By:  Landgraf H.B. No. 3238

A BILL TO BE ENTITLED

AN ACT

relating to a motion to transfer venue based on the joinder of certain defendants.

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

SECTION 1.  Subchapter D, Chapter 15, Civil Practice and Remedies Code, is amended by adding Section 15.0635 to read as follows:

Sec. 15.0635.  TRANSFER DUE TO IMPROPER JOINDER. (a) On motion of a defendant filed and served concurrently with or before the filing of the defendant's answer, a court shall transfer an action to another county of proper venue if the court finds, based on the petition and affidavits submitted by the parties, that:

(1)  a defendant was joined in the action for the primary purpose of establishing venue in a county that would not otherwise be a county of proper venue; or

(2)  the facts pleaded concerning a defendant whose connection to a county is the primary basis for establishing venue in the county are materially false.

(b)  In determining whether a defendant was joined for the primary purpose of establishing venue in a particular county under Subsection (a)(1), the court may consider whether:

(1)  a trier of fact would impose significant liability on the defendant; or

(2)  the plaintiff that joined the defendant has a good faith intention to prosecute the action and seek judgment against the defendant.

(c)  A court's decision to grant or deny a transfer under Subsection (a) may be reversible error.

SECTION 2.  Section 15.0635, Civil Practice and Remedies Code, as added by this Act, applies only to an action filed on or after the effective date of this Act. An action filed before the effective date of this Act is governed by the law in effect immediately before that date, and that law is continued in effect for that purpose.

SECTION 3.  This Act takes effect September 1, 2019.