

By: Representative Guice

To: Judiciary A

HOUSE BILL NO. 690

1 AN ACT TO PROVIDE THAT WARRANTIES ON BUILDINGS SHALL COMMENCE
2 ON THE DATE THAT CONSTRUCTION IS COMPLETE OR THE BUILDING IS
3 OCCUPIED, WHICHEVER OCCUR FIRST; TO AMEND SECTION 83-58-3,
4 MISSISSIPPI CODE OF 1972, IN CONFORMITY; AND FOR RELATED PURPOSES.

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

6 **SECTION 1.** A warranty on any building shall commence on the
7 date that the construction of building is complete or the building
8 is occupied, whichever occurs first. The building must be
9 occupied or usable for the purposes for which it was intended
10 before construction.

11 **SECTION 2.** Section 83-58-3, Mississippi Code of 1972, is
12 amended as follows:

13 83-58-3. For purposes of this chapter the following words
14 and phrases shall have the meanings ascribed herein unless the
15 context clearly indicates otherwise:

16 (a) "Builder" means any person, corporation,
17 partnership, or other entity which constructs a home or engages
18 another to construct a home, including a home occupied initially
19 by its builder as his residence, for the purpose of sale.

20 (b) "Building standards" means the standards contained
21 in the building code, mechanical-plumbing code, and electrical
22 code in effect in the county, municipality, or other local
23 political subdivision where a home is to be located, at the time
24 construction of that home is commenced, or, if the county, city,
25 or other local political subdivision has not adopted such codes,
26 the Standard Building Code, together with any additional
27 performance standards, if any, which the builder may undertake to
28 be in compliance.

29 (c) "Home" means any new structure designed and used
30 only for residential use.

31 (d) "Initial purchaser" means any person for whom a home
32 is built or the first person to whom a home is sold upon
33 completion of construction.

34 (e) "Major structural defect" means any actual physical
35 damage to the following designated load-bearing portions of a home
36 caused by failure of the load-bearing portions which affects their
37 load-bearing functions, as follows to wit:

38 (i) Foundation systems and footings;

39 (ii) Beams;

40 (iii) Girders;

41 (iv) Lintels;

42 (v) Columns;

43 (vi) Walls and partitions;

44 (vii) Floor systems;

45 (viii) Roof framing systems.

46 (f) "Owner" means the initial purchaser of a home and
47 any of his successors in title to a home during the time the
48 warranties provided under this chapter are in effect.

49 (g) "Warranty commencement date" means the date that
50 construction of the home is complete or the date the home is first
51 occupied, whichever occurs first.

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