Mississippi's New Home Warranty Act – Chapter 58

- "Builder" is defined as any person, corporation, partnership, or other entity which constructs a home or engages another to construct a home, including a home occupied initially by its builder as his residence, for the purpose of sale. - §83-58-3(a)
- "Warranty commencement date" means the date that legal title to a home is conveyed to its initial purchaser or the date the home is first occupied, whichever occurs first. - §83-58-3(g)
- Unless parties otherwise agree in writing, builder's warranty shall exclude all the items listed in §83-58-5(2)
- Builder must giver owner written notice of the requirements of Chapter 58 – New Home Warranty Act – at the time of closing - §83-58-7
- If builder does not give owner written notice of requirements, warranties shall be extended for a period of time equal to time between warranty commencement date and date notice was given - §83-58-7
- All or part of builder's obligation under any required warranty may be insured by builder for the benefit of purchaser through an insurer authorized to transact business in MS - §83-58-11
- Damages as to single defect shall not exceed reasonable cost of repair or replacement necessary to cure defect - §83-58-15
- Damages as to all defects in home shall not exceed original purchase price - §83-58-15
- If owner files civil suit without complying with Chapter 58, court shall dismiss the action without prejudice - §83-58-17(3)

	Owner	Builder
Warranty		Must warrant to owner one year following warranty commencement date, home will be free of any defects due to noncompliance with building standards - §83-58-5(1)(a) Must warrant to owner six years following warranty commencement date, home will be free of major structural defects due to noncompliance with building standards - §83-58-5(1)(b)
Notice of claim	Shall give builder written notice within 90 days after knowledge of defect by registered mail or certified mail - §83-58-7 Notice shall advise builder of defect and give builder reasonable opportunity to repair defect - §83-58-7	
Commencement of warranty action	Shall commence 30 days after expiration of the appropriate time period provided - §83-58-9	

	Owner	Builder
Builder fails to perform	Shall have cause of action against builder for actual damages, including attorney fees and court costs - §83-58-17(1)	

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