

HOUSE BILL NO. 555

1 AN ACT TO AMEND SECTION 11-1-64, MISSISSIPPI CODE OF 1972, TO
2 REVISE PROTECTION FOR INNOCENT SELLERS; AND FOR RELATED PURPOSES.

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

4 **SECTION 1.** Section 11-1-64, Mississippi Code of 1972, is
5 amended as follows:

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

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

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

21 **SECTION 2.** This act shall take effect and be in force from
22 and after July 1, 2004, and shall apply to all causes of action
23 filed on or after that date.