

SENATE BILL 342

Introduced by Pinsoneault, et al.

2/09	Introduced
2/09	Referred to Judiciary
2/09	First Reading
2/21	Hearing
2/23	Committee Report--Bill Passed as Amended
2/26	2nd Reading Passed
2/27	3rd Reading Passed
	Transmitted to House
3/04	First Reading
3/04	Referred to Labor & Employment Relations
3/20	Hearing
3/20	Tabled in Committee

SENATE BILL NO. 342

INTRODUCED BY

Richard J. ... *Holly ...*

A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING A PLAINTIFF TO CHOOSE THE PLACE OF TRIAL FOR A TORT ACTION WHEN NONE OF THE DEFENDANTS ARE STATE RESIDENTS; ALLOWING A CHANGE OF VENUE IN ANY ACTION INVOLVING THE FEDERAL EMPLOYERS' LIABILITY ACT; CODIFYING THE COMMON-LAW DOCTRINE OF FORUM NON CONVENIENS; AND AMENDING SECTIONS 25-2-122 AND 25-2-201, MCA."

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

NEW SECTION. Section 1. Forum non conveniens. For the convenience of the parties and witnesses and in the interest of justice, a district court may dismiss any civil action with leave to file the action in a more appropriate jurisdiction. This section applies to all civil actions brought pursuant to state or federal common or statutory law, including the Federal Employers' Liability Act.

Section 2. Section 25-2-122, MCA, is amended to read:

*25-2-122. Torts. The proper place of trial for a tort action is:

(1) the county in which the defendants, or any of them, reside at the commencement of the action; or

(2) any county the plaintiff designates in the

complaint when none of the defendants are state residents;

or

(2)(3) the county where the tort was committed. If the tort is interrelated with and dependent upon a claim for breach of contract, the tort was committed, for the purpose of determining the proper place of trial, in the county where the contract was to be performed."

Section 3. Section 25-2-201, MCA, is amended to read:

*25-2-201. When change of venue required. The In all civil actions, including actions brought under state or federal common or statutory law and the Federal Employers' Liability Act, the court or judge must shall, on motion, change the place of trial in the following cases:

(1) when the county designated in the complaint is not the proper county;

(2) when there is reason to believe that an impartial trial cannot be had ~~therein~~ in the county;

(3) when the convenience of witnesses and the ends of justice would be promoted by the change."

NEW SECTION. Section 4. Codification instruction.

[Section 1] is intended to be codified as an integral part of Title 25, chapter 2, part 2, and the provisions of Title 25, chapter 2, part 2, apply to [section 1].

-End-



APPROVED BY COMMITTEE
ON JUDICIARY

SENATE BILL NO. 342

INTRODUCED BY PINSONEAULT, J. RICE, HALLIGAN, MESSMORE,
VAN VALKENBURG, MAZUREK

A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING A PLAINTIFF TO
CHOOSE THE PLACE OF TRIAL FOR A TORT ACTION WHEN NONE OF THE
DEFENDANTS ARE STATE RESIDENTS; ~~ALLOWING A CHANGE OF VENUE
IN ANY ACTION INVOLVING THE FEDERAL EMPLOYERS' LIABILITY
ACT;~~ CODIFYING THE COMMON-LAW DOCTRINE OF FORUM NON
CONVENIENS FOR FEDERAL EMPLOYERS' LIABILITY ACT CASES IN
WHICH THE PLAINTIFF IS A NONRESIDENT AND THE TORT DID NOT
OCCUR IN THE STATE OF MONTANA; AND AMENDING SECTIONS SECTION
25-2-122 AND 25-2-201, MCA; AND PROVIDING AN IMMEDIATE
EFFECTIVE DATE."

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

NEW SECTION. Section 1. Forum non conveniens. For the
convenience of the parties and witnesses and in the interest
of justice, a district court may dismiss any civil action
with leave to file the action in a more appropriate
jurisdiction IN FEDERAL EMPLOYERS' LIABILITY ACT CASES IN
WHICH THE PLAINTIFF IS A NONRESIDENT AND THE TORT DID NOT
OCCUR IN THE STATE OF MONTANA. ~~This section applies to all
civil actions brought pursuant to state or federal common or
statutory law, including the Federal Employers' Liability~~

Act:

Section 2. Section 25-2-122, MCA, is amended to read:

"25-2-122. Torts. The proper place of trial for a tort
action is:

(1) the county in which the defendants, or any of them,
reside at the commencement of the action; or

(2) any county the plaintiff designates in the
complaint when none of the defendants are state residents;

or

(3) the county where the tort was committed. If the
tort is interrelated with and dependent upon a claim for
breach of contract, the tort was committed, for the purpose
of determining the proper place of trial, in the county
where the contract was to be performed."

~~Section 3. Section 25-2-201, MCA, is amended to read:~~

~~"25-2-201. When change of venue required. The in all
civil actions, including actions brought under state or
federal common or statutory law and the Federal Employers'
Liability Act, the court or judge must shall, on motion,
change the place of trial in the following cases:~~

(1) ~~when the county designated in the complaint is not
the proper county;~~

(2) ~~when there is reason to believe that an impartial
trial cannot be had therein in the county;~~

(3) ~~when the convenience of witnesses and the ends of~~

SECOND READING



1 ~~justice-would-be-promoted-by-the-change.*~~

2 NEW SECTION. Section 3. Codification instruction.

3 [Section 1] is intended to be codified as an integral part
4 of Title 25, chapter 2, part 2, and the provisions of Title
5 25, chapter 2, part 2, apply to [section 1].

6 NEW SECTION. SECTION 4. SEVERABILITY. IF A PART OF

7 [THIS ACT] IS INVALID, ALL VALID PARTS THAT ARE SEVERABLE

8 FROM THE INVALID PART REMAIN IN EFFECT. IF A PART OF [THIS

9 ACT] IS INVALID IN ONE OR MORE OF ITS APPLICATIONS, THE PART

10 REMAINS IN EFFECT IN ALL VALID APPLICATIONS THAT ARE

11 SEVERABLE FROM THE INVALID APPLICATIONS.

12 NEW SECTION. SECTION 5. EFFECTIVE DATE. [THIS ACT] IS

13 EFFECTIVE ON PASSAGE AND APPROVAL.

-End-

SENATE BILL NO. 342

INTRODUCED BY PINSONEAULT, J. RICE, HALLIGAN, MESSMORE,
VAN VALKENBURG, MAZUREK

A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING A PLAINTIFF TO CHOOSE THE PLACE OF TRIAL FOR A TORT ACTION WHEN NONE OF THE DEFENDANTS ARE STATE RESIDENTS; ~~ALLOWING A CHANGE OF VENUE IN ANY ACTION INVOLVING THE FEDERAL EMPLOYERS' LIABILITY ACT;~~ CODIFYING THE COMMON-LAW DOCTRINE OF FORUM NON CONVENIENS FOR FEDERAL EMPLOYERS' LIABILITY ACT CASES IN WHICH THE PLAINTIFF IS A NONRESIDENT AND THE TORT DID NOT OCCUR IN THE STATE OF MONTANA; AND AMENDING SECTIONS SECTION 25-2-122 ~~AND 25-2-201~~, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

NEW SECTION. Section 1. Forum non conveniens. For the convenience of the parties and witnesses and in the interest of justice, a district court may dismiss any civil action with leave to file the action in a more appropriate jurisdiction IN FEDERAL EMPLOYERS' LIABILITY ACT CASES IN WHICH THE PLAINTIFF IS A NONRESIDENT AND THE TORT DID NOT OCCUR IN THE STATE OF MONTANA. ~~This section applies to all civil actions brought pursuant to state or federal common or statutory law, including the Federal Employers' Liability~~

Act:

Section 2. Section 25-2-122, MCA, is amended to read:

"25-2-122. Torts. The proper place of trial for a tort action is:

(1) the county in which the defendants, or any of them, reside at the commencement of the action; or

(2) any county the plaintiff designates in the complaint when none of the defendants are state residents;

or

(3) the county where the tort was committed. If the tort is interrelated with and dependent upon a claim for breach of contract, the tort was committed, for the purpose of determining the proper place of trial, in the county where the contract was to be performed."

~~Section 3. Section 25-2-201, MCA, is amended to read:~~

~~"25-2-201. When change of venue required. The in all civil actions, including actions brought under state or federal common or statutory law and the Federal Employers' Liability Act, the court or judge must shall on motion, change the place of trial in the following cases:~~

~~(1) when the county designated in the complaint is not the proper county;~~

~~(2) when there is reason to believe that an impartial trial cannot be had therein in the county;~~

~~(3) when the convenience of witnesses and the ends of~~

THIRD READING

1 justice-would-be-promoted-by-the-change."

2 NEW SECTION. SECTION 3. Codification instruction.

3 [Section 1] is intended to be codified as an integral part
4 of Title 25, chapter 2, part 2, and the provisions of Title
5 25, chapter 2, part 2, apply to [section 1].

6 NEW SECTION. SECTION 4. SEVERABILITY. IF A PART OF

7 [THIS ACT] IS INVALID, ALL VALID PARTS THAT ARE SEVERABLE
8 FROM THE INVALID PART REMAIN IN EFFECT. IF A PART OF [THIS
9 ACT] IS INVALID IN ONE OR MORE OF ITS APPLICATIONS, THE PART
10 REMAINS IN EFFECT IN ALL VALID APPLICATIONS THAT ARE
11 SEVERABLE FROM THE INVALID APPLICATIONS.

12 NEW SECTION. SECTION 5. EFFECTIVE DATE. [THIS ACT] IS
13 EFFECTIVE ON PASSAGE AND APPROVAL.

-End-