

1-1 By: Sheets (Senate Sponsor - Huffman) H.B. No. 1692  
1-2 (In the Senate - Received from the House May 12, 2015;  
1-3 May 12, 2015, read first time and referred to Committee on State  
1-4 Affairs; May 19, 2015, reported favorably by the following vote:  
1-5 Yeas 8, Nays 1; May 19, 2015, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9		X		
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			

1-17 A BILL TO BE ENTITLED  
1-18 AN ACT

1-19 relating to the doctrine of forum non conveniens.

1-20 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-21 SECTION 1. Sections 71.051(e) and (h), Civil Practice and  
1-22 Remedies Code, are amended to read as follows:

1-23 (e) The court may not stay or dismiss a plaintiff's claim  
1-24 under Subsection (b) if the plaintiff is a legal resident of this  
1-25 state or a derivative claimant of a legal resident of this state.  
1-26 The determination of whether a claim may be stayed or dismissed  
1-27 under Subsection (b) shall be made with respect to each plaintiff  
1-28 without regard to whether the claim of any other plaintiff may be  
1-29 stayed or dismissed under Subsection (b) and without regard to a  
1-30 plaintiff's country of citizenship or national origin. If an  
1-31 action involves both plaintiffs who are legal residents of this  
1-32 state and plaintiffs who are not, the court shall consider the  
1-33 factors provided by Subsection (b) and determine whether to deny  
1-34 the motion or to [may not] stay or dismiss the claim of any  
1-35 plaintiff who is not a [action under Subsection (b) if the  
1-36 plaintiffs who are] legal resident [residents] of this state [are  
1-37 properly joined in the action and the action arose out of a single  
1-38 occurrence. The court shall dismiss a claim under Subsection (b) if  
1-39 the court finds by a preponderance of the evidence that a party was  
1-40 joined solely for the purpose of obtaining or maintaining  
1-41 jurisdiction in this state and the party's claim would be more  
1-42 properly heard in a forum outside this state].

1-43 (h) For purposes of Subsection (e) [In this section]:

1-44 (1) "Derivative claimant" means a person whose damages  
1-45 were caused by personal injury to or the wrongful death of another  
1-46 ["Legal resident" means an individual who intends the specified  
1-47 political subdivision to be his permanent residence and who intends  
1-48 to return to the specified political subdivision despite temporary  
1-49 residence elsewhere or despite temporary absences, without regard  
1-50 to the individual's country of citizenship or national origin. The  
1-51 term does not include an individual who adopts a residence in the  
1-52 specified political subdivision in bad faith for purposes of  
1-53 avoiding the application of this section].

1-54 (2) "Plaintiff" means a party seeking recovery of  
1-55 damages for personal injury or wrongful death. [In a cause of  
1-56 action in which a party seeks recovery of damages for personal  
1-57 injury to or the wrongful death of another person, "plaintiff"  
1-58 includes both that other person and the party seeking such  
1-59 recovery.] The term does not include:

1-60 (A) a counterclaimant, cross-claimant, or  
1-61 third-party plaintiff or a person who is assigned a cause of action

2-1 for personal injury; or  
2-2 (B) a representative, administrator, guardian,  
2-3 or next friend who is not otherwise a derivative claimant of a legal  
2-4 resident of this state [~~, or who accepts an appointment as a~~  
2-5 ~~personal representative in a wrongful death action, in bad faith~~  
2-6 ~~for purposes of affecting in any way the application of this~~  
2-7 ~~section].~~

2-8 SECTION 2. The change in law made by this Act applies only  
2-9 to an action commenced on or after the effective date of this Act.  
2-10 An action commenced before the effective date of this Act is  
2-11 governed by the law applicable to the action immediately before the  
2-12 effective date of this Act, and that law is continued in effect for  
2-13 that purpose.

2-14 SECTION 3. This Act takes effect immediately if it receives  
2-15 a vote of two-thirds of all the members elected to each house, as  
2-16 provided by Section 39, Article III, Texas Constitution. If this  
2-17 Act does not receive the vote necessary for immediate effect, this  
2-18 Act takes effect September 1, 2015.

2-19 \* \* \* \* \*