRAORDINARY SESSION, TO REVISE THE VENUE IN GENERAL CIVIL ACTIONS; TO REPEAL SECTIONS 11-11-5, 11-11-7, 11-11-11 AND 11-11-13, MISSISSIPPI CODE OF 1972, WHICH PROVIDE VENUE IN ACTIONS AGAINST NONRESIDENTS, NONRESIDENT MOTORISTS, RAILROADS AND INSURANCE COMPANIES; TO AMEND SECTION 85-5-7, MISSISSIPPI CODE OF 1972, AS AMENDED BY HOUSE BILL NO. 2, 2002 THIRD EXTRAORDINARY SESSION, TO REVISE THE LIMITATION OF JOINT AND SEVERAL LIABILITY FOR DAMAGES CAUSED BY TWO OR MORE PERSONS; TO AMEND SECTION 11-1-63, MISSISSIPPI CODE OF 1972, TO REVISE THE REQUIRED TIME OF NOTICE TO A MANUFACTURER IN ORDER FOR A SELLER TO BE INDEMNIFIED; TO AMEND SECTION 11-1-65, MISSISSIPPI CODE OF 1972, TO IMPOSE A LIMITATION ON PUNITIVE DAMAGES; TO PROVIDE IMMUNITY FOR A PREMISES OWNER UNDER CERTAIN CIRCUMSTANCES; TO PROVIDE THAT CIVIL ACTIONS SHALL NOT BE ASSIGNED TO A JUDGE UNTIL AT LEAST ONE DEFENDANT HAS FILED A RESPONSIVE PLEADING; TO PROVIDE THAT THE AUTHORITY TO SUE ANY FIREARMS OR AMMUNITION MANUFACTURER, DISTRIBUTOR OR DEALER ON BEHALF OF LOCAL GOVERNMENTAL ENTITIES FOR CERTAIN CAUSES OF ACTION SHALL BE EXCLUSIVELY RESERVED TO THE STATE; TO PROHIBIT RECOVERY OF HEDONIC DAMAGES IN CIVIL ACTIONS; TO AMEND SECTION 11-7-13, MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO; TO PROHIBIT ATTORNEY ADVERTISING BY ATTORNEYS NOT ADMITTED TO PRACTICE IN MISSISSIPPI; TO PROVIDE AN ASSESSMENT FOR FILING FRIVOLOUS CLAIMS; TO REPEAL SECTIONS 11-3-23 AND 11-3-25, MISSISSIPPI CODE OF 1972, WHICH PROVIDE FOR THE ASSESSMENT OF A PENALTY ON CERTAIN JUDGMENTS APPEALED TO THE SUPREME COURT; AND FOR RELATED PURPOSES.