

# SENATE AMENDMENTS

2<sup>nd</sup> Printing

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

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.

ADOPTED

MAY 17 2007

*Lately Spaul*  
Secretary of the Senate

By: Van Arsdale (Fraser)

H.B. No. 1602

Substitute the following for \_\_\_B. No. \_\_\_\_\_:

By: Fraser

C.S. \_\_\_B. No. \_\_\_\_\_

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(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) "Coastal erosion" means the loss of land, marshes,  
4 wetlands, beaches, or other coastal features because of the actions  
5 of wind, waves, tides, storm surges, subsidence, or other forces.

6                    (3) "Erosion response project" means an action  
7 intended to address or mitigate coastal erosion, including beach  
8 nourishment, sediment management, beneficial use of dredged  
9 material, creation or enhancement of a dune, wetland, or marsh, and  
10 construction of a breakwater, bulkhead, groin, jetty, or other  
11 structure.

12                    (4) "Gulf Coast state" means Louisiana, Mississippi,  
13 Alabama, or Florida.

14                    (5) "Inland waters" means the navigable waters  
15 shoreward of the navigational demarcation lines dividing the high  
16 seas from harbors, rivers, the Gulf Intracoastal Waterway, and  
17 other inland waters of Texas, Louisiana, Mississippi, Alabama,  
18 Arkansas, Tennessee, Missouri, Illinois, Kentucky, or Indiana or of  
19 Florida along the Gulf of Mexico shoreline of Florida from the  
20 Florida-Alabama border down to and including the shoreline of Key  
21 West, Florida. The term does not include the Great Lakes.

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

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

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

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

3           (d) If all or a substantial part of the events or omissions  
4 giving rise to the claim occurred on the inland waters of this  
5 state, ashore in this state, or during the course of an erosion  
6 response project in this state, the suit shall be brought:

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

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

11           (e) If all or a substantial part of the events or omissions  
12 giving rise to the claim occurred on inland waters outside this  
13 state, ashore in a Gulf Coast state, or during the course of an  
14 erosion response project in a Gulf Coast state, the suit shall be  
15 brought:

16           (1) in the county where the defendant's principal  
17 office in this state is located if the defendant's principal office  
18 in this state is located in a coastal county;

19           (2) in Harris County unless the plaintiff resided in  
20 Galveston County at the time the cause of action accrued;

21           (3) in Galveston County unless the plaintiff resided  
22 in Harris County at the time the cause of action accrued; or

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

26           SECTION 3. The change in law made by this Act applies only  
27 to an action commenced on or after the effective date of this Act.

1 An action commenced before the effective date of this Act is  
2 governed by the law in effect immediately before the effective date  
3 of this Act, and that law is continued in effect for that purpose.

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

ADOPTED

MAY 17 2007

*Leta Spaw*  
Secretary of the Senate

FLOOR AMENDMENT NO. 1

BY: FRASER

1 Amend C.S.H.B. No. 1602 (senate committee printing) in  
2 SECTION 2 of the bill by striking added Subsection (c), Section  
3 15.0181, Civil Practice and Remedies Code (page 1, lines 56 through  
4 61), and substituting the following:

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

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

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

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



**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION**

**May 14, 2007**

**TO:** Honorable Robert Duncan, Chair, Senate Committee on State Affairs

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE: HB1602** by Van Arsdale (Relating to venue in civil actions under the Jones Act.),  
**Committee Report 2nd House, Substituted**

**No fiscal implication to the State is anticipated.**

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:**

**LBB Staff:** JOB, KJG, MN, SD

**LEGISLATIVE BUDGET BOARD**  
Austin, Texas

**FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION**

April 27, 2007

**TO:** Honorable Robert Duncan, Chair, Senate Committee on State Affairs

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE: HB1602** by Van Arsdale (Relating to venue in civil actions under the Jones Act.), As  
**Engrossed**

**No fiscal implication to the State is anticipated.**

**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:**

**LBB Staff:** JOB, KJG, MN, SD

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION**  
**Revision 1**

**April 18, 2007**

**TO:** Honorable Byron Cook, Chair, House Committee on Civil Practices

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE: HB1602** by Van Arsdale (Relating to venue in civil actions under the Jones Act.),  
**Committee Report 1st House, Substituted**

**No fiscal implication to the State is anticipated.**

**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:**

**LBB Staff:** JOB, MN, SD

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION**

**April 15, 2007**

**TO:** Honorable Byron Cook, Chair, House Committee on Civil Practices

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE:** **HB1602** by Van Arsdale (Relating to venue in civil actions under the Jones Act.),  
**Committee Report 1st House, Substituted**

**No fiscal implication to the State is anticipated.**

**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:**

**LBB Staff:** JOB, MN, SD

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION**

Revision 1

**April 18, 2007**

**TO:** Honorable Byron Cook, Chair, House Committee on Civil Practices

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE: HB1602** by Van Arsdale (Relating to venue in civil actions under the Jones Act.), **As Introduced**

**No fiscal implication to the State is anticipated.**

**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:**

**LBB Staff:** JOB, MN, SD

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION**

**March 26, 2007**

**TO:** Honorable Byron Cook, Chair, House Committee on Civil Practices

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE: HB1602** by Van Arsdale (Relating to venue in civil actions under the Jones Act.), **As Introduced**

**No fiscal implication to the State is anticipated.**

**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:**

**LBB Staff:** JOB, MN, SD