

By: Van Arsdale, O'Day, Goolsby,
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H.B. No. 1602

A BILL TO BE ENTITLED

AN ACT

relating to venue in civil actions under the Jones Act.

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

SECTION 1. Section 15.018, Civil Practice and Remedies Code, is amended to read as follows:

Sec. 15.018. FEDERAL EMPLOYERS' LIABILITY ACT [~~AND JONES ACT~~]. (a) This section only applies to suits brought under the federal Employers' Liability Act (45 U.S.C. Section 51 et seq.) [~~or the Jones Act (46 U.S.C. Section 688)~~].

(b) All suits brought under the federal Employers' Liability Act [~~or the Jones Act~~] shall be brought:

(1) in the county in which all or a substantial part of the events or omissions giving rise to the claim occurred;

(2) in the county where the defendant's principal office in this state is located; or

(3) in the county where the plaintiff resided at the time the cause of action accrued.

SECTION 2. Subchapter B, Chapter 15, Civil Practice and Remedies Code, is amended by adding Section 15.0181 to read as follows:

Sec. 15.0181. JONES ACT. (a) In this section:

(1) "Coastal county" means:

(A) a county in a coastal area, as defined by Section 33.004, Natural Resources Code; or

1 (B) a county having a United States Customs port
2 through which waterborne freight is transported.

3 (2) "Inland waters" means the navigable waters
4 shoreward of the navigational demarcation lines dividing the high
5 seas from harbors, rivers, and other inland waters of the Gulf
6 Intracoastal Waterway, of Texas, Louisiana, Mississippi, and
7 Alabama, and along the Gulf of Mexico shoreline of Florida from the
8 Florida-Alabama border up to and including the shoreline of Key
9 West, Florida.

10 (3) "Principal Texas port center" means:

11 (A) a county in this state with a population of
12 more than three million that is adjoined by a coastal county; or

13 (B) a coastal county adjoining a county described
14 by Paragraph (A) with a population of more than 225,000.

15 (b) This section applies only to suits brought under the
16 Jones Act (46 U.S.C. Section 688).

17 (c) Except as provided by this section, a suit brought under
18 the Jones Act shall be brought:

19 (1) in the county where the defendant's principal
20 office in this state is located; or

21 (2) in the county where the plaintiff resided at the
22 time the cause of action accrued.

23 (d) If all or a substantial part of the events or omissions
24 giving rise to the claim occurred ashore in this state or on the
25 inland waters of this state, the suit shall be brought:

26 (1) in the county in which all or a substantial part of
27 the events giving rise to the claim occurred; or

1 (2) in the county where the defendant's principal
2 office in this state is located.

3 (e) If all or a substantial part of the events or omissions
4 giving rise to the claim occurred ashore in a Gulf Coast state other
5 than this state or on the inland waters of a Gulf Coast state other
6 than this state, the suit shall be brought:

7 (1) in a principal Texas port center where the
8 plaintiff resided at the time the cause of action accrued;

9 (2) if the plaintiff did not reside in a principal
10 Texas port center at the time the cause of action accrued, in any
11 principal Texas port center;

12 (3) in the county where the defendant's principal
13 office in this state is located if the defendant's principal office
14 in this state is located in a coastal county; or

15 (4) if the defendant does not have a principal office
16 in this state located in a coastal county, in the county where the
17 plaintiff resided at the time the cause of action accrued.

18 SECTION 3. The change in law made by this Act applies only
19 to an action commenced on or after the effective date of this Act.
20 An action commenced before the effective date of this Act is
21 governed by the law in effect immediately before the effective date
22 of this Act, and that law is continued in effect for that purpose.

23 SECTION 4. This Act takes effect immediately if it receives
24 a vote of two-thirds of all the members elected to each house, as
25 provided by Section 39, Article III, Texas Constitution. If this
26 Act does not receive the vote necessary for immediate effect, this
27 Act takes effect September 1, 2007.