

MISSISSIPPI LEGISLATURE
2018 Regular Session
To: Judiciary A
By: Representative Bell (21st)

House Bill 1306

(As Sent to Governor)

AN ACT TO PROVIDE THAT CERTAIN CONSTRUCTION AGREEMENTS THAT REQUIRE DISPUTE RESOLUTION OUTSIDE THE STATE OR RESTRICT THE PARTIES' CHOICE OF LAW SHALL BE VOID; AND FOR RELATED PURPOSES.

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

SECTION 1. (1) A provision in any contract, subcontract, or purchase order for the improvement of real property in this state, or to provide materials therefor, is void and against public policy if it makes the contract, subcontract, or purchase order subject to the laws of another state, or provides that the exclusive forum for any litigation, arbitration, or other dispute resolution process be located in another state.

(2) The provisions of this section apply only to contracts, agreements and purchase orders:

(a) Entered into on or after July 1, 2018;

(b) Only if at least one (1) of the parties is a Mississippi resident; and

(c) Only if entered into between any two (2) or more of the following persons and no others: the owner of the real property improved or to be improved, a contractor, subcontractor, materialman or design professional. As used in this section, "contractor", "subcontractor", "materialman" and "design professional" shall have the meanings ascribed in Section 85-7-401.

(3) For purposes of this section, "Mississippi resident" means any natural person domiciled in Mississippi or any business entity having a principal place of business in Mississippi.

SECTION 2. This act shall take effect and be in force from and after July 1, 2018.