

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

1 faith intention to prosecute the action and seek judgment against
2 the defendant.

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

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

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