

SECOND REGULAR SESSION

SENATE BILL NO. 856

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR BRATTIN.

4951S.02I

KRISTINA MARTIN, Secretary

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
2 repealed and two new sections enacted in lieu thereof, to be
3 known as sections 477.050 and 508.010, to read as follows:

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

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

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

8 (3) Notwithstanding subdivision (2) of this
9 subsection, for an individual whose conduct at issue was
10 alleged in at least one count to be in the course and scope

EXPLANATION-Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

11 of his or her employment with a corporation, the
12 individual's principal place of residence for venue purposes
13 shall be deemed to be the applicable corporation's principal
14 place of residence.

15 (4) For a corporation that, either directly or through
16 its subsidiaries, wholly owns or operates a railroad, the
17 place where the corporation has its registered agent is its
18 principal place of residence for the purposes of venue,
19 provided that the registered agent is in a city not within a
20 county, a charter county, or a first class county.

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

24 (1) When the defendant is a resident of the state,
25 either in the county within which the defendant resides, or
26 in the county within which the plaintiff resides, and the
27 defendant may be found;

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

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

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

38 **3. Notwithstanding any other provision of law, in all**
39 **actions in which there is any count alleging a procedural**
40 **defect in the enactment of a bill into law or the validity**
41 **of a provision in the Constitution of Missouri, a Missouri**

statute, or a Missouri regulation, venue shall be in Cole County.

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

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

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

(1) If the defendant is a corporation, then venue shall be in any county where a defendant corporation's registered agent is located or, if the plaintiff's principal place of residence was in the state of Missouri 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;

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

74 plaintiff's principal place of residence on the date the
75 plaintiff was first injured;

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

80 (a) Corporation that, either directly or through its
81 subsidiaries, wholly owns or operates the foreign railroad;
82 or

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

86 then venue shall exclusively be in the county where any such
87 defendant corporation's registered agent is located,
88 regardless of venue as to any other defendant or, if the
89 plaintiff's principal place of residence was in the state of
90 Missouri on the date the plaintiff was first injured, then
91 venue may be in the county of the plaintiff's principal
92 place of residence on the date the plaintiff was first
93 injured.

94 [6.] 7. Any action, in which any county shall be a
95 plaintiff, may be commenced and prosecuted to final judgment
96 in the county in which the defendant or defendants reside,
97 or in the county suing and where the defendants, or one of
98 them, may be found.

99 [7.] 8. In all actions, process shall be issued by the
100 court in which the action is filed and process may be served
101 in any county within the state.

102 [8.] 9. In any action for defamation or for invasion
103 of privacy, the plaintiff shall be considered first injured

104 in the county in which the defamation or invasion was first
105 published.

106 [9.] 10. In all actions, venue shall be determined as
107 of the date the plaintiff was first injured.

108 [10.] 11. All motions to dismiss or to transfer based
109 upon a claim of improper venue shall be deemed granted if
110 not denied within ninety days of filing of the motion unless
111 such time period is waived in writing by all parties.

112 [11.] 12. In a wrongful death action, the plaintiff
113 shall be considered first injured where the decedent was
114 first injured by the wrongful acts or negligent conduct
115 alleged in the action. In any spouse's claim for loss of
116 consortium, the plaintiff claiming consortium shall be
117 considered first injured where the other spouse was first
118 injured by the wrongful acts or negligent conduct alleged in
119 the action.

120 [12.] 13. The provisions of this section shall apply
121 irrespective of whether the defendant is a for-profit or a
122 not-for-profit entity.

123 [13.] 14. In any civil action, if all parties agree in
124 writing to a change of venue, the court shall transfer venue
125 to the county within the state unanimously chosen by the
126 parties. If any parties are added to the cause of action
127 after the date of said transfer who do not consent to said
128 transfer then the cause of action shall be transferred to
129 such county in which venue is appropriate under this
130 section, based upon the amended pleadings.

131 [14.] 15. A plaintiff is considered first injured
132 where the trauma or exposure occurred rather than where
133 symptoms are first manifested.

134 [15.] 16. If the county where the plaintiff's claim is
135 filed is not a proper venue, that plaintiff shall be

transferred to a county where proper venue can be established. If no such county exists in the state of Missouri, the claim shall be dismissed without prejudice.

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

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

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