

By: Senator(s) Flowers

To: Business and Financial  
Institutions

SENATE BILL NO. 2496

1 AN ACT TO AMEND SECTION 83-58-17, MISSISSIPPI CODE OF 1972,  
2 TO PROVIDE A REMEDY FOR DAMAGES ARISING FROM VIOLATIONS OF THE NEW  
3 HOME WARRANTY LAW; AND FOR RELATED PURPOSES.

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

5 **SECTION 1.** Section 83-58-17, Mississippi Code of 1972, is  
6 amended as follows:

7 83-58-17. \* \* \* If a builder violates this chapter by  
8 failing to perform as required by the warranties provided in this  
9 chapter, any affected owner shall have a cause of action against  
10 the builder for actual damages, including attorney fees and court  
11 costs, arising from the violations. The damages with respect to a  
12 single defect shall not exceed the reasonable cost of repair or  
13 replacement necessary to cure the defect, and damages with respect  
14 to all defects in the home shall not exceed the original purchase  
15 price of the home.

16 **SECTION 2.** This act shall take effect and be in force from  
17 and after July 1, 2004.