

By: Huffman

S.B. No. 1942

A BILL TO BE ENTITLED

AN ACT

relating to the doctrine of forum non conveniens.

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

SECTION 1. Sections 71.051(e) and (h), Civil Practice and Remedies Code, are amended to read as follows:

(e) ~~[The court may not stay or dismiss a plaintiff's claim under Subsection (b) if the plaintiff is a legal resident of this state.]~~ In determining whether a case should be dismissed under this subchapter, the plaintiff's choice of a forum in this state shall be given substantial deference, provided that the plaintiff is a legal resident of the state and the underlying litigation has a significant connection to this state. ~~[If an action involves both plaintiffs who are legal residents of this state and plaintiffs who are not, the court may not stay or dismiss the action under Subsection (b) if the plaintiffs who are legal residents of this state are properly joined in the action and the action arose out of a single occurrence. The court shall dismiss a claim under Subsection (b) if the court finds by a preponderance of the evidence that a party was joined solely for the purpose of obtaining or maintaining jurisdiction in this state and the party's claim would be more properly heard in a forum outside this state.]~~

(h) In this section, "plaintiff" ~~[~~

~~(1) "Legal resident" means an individual who intends the specified political subdivision to be his permanent residence~~

1 ~~and who intends to return to the specified political subdivision~~
2 ~~despite temporary residence elsewhere or despite temporary~~
3 ~~absences, without regard to the individual's country of citizenship~~
4 ~~or national origin. The term does not include an individual who~~
5 ~~adopts a residence in the specified political subdivision in bad~~
6 ~~faith for purposes of avoiding the application of this section.~~

7 ~~(2) "Plaintiff"~~ means a party seeking recovery of
8 damages for personal injury or wrongful death. In a cause of action
9 in which a party seeks recovery of damages for personal injury to or
10 the wrongful death of another person, "plaintiff" includes both
11 that other person and the party seeking such recovery. The term
12 does not include:

13 (A) a counterclaimant, cross-claimant, or
14 third-party plaintiff or a person who is assigned a cause of action
15 for personal injury, or who accepts an appointment as a personal
16 representative in a wrongful death action, in bad faith for
17 purposes of affecting in any way the application of this section;

18 (B) an intervenor, beneficiary, next friend, or
19 other derivative party to the plaintiff's claim; or

20 (C) a decedent's estate, if the decedent was not
21 a legal resident of this state at the time of death.

22 SECTION 2. This Act applies only to a suit commenced on or
23 after the effective date of this Act. A suit commenced before the
24 effective date of this Act is governed by the law applicable to the
25 suit immediately before the effective date of this Act, and that law
26 is continued in effect for that purpose.

27 SECTION 3. This Act takes effect immediately if it receives

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1 a vote of two-thirds of all the members elected to each house, as
2 provided by Section 39, Article III, Texas Constitution. If this
3 Act does not receive the vote necessary for immediate effect, this
4 Act takes effect September 1, 2015.