

House _____ Amendment NO. _____

Offered By _____

1 AMEND Senate Substitute for Senate Committee Substitute for Senate Bill No. 230, Page 6,
2 Section 475.115, Line 18, by inserting after all of said section and line the following:

3
4 "508.010. 1. As used in this section, "principal place of residence" shall mean the county
5 which is the main place where an individual resides in the state of Missouri. ~~[There shall be a~~
6 ~~rebuttable presumption that the county of voter registration at the time of injury is the principal~~
7 ~~place of residence.]~~ There shall be only one principal place of residence.

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

10 (2) Notwithstanding subdivision (1) of this subsection, for an individual whose conduct at
11 issue was alleged in at least one count to be in the course and scope of his or her employment with a
12 corporation, the individual's principal place of residence for venue purposes shall be deemed to be
13 the applicable corporation's principal place of residence.

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

18 2. In all actions in which there is no count alleging a tort, venue shall be determined as
19 follows:

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

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

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

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

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

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

36 5. Notwithstanding any other provision of law, in all actions in which there is any count

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1 alleging a tort and in which the plaintiff was first injured outside the state of Missouri, venue as to
2 that individual plaintiff shall be determined as follows:

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

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

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

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

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

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

25 6. Any action, in which any county shall be a plaintiff, may be commenced and prosecuted
26 to final judgment in the county in which the defendant or defendants reside, or in the county suing
27 and where the defendants, or one of them, may be found.

28 7. In all actions, process shall be issued by the court in which the action is filed and process
29 may be served in any county within the state.

30 8. In any action for defamation or for invasion of privacy, the plaintiff shall be considered
31 first injured in the county in which the defamation or invasion was first published.

32 9. In all actions, venue shall be determined as of the date the plaintiff was first injured.

33 10. All motions to dismiss or to transfer based upon a claim of improper venue shall be
34 deemed granted if not denied within ninety days of filing of the motion unless such time period is
35 waived in writing by all parties.

36 11. In a wrongful death action, the plaintiff shall be considered first injured where the
37 decedent was first injured by the wrongful acts or negligent conduct alleged in the action. In any
38 spouse's claim for loss of consortium, the plaintiff claiming consortium shall be considered first
39 injured where the other spouse was first injured by the wrongful acts or negligent conduct alleged in
40 the action.

41 12. The provisions of this section shall apply irrespective of whether the defendant is a for-
42 profit or a not-for-profit entity.

43 13. In any civil action, if all parties agree in writing to a change of venue, the court shall
44 transfer venue to the county within the state unanimously chosen by the parties. If any parties are
45 added to the cause of action after the date of said transfer who do not consent to said transfer then
46 the cause of action shall be transferred to such county in which venue is appropriate under this
47 section, based upon the amended pleadings.

48 14. A plaintiff is considered first injured where the trauma or exposure occurred rather than
49 where symptoms are first manifested.

1 15. If the county where the plaintiff 's claim is filed is not a proper venue, that plaintiff shall
2 be transferred to a county where proper venue can be established. If no such county exists in the
3 state of Missouri, the claim shall be dismissed without prejudice.

4 16. Denial of a motion to transfer venue pursuant to sections 507.040, 507.050, or 508.010,
5 if denied in error, requires reversal, and no finding of prejudice under Missouri supreme court rule
6 84.13(b) is required for reversal.

7 17. For the purposes of this section, a domestic insurance company shall be deemed to
8 reside in, and be a resident of, the county where its registered office is maintained. A foreign
9 insurance company shall be deemed to reside in, and be a resident of, the county where its registered
10 office is maintained. If a foreign insurance company does not maintain a registered office in any
11 county in Missouri, the foreign insurance company shall be deemed to reside in, and be a resident
12 of, Cole County."; and

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14 Further amend said bill by amending the title, enacting clause, and intersectional references
15 accordingly.