

By: Representatives Chism, Nicholson, Smith
(39th)

To: Judiciary A

HOUSE BILL NO. 1280

1 AN ACT TO AMEND SECTION 11-1-64, MISSISSIPPI CODE OF 1972, TO
2 REVISE THE SELLER IN THE STREAM OF COMMERCE LAW TO INSULATE
3 INNOCENT SELLERS; AND FOR RELATED PURPOSES.

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

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

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

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

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

22 **SECTION 2.** This act shall take effect and be in force from
23 and after July 1, 2003, and shall apply to all causes of action
24 filed on or after that date.

