

By: Representative Brown

To: Judiciary A

HOUSE BILL NO. 994

1 AN ACT TO EXEMPT PUBLIC CONTRACTORS FROM LIABILITY TO CERTAIN
2 THIRD PARTIES; TO PROVIDE THAT THE IMMUNITY PROVIDED BY THIS ACT
3 SHALL NOT APPLY IF THE CONTRACTOR HAS ACTUAL KNOWLEDGE OF DESIGN
4 ERRORS; AND FOR RELATED PURPOSES.

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

6 **SECTION 1.** A contractor who performs construction, repair,
7 maintenance or other work on any public property under contract
8 with the State of Mississippi, a political subdivision thereof, or
9 any other public authority in this state in substantial compliance
10 with plans and specifications for such work shall have no
11 liability to third parties as a result of the condition of the
12 work or as a result of contractor's actions taken in substantial
13 conformance either with the plans and specifications or with
14 directives of the public authority pertaining to such work.

15 **SECTION 2.** The immunity provided in Section 1 of this act
16 shall not apply if a contractor has actual knowledge of a design
17 error in the plans and specifications for the public work and
18 fails to report the error to the public authority; provided,
19 however, that the contractor retains immunity from liability to
20 third parties if either the unreported error is not the primary
21 and proximate cause of injury being claimed or if the contractor
22 is directed by the public authority to proceed in accordance with
23 the plans and specifications after the contractor's report of
24 design error.

25 **SECTION 3.** This act shall take effect and be in force from
26 and after July 1, 2005.