

SECOND REGULAR SESSION

HOUSE BILL NO. 3054

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE KEATHLEY.

6834H.011

JOSEPH ENGLER, Chief Clerk

AN ACT

To repeal sections 477.050 and 508.010, RSMo, and to enact in lieu thereof two new sections relating to courts.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Sections 477.050 and 508.010, RSMo, are repealed and two new sections
2 enacted in lieu thereof, to be known as sections 477.050 and 508.010, to read as follows:

477.050. The jurisdiction of the eastern district of the court of appeals shall be
2 coextensive with the counties of Monroe, Shelby, Knox, Scotland, Clark, Lewis, Marion,
3 Ralls, Pike, Lincoln, Montgomery, Warren, St. Charles, St. Louis, Jefferson, Ste. Genevieve,
4 Perry, Cape Girardeau, Madison, St. Francois, Washington, Franklin, Audrain, Gasconade,
5 Osage, **Cole**, and the city of St. Louis.

508.010. 1. (1) As used in this section, "principal place of residence" shall mean the
2 county which is the main place where an individual resides in the state of Missouri. There
3 shall be only one principal place of residence.

4 (2) For an individual person, there shall be a rebuttable presumption that the county
5 of voter registration at the time of injury is the principal place of residence.

6 (3) Notwithstanding subdivision (2) of this subsection, for an individual whose
7 conduct at issue was alleged in at least one count to be in the course and scope of his or her
8 employment with a corporation, the individual's principal place of residence for venue
9 purposes shall be deemed to be the applicable corporation's principal place of residence.

10 (4) For a corporation that, either directly or through its subsidiaries, wholly owns or
11 operates a railroad, the place where the corporation has its registered agent is its principal

EXPLANATION — Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

12 place of residence for the purposes of venue, provided that the registered agent is in a city not
13 within a county, a charter county, or a first class county.

14 **2. Except as provided in subsection 3 of this section,** in all actions in which there is
15 no count alleging a tort, venue shall be determined as follows:

16 (1) When the defendant is a resident of the state, either in the county within which the
17 defendant resides, or in the county within which the plaintiff resides, and the defendant may
18 be found;

19 (2) When there are several defendants, and they reside in different counties, the suit
20 may be brought in any such county;

21 (3) When there are several defendants, some residents and others nonresidents of the
22 state, suit may be brought in any county in this state in which any defendant resides;

23 (4) When all the defendants are nonresidents of the state, suit may be brought in any
24 county in this state, provided there is personal jurisdiction over each defendant, independent
25 of each other defendant.

26 **3. Notwithstanding any other provision of law, in all actions in which there is any**
27 **count alleging a procedural defect in the enactment of a bill into law or the validity of a**
28 **provision in the Constitution of Missouri, a Missouri statute, or a Missouri regulation,**
29 **venue shall be in Cole County.**

30 **4.** The term "tort" shall include claims based upon improper health care, under the
31 provisions of chapter 538.

32 ~~[4-]~~ **5.** Notwithstanding any other provision of law, in all actions in which there is any
33 count alleging a tort and in which the plaintiff was first injured in the state of Missouri, venue
34 shall be in the county where the plaintiff was first injured by the acts or conduct alleged in the
35 action.

36 ~~[5-]~~ **6.** Notwithstanding any other provision of law, in all actions in which there is any
37 count alleging a tort and in which the plaintiff was first injured outside the state of Missouri,
38 venue as to that individual plaintiff shall be determined as follows:

39 (1) If the defendant is a corporation, then venue shall be in any county where a
40 defendant corporation's registered agent is located or, if the plaintiff's principal place of
41 residence was in the state of Missouri on the date the plaintiff was first injured, then venue
42 may be in the county of the plaintiff's principal place of residence on the date the plaintiff was
43 first injured;

44 (2) If the defendant is an individual, then venue shall be in the county where the
45 defendant has his or her principal place of residence in the state of Missouri, which for venue
46 purposes shall be deemed to be that of his or her employer corporation if any count alleges
47 conduct in the course and scope of his or her employment with that corporation, or, if the
48 plaintiff's principal place of residence was in the state of Missouri on the date the plaintiff was

49 first injured, then venue as to that individual plaintiff may be in the county containing the
50 plaintiff's principal place of residence on the date the plaintiff was first injured;

51 (3) Notwithstanding subdivisions (1) and (2) of this subsection, if the plaintiff was
52 first injured in a foreign country in connection with any railroad operations therein and any
53 defendant is a:

54 (a) Corporation that, either directly or through its subsidiaries, wholly owns or
55 operates the foreign railroad; or

56 (b) Wholly owned subsidiary of a corporation that, either directly or through its
57 subsidiaries, wholly owns or operates the foreign railroad;

58

59 then venue shall exclusively be in the county where any such defendant corporation's
60 registered agent is located, regardless of venue as to any other defendant or, if the plaintiff's
61 principal place of residence was in the state of Missouri on the date the plaintiff was first
62 injured, then venue may be in the county of the plaintiff's principal place of residence on the
63 date the plaintiff was first injured.

64 ~~[6-]~~ 7. Any action, in which any county shall be a plaintiff, may be commenced and
65 prosecuted to final judgment in the county in which the defendant or defendants reside, or in
66 the county suing and where the defendants, or one of them, may be found.

67 ~~[7-]~~ 8. In all actions, process shall be issued by the court in which the action is filed
68 and process may be served in any county within the state.

69 ~~[8-]~~ 9. In any action for defamation or for invasion of privacy, the plaintiff shall be
70 considered first injured in the county in which the defamation or invasion was first published.

71 ~~[9-]~~ 10. In all actions, venue shall be determined as of the date the plaintiff was first
72 injured.

73 ~~[10-]~~ 11. All motions to dismiss or to transfer based upon a claim of improper venue
74 shall be deemed granted if not denied within ninety days of filing of the motion unless such
75 time period is waived in writing by all parties.

76 ~~[11-]~~ 12. In a wrongful death action, the plaintiff shall be considered first injured
77 where the decedent was first injured by the wrongful acts or negligent conduct alleged in the
78 action. In any spouse's claim for loss of consortium, the plaintiff claiming consortium shall
79 be considered first injured where the other spouse was first injured by the wrongful acts or
80 negligent conduct alleged in the action.

81 ~~[12-]~~ 13. The provisions of this section shall apply irrespective of whether the
82 defendant is a for-profit or a not-for-profit entity.

83 ~~[13-]~~ 14. In any civil action, if all parties agree in writing to a change of venue, the
84 court shall transfer venue to the county within the state unanimously chosen by the parties. If
85 any parties are added to the cause of action after the date of said transfer who do not consent

86 to said transfer then the cause of action shall be transferred to such county in which venue is
87 appropriate under this section, based upon the amended pleadings.

88 ~~[14.]~~ **15.** A plaintiff is considered first injured where the trauma or exposure occurred
89 rather than where symptoms are first manifested.

90 ~~[15.]~~ **16.** If the county where the plaintiff's claim is filed is not a proper venue, that
91 plaintiff shall be transferred to a county where proper venue can be established. If no such
92 county exists in the state of Missouri, the claim shall be dismissed without prejudice.

93 ~~[16.]~~ **17.** Denial of a motion to transfer venue pursuant to **this section or section**
94 **507.040[;]** **or 507.050,** ~~[or 508.010,]~~ if denied in error, requires reversal, and no finding of
95 prejudice under Missouri supreme court rule 84.13(b) is required for reversal.

96 ~~[17.]~~ **18.** For the purposes of this section, a domestic insurance company shall be
97 deemed to reside in, and be a resident of, the county where its registered office is maintained.
98 A foreign insurance company shall be deemed to reside in, and be a resident of, the county
99 where its registered office is maintained. If a foreign insurance company does not maintain a
100 registered office in any county in Missouri, the foreign insurance company shall be deemed to
101 reside in, and be a resident of, Cole County.

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