

FIRST REGULAR SESSION

SENATE BILL NO. 437

91ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR GROSS.

Read 1st time February 7, 2001, and 1,000 copies ordered printed.

TERRY L. SPIELER, Secretary.

1793S.011

AN ACT

To amend chapter 508, RSMo, by adding thereto one new section relating to venue.

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

Section A. Chapter 508, RSMo, is amended by adding thereto one new section, to be known as section 508.075, to read as follows:

508.075. 1. Each court of this state shall decline to exercise jurisdiction of any cause of action accruing outside the circuit in which the court is located if there is another forum with jurisdiction of the parties in which the trial can be more conveniently held taking into account the following:

- (1) Place of accrual of the cause of action;**
- (2) Location of witnesses and sources of proof;**
- (3) Residence of the parties;**

(4) The burden upon the court and the taxpayers and citizens of the county in which the action has been filed.

2. If upon motion of any party, filed not later than ninety days after the last day allowed for the filing of that party's answer, it is shown that a more convenient forum exists, the court shall dismiss the action without prejudice on any conditions that may be just or transfer the case to a more convenient forum.

3. If a court dismisses an action pursuant to subsection 1 of this section, the dismissal shall be under the following conditions:

- (1) If the plaintiff elects to file the action in another forum within six months of the dismissal order, the defendant shall accept service of process from that court; and**
- (2) If the statute of limitations has run in the other forum, the defendant shall**

waive that defense.

4. If the defendant refuses to abide by the conditions of this subsection, the cause of action shall be reinstated in the court in which the dismissal was granted, or if the court in the other forum refuses to accept jurisdiction, the plaintiff may, within thirty days of the final order refusing jurisdiction, reinstate the cause of action in the court in which the dismissal was granted.

5. If a court transfers a case pursuant to this section, the clerk of the court from which the transfer is granted shall immediately certify and transmit to the clerk of the court to which the transfer is ordered the originals of all papers filed in the case together with copies of all orders entered in such case.

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