

SB 890 -- VENUE FOR CERTAIN INJURIES

SPONSOR: Kehoe (Hough)

COMMITTEE ACTION: Voted "Do Pass" by the Committee on Transportation by a vote of 7 to 5.

This bill specifies that if a plaintiff was first injured in a foreign country in connection with any railroad operations therein and any defendant is a corporation that either directly or through its subsidiaries wholly owns or operates the foreign railroad or a wholly owned subsidiary of a corporation that either directly or through its subsidiaries wholly owns or operates the foreign railroad, then venue must exclusively be in the county where the defendant corporation's registered agent is located, regardless of venue as to any other defendant, or if the plaintiff's principal place of residence was in the state on the date the plaintiff was first injured, then venue may be in the county of the plaintiff's principal place of residence on the date the plaintiff was first injured.

PROPONENTS: Supporters say that this bill is meant to correct a gap that was unintentionally created with the Tort Reform Law and clarifies what was intended to be existing law. It prevents forum shopping and does not affect a plaintiff's right to sue. Supporters say that all Missouri corporations have registered agents in Missouri.

Testifying for the bill were Representative Hough; Missouri Chamber of Commerce; and Kansas City Southern.

OPPONENTS: Those who oppose the bill say that the bill encourages forum shopping. Opponents say that this allows defendant companies to select their forum by placing their registered agents in specific forums.

Testifying against the bill was Valley Renshaw, Missouri Association of Trial Attorneys.