

By: Gattis

H.B. No. 755

Substitute the following for H.B. No. 755:

By: Rose

C.S.H.B. No. 755

A BILL TO BE ENTITLED

AN ACT

1
2 relating to procedures relating to the doctrine of forum non
3 conveniens in a civil cause of action.

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

5 SECTION 1. Section 71.051(b), Civil Practice and Remedies
6 Code, is amended to read as follows:

7 (b) If a court of this state, on written motion of a party,
8 finds that in the interest of justice and for the convenience of the
9 parties a claim or action to which this section applies would be
10 more properly heard in a forum outside this state, the court shall
11 decline to exercise jurisdiction under the doctrine of forum non
12 conveniens and shall stay or dismiss the claim or action. In
13 determining whether to grant a motion to stay or dismiss an action
14 under the doctrine of forum non conveniens, the court may consider
15 whether:

16 (1) an alternate forum exists in which the claim or
17 action may be tried;

18 (2) the alternate forum provides an adequate remedy;

19 (3) maintenance of the claim or action in the courts of
20 this state would work a substantial injustice to the moving party;

21 (4) the alternate forum, as a result of the submission
22 of the parties or otherwise, can exercise jurisdiction over all the
23 defendants properly joined to the plaintiff's claim;

24 (5) the balance of the private interests of the

1 parties and the public interest of the state predominate in favor of
2 the claim or action being brought in an alternate forum, which may
3 include consideration of the extent to which an injury or death
4 resulted from acts or omissions that occurred in this state; and

5 (6) the stay or dismissal would not result in
6 unreasonable duplication or proliferation of litigation.

7 SECTION 2. Section 71.051(f), Civil Practice and Remedies
8 Code, is repealed.

9 SECTION 3. This Act applies only to an action filed on or
10 after the effective date of this Act. An action filed before the
11 effective date of this Act, including an action filed before that
12 date in which a party is joined or designated after that date, is
13 governed by the law in effect immediately before the change in law
14 made by this Act, and that law is continued in effect for that
15 purpose.

16 SECTION 4. This Act takes effect September 1, 2005.