

BILL ANALYSIS

C.S.H.B. 1602
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Civil Practices
Committee Report (Substituted)

BACKGROUND AND PURPOSE

The general venue law, Section 15.002, Civil Practice and Remedies Code, allows a plaintiff to file a civil action in the plaintiff's county of residence only if the plaintiff cannot sue where all or a substantial part of the events or omissions giving rise to the claim occurred, in the county of the corporate defendant's principal office or in the county of residence of a defendant who is a natural person.

Section 15.018, Texas Civil Practice and Remedies Code, governs venue for civil actions filed under the Federal Employer's Liability Act and the Jones Act. Section 15.018 allows a plaintiff to file a civil action in his or her county of residence even if the plaintiff could file suit where all or a substantial part of the events or omissions giving rise to the claim occurred or in the county of the corporate defendant's principal office.

C.S.H.B. 1602 will allow a plaintiff in a Jones Act case to file a civil action:

- in the county where the defendant's principal office in Texas is located; or
- in the county where the plaintiff resided at the time the cause of action accrued.

If all or most of the incident occurred ashore in Texas or on the inland waters of Texas, the plaintiff can file a civil action:

- in the county in which the incident occurred; or
- in the county where the defendant's principal office in Texas is located.

Finally, if all or most of the incident occurred ashore in a Gulf Coast state, other than Texas, or on the inland waters of a Gulf Coast state, other than Texas, the plaintiff can file a civil action:

- in the county where the defendant's principal office in Texas is located, or if the defendant has none,
- in the county where the plaintiff resided at the time the cause of action accrued.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

SECTION 1: Deletes Jones Act cases from Section 15.018, Civil Practice and Remedies Code.

SECTION 2: Amends Subchapter B, Chapter 15, Civil Practice and Remedies Code by adding Section 15.0181 entitled Jones Act.

Subsection (a) adds a definition of "inland waters" as navigable waters shoreward of the navigational demarcation lines dividing the high seas from harbors, rivers, and other inland waters of the Gulf Intracoastal Waterway, of Texas, Louisiana, Mississippi, and Alabama, and along the Gulf of Mexico shoreline of Florida from the Florida-Alabama border up to and including the shoreline of Key West, Florida."

Subsection (b) specifies this Section applies only to a suit brought under the Jones Act.

Subsection (c) creates the venue rule for a suit brought under the Jones Act, except as provided by exception.

Subsection (d) provides the venue rule for a suit brought under the Jones Act where a substantial part of the events or omissions giving rise to the claim occurred ashore in this state or on the inland waters of this state.

Subsection (e) provides the venue rule for a suit brought under the Jones Act where a substantial part of the events or omissions giving rise to the claim occurred ashore in a Gulf Coast State other than this state or on the inland waters of a Gulf Coast State other than this state.

SECTION 3: States the Act applies to civil actions commenced on or after the effective date of the Act.

SECTION 4: States the Act applies immediately if it receives a vote of two-thirds of all the members elected to each house, or if the Act does not receive the vote necessary for immediate effect, then the Act takes effect September 1, 2007.

EFFECTIVE DATE

Upon passage, or, if the Act does not receive the necessary vote, the Act takes effect September 1, 2007.

COMPARISON OF ORIGINAL TO SUBSTITUTE

Under Subchapter B, Chapter 15, of the Civil Practice and Remedies Code, Section 15.0181 was added to both bills, however, the original bill did not address "inland waters" and in the substitute bill, SECTION 2, Subsection (a), a definition of "inland waters" is added.

The subsequent subsections in SECTION 2 of the substitute are relettered and changed from the original bill to accommodate the substitute's new text.

Subsection (b) of the substitute specifies this Section applies only to a suit brought under the Jones Act. In the original bill, this is Subsection (a) and has the caption "JONES ACT."

Subsection (c) of the substitute creates the venue rule for a suit brought under the Jones Act, except as provided by exception. The original bill addresses the venue rule language in Subsection (b), and lists the options.

The substitute adds Subsection (d) which provides the venue rule for a suit brought under the Jones Act where a substantial part of the events or omissions giving rise to the claim occurred ashore in this state or on the inland waters of this state. The original bill has no Subsection (d) or language.

The substitute adds Subsection (e) and provides the venue rule for a suit brought under the Jones Act where a substantial part of the events or omissions giving rise to the claim occurred ashore in a Gulf Coast State other than this state or on the inland waters of a Gulf Coast State other than this state. The original bill has no Subsection (e) or language.