

March 20, 2013

TO THE MISSISSIPPI HOUSE OF REPRESENTATIVES:

GOVERNOR'S VETO MESSAGE FOR HOUSE BILL 333

I am returning House Bill 333, "AN ACT TO AMEND SECTION 11-1-63, MISSISSIPPI CODE OF 1972, TO INCLUDE DESIGNERS IN THE PROVISIONS REGARDING CONDITIONS FOR LIABILITY FOR PRODUCTS LIABILITY; AND FOR RELATED PURPOSES", without my approval, and assign the following reasons for my veto.

House Bill 333 amends the Mississippi Products Liability Act (MPLA), Miss. Code Ann. § 11-1-63, to cover "designers" in addition to "manufacturers" and "sellers." The bill responds to the Mississippi Supreme Court's decision in *Lawson v. Honeywell International, Inc.*, 75 So. 3d 1024 (2011), which held that a "mere designer" is not covered by the MPLA. As a result of *Lawson*, designers are subject to common-law negligence suits, rather than actions under the more well-defined standards of the MPLA. While I support House Bill 333's purpose of bringing designers within the coverage of the MPLA, I must veto the bill because it omits designers from the defenses and protections available under subsections (d), (e), and (f) of Section 11-1-63. This oversight would subject designers to the cause of action that the MPLA creates without also affording them all of the MPLA's accompanying defenses and protections. There is no logical reason for this discrepancy, which appears to have been a drafting error.

I encourage the Legislature to revisit this issue in the future and add "designers" to all applicable provisions of Section 11-1-63.

Respectfully submitted,

PHIL BRYANT
GOVERNOR