

AN ACT

relating to venue in civil actions under the Jones Act.

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

SECTION 1. Section 15.018, Civil Practice and Remedies Code, is amended to read as follows:

Sec. 15.018. FEDERAL EMPLOYERS' LIABILITY ACT [~~AND JONES ACT~~]. (a) This section only applies to suits brought under the federal Employers' Liability Act (45 U.S.C. Section 51 et seq.) [~~or the Jones Act (46 U.S.C. Section 688)~~].

(b) All suits brought under the federal Employers' Liability Act [~~or the Jones Act~~] shall be brought:

(1) in the county in which all or a substantial part of the events or omissions giving rise to the claim occurred;

(2) in the county where the defendant's principal office in this state is located; or

(3) in the county where the plaintiff resided at the time the cause of action accrued.

SECTION 2. Subchapter B, Chapter 15, Civil Practice and Remedies Code, is amended by adding Section 15.0181 to read as follows:

Sec. 15.0181. JONES ACT. (a) In this section:

(1) "Coastal county" means:

(A) a county in a coastal area, as defined by Section 33.004, Natural Resources Code; or

1                   (B) a county having a United States Customs port  
2 through which waterborne freight is transported.

3                   (2) "Coastal erosion" means the loss of land, marshes,  
4 wetlands, beaches, or other coastal features because of the actions  
5 of wind, waves, tides, storm surges, subsidence, or other forces.

6                   (3) "Erosion response project" means an action  
7 intended to address or mitigate coastal erosion, including beach  
8 nourishment, sediment management, beneficial use of dredged  
9 material, creation or enhancement of a dune, wetland, or marsh, and  
10 construction of a breakwater, bulkhead, groin, jetty, or other  
11 structure.

12                   (4) "Gulf Coast state" means Louisiana, Mississippi,  
13 Alabama, or Florida.

14                   (5) "Inland waters" means the navigable waters  
15 shoreward of the navigational demarcation lines dividing the high  
16 seas from harbors, rivers, the Gulf Intracoastal Waterway, and  
17 other inland waters of Texas, Louisiana, Mississippi, Alabama,  
18 Arkansas, Tennessee, Missouri, Illinois, Kentucky, or Indiana or of  
19 Florida along the Gulf of Mexico shoreline of Florida from the  
20 Florida-Alabama border down to and including the shoreline of Key  
21 West, Florida. The term does not include the Great Lakes.

22                   (b) This section applies only to suits brought under the  
23 Jones Act (46 U.S.C. Section 688).

24                   (c) Except as provided by this section, a suit brought under  
25 the Jones Act shall be brought:

26                   (1) in the county where the defendant's principal  
27 office in this state is located;

1           (2) in the county in which all or a substantial part of  
2 the events or omissions giving rise to the claim occurred; or

3           (3) in the county where the plaintiff resided at the  
4 time the cause of action accrued.

5           (d) If all or a substantial part of the events or omissions  
6 giving rise to the claim occurred on the inland waters of this  
7 state, ashore in this state, or during the course of an erosion  
8 response project in this state, the suit shall be brought:

9           (1) in the county in which all or a substantial part of  
10 the events giving rise to the claim occurred; or

11           (2) in the county where the defendant's principal  
12 office in this state is located.

13           (e) If all or a substantial part of the events or omissions  
14 giving rise to the claim occurred on inland waters outside this  
15 state, ashore in a Gulf Coast state, or during the course of an  
16 erosion response project in a Gulf Coast state, the suit shall be  
17 brought:

18           (1) in the county where the defendant's principal  
19 office in this state is located if the defendant's principal office  
20 in this state is located in a coastal county;

21           (2) in Harris County unless the plaintiff resided in  
22 Galveston County at the time the cause of action accrued;

23           (3) in Galveston County unless the plaintiff resided  
24 in Harris County at the time the cause of action accrued; or

25           (4) if the defendant does not have a principal office  
26 in this state located in a coastal county, in the county where the  
27 plaintiff resided at the time the cause of action accrued.

1           SECTION 3. The change in law made by this Act applies only  
2 to an action commenced on or after the effective date of this Act.  
3 An action commenced before the effective date of this Act is  
4 governed by the law in effect immediately before the effective date  
5 of this Act, and that law is continued in effect for that purpose.

6           SECTION 4. This Act takes effect immediately if it receives  
7 a vote of two-thirds of all the members elected to each house, as  
8 provided by Section 39, Article III, Texas Constitution. If this  
9 Act does not receive the vote necessary for immediate effect, this  
10 Act takes effect September 1, 2007.

David Newkirk

President of the Senate

Jim Caddick

Speaker of the House

I certify that H.B. No. 1602 was passed by the House on April 26, 2007, by the following vote: Yeas 142, Nays 0, 1 present, not voting; and that the House concurred in Senate amendments to H.B. No. 1602 on May 21, 2007, by the following vote: Yeas 145, Nays 0, 1 present, not voting.

Robert Haney

Chief Clerk of the House

I certify that H.B. No. 1602 was passed by the Senate, with amendments, on May 17, 2007, by the following vote: Yeas 30, Nays 0.

Datsy Jew

Secretary of the Senate

APPROVED: 24 MAY 07

Date

RICK PERRY

Governor

FILED IN THE OFFICE OF THE  
SECRETARY OF STATE  
3:45 PM O'CLOCK

MAY 24 2007

Roger Winnie