

By: Van Arsdale, O'Day, Goolsby,
Cook of Colorado, et al.

H.B. No. 1602

Substitute the following for H.B. No. 1602:

By: Cook of Navarro

C.S.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, "inland waters" means the 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,

1 Louisiana, Mississippi, and Alabama, and along the Gulf of Mexico
2 shoreline of Florida from the Florida-Alabama border up to and
3 including the shoreline of Key West, Florida.

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

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

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

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

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

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

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

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

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

25 (2) if the defendant does not have a principal office
26 in this state, in the county where the plaintiff resided at the time
27 the cause of action accrued.

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

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