

By: Representative Warren

To: Select Committee on
Civil Justice Reform

HOUSE BILL NO. 21

1 AN ACT TO AMEND SECTIONS 11-11-3, 11-11-5, 11-11-7, 11-11-11
2 AND 11-11-13, MISSISSIPPI CODE OF 1972, TO REVISE VENUE IN CIVIL
3 ACTIONS; AND FOR RELATED PURPOSES.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

5 **SECTION 1.** Section 11-11-3, Mississippi Code of 1972, as
6 amended by House Bill No. 2, Third Extraordinary Session 2002, is
7 amended as follows:

8 11-11-3. (1) Civil actions of which the circuit court has
9 original jurisdiction shall be commenced in the court district in
10 which the defendant resides or in the county where the cause of
11 action may occur or accrue and, if the defendant is a domestic
12 corporation, in the court district in which said corporation is
13 domiciled or in the court district where the cause of action may
14 occur or accrue, except where otherwise provided, and except
15 actions of trespass on land, ejectment and actions for the
16 statutory penalty for cutting and boxing trees and firing woods
17 and actions for the actual value of trees cut which shall be
18 brought in the court district where the land or some part thereof
19 is situated.

20 (2) Any action against a licensed physician, osteopath,
21 dentist, nurse, nurse practitioner, physician assistant,
22 psychologist, pharmacist, podiatrist, optometrist, chiropractor,
23 institution for the aged or infirm, hospital or licensed pharmacy,
24 including any legal entity which may be liable for their acts or
25 omissions, for malpractice, negligence, error, omission, mistake,
26 breach of standard of care or the unauthorized rendering of



27 professional services shall be brought in the court district in
28 which the alleged act or omission occurred.

29 (3) If a civil action is brought in an improper court
30 district, such action may be transferred to the proper court
31 district pursuant to Section 11-11-17.

32 **SECTION 2.** Section 11-11-5, Mississippi Code of 1972, is
33 amended as follows:

34 11-11-5. Actions against any railroad, express, steamboat,
35 power, superpower, telegraph or telephone corporation, or against
36 individuals owning, managing, operating or controlling a railroad,
37 express line or route, steamboat, power, superpower, telephone or
38 telegraph line, or against any corporation or individuals owning,
39 managing, operating or controlling a motor transportation line for
40 the conveyance of passengers, freight or express, for hire, over
41 the highways in the State of Mississippi, may be brought in the
42 court district where the cause of action accrued or in the court
43 district where the defendant has its principal place of
44 business * * * at the time that the cause of action accrued.

45 **SECTION 3.** Section 11-11-7, Mississippi Code of 1972, is
46 amended as follows:

47 11-11-7. Actions against insurance companies, groups of
48 insurance companies or an insurance association may be brought in
49 any court district in which a loss may occur, or, if on a life
50 policy, in the court district in which the beneficiary resides,
51 and process may be sent to any county, to be served as directed by
52 law. Such actions may also be brought in the court district where
53 the principal place of business of such corporation or company may
54 be. In case of a foreign corporation or company, such actions may
55 be brought in the court district where service of process may be
56 had on an agent of such corporation or company or service of
57 process in any suit or action, or any other legal process, may be
58 served upon the Insurance Commissioner of the State of
59 Mississippi, and such notice will confer jurisdiction on any court



60 in any court district in the state where the suit is filed,
61 provided the suit is brought in the court district where the loss
62 occurred * * *.

63 **SECTION 4.** Section 11-11-11, Mississippi Code of 1972, is
64 amended as follows:

65 11-11-11. Any civil action for the recovery of damages
66 brought against a nonresident or the representative of the
67 nonresident in the State of Mississippi may be commenced in the
68 court district in which the action accrued * * *, except as
69 otherwise provided by law.

70 **SECTION 5.** Section 11-11-13, Mississippi Code of 1972, is
71 amended as follows:

72 11-11-13. The venue of an action for damages brought against
73 a nonresident arising from his operation, either in person or by
74 agent or employee, of a motor vehicle upon any public street,
75 road, or highway of this state, or elsewhere in this state, shall
76 be * * * in the court district where the cause of action
77 accrued or where the plaintiff resides.

78 **SECTION 6.** This act shall take effect and be in force from
79 and after its passage.

