

By: Representative Gipson

To: Judiciary A

HOUSE BILL NO. 1081

1 AN ACT TO AMEND SECTION 11-11-3, MISSISSIPPI CODE OF 1972, TO  
2 CLARIFY THAT A CORPORATION MAY HAVE A PRINCIPAL PLACE OF BUSINESS  
3 IN THE COUNTY OF ITS PRINCIPAL PLACE OF BUSINESS IN THE STATE, OR  
4 IN THE COUNTY WHERE A SUBSTANTIAL ALLEGED ACT OR OMISSION OCCURRED  
5 OR WHERE A SUBSTANTIAL EVENT THAT CAUSED THE INJURY OCCURRED IN  
6 THE STATE; AND FOR RELATED PURPOSES.

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

8 **SECTION 1.** Section 11-11-3, Mississippi Code of 1972, is  
9 amended as follows:

10 11-11-3. (1) (a) (i) Civil actions of which the circuit  
11 court has original jurisdiction shall be commenced in the county  
12 where the defendant resides, or, if a corporation, in the county  
13 of its principal place of business, or in the county where a  
14 substantial alleged act or omission occurred or where a  
15 substantial event that caused the injury occurred.

16 (ii) Civil actions alleging a defective product  
17 may also be commenced in the county where the plaintiff obtained  
18 the product.

19 (b) If venue in a civil action against a nonresident  
20 defendant cannot be asserted under paragraph (a) of this



21 subsection (1), a civil action against a nonresident may be  
22 commenced in the county where the plaintiff resides or is  
23 domiciled, or if a corporation, in the county of its principal  
24 place of business in the state, or in the county where a  
25 substantial alleged act or omission occurred or where a  
26 substantial event that caused the injury occurred in the state.

27 (2) In any civil action where more than one (1) plaintiff is  
28 joined, each plaintiff shall independently establish proper venue;  
29 it is not sufficient that venue is proper for any other plaintiff  
30 joined in the civil action.

31 (3) Notwithstanding subsection (1) of this section, any  
32 action against a licensed physician, osteopath, dentist, nurse,  
33 nurse-practitioner, physician assistant, psychologist, pharmacist,  
34 podiatrist, optometrist, chiropractor, institution for the aged or  
35 infirm, hospital or licensed pharmacy, including any legal entity  
36 which may be liable for their acts or omissions, for malpractice,  
37 negligence, error, omission, mistake, breach of standard of care  
38 or the unauthorized rendering of professional services shall be  
39 brought only in the county in which the alleged act or omission  
40 occurred.

41 (4) (a) If a court of this state, on written motion of a  
42 party, finds that in the interest of justice and for the  
43 convenience of the parties and witnesses a claim or action would  
44 be more properly heard in a forum outside this state or in a  
45 different county of proper venue within this state, the court



46 shall decline to adjudicate the matter under the doctrine of forum  
47 non conveniens. As to a claim or action that would be more  
48 properly heard in a forum outside this state, the court shall  
49 dismiss the claim or action. As to a claim or action that would  
50 be more properly heard in a different county of proper venue  
51 within this state, the venue shall be transferred to the  
52 appropriate county. In determining whether to grant a motion to  
53 dismiss an action or to transfer venue under the doctrine of forum  
54 non conveniens, the court shall give consideration to the  
55 following factors:

- 56 (i) Relative ease of access to sources of proof;
- 57 (ii) Availability and cost of compulsory process  
58 for attendance of unwilling witnesses;
- 59 (iii) Possibility of viewing of the premises, if  
60 viewing would be appropriate to the action;
- 61 (iv) Unnecessary expense or trouble to the  
62 defendant not necessary to the plaintiff's own right to pursue his  
63 remedy;
- 64 (v) Administrative difficulties for the forum  
65 courts;
- 66 (vi) Existence of local interests in deciding the  
67 case at home; and
- 68 (vii) The traditional deference given to a  
69 plaintiff's choice of forum.



70           (b) A court may not dismiss a claim under this  
71 subsection until the defendant files with the court or with the  
72 clerk of the court a written stipulation that, with respect to a  
73 new action on the claim commenced by the plaintiff, all the  
74 defendants waive the right to assert a statute of limitations  
75 defense in all other states of the United States in which the  
76 claim was not barred by limitations at the time the claim was  
77 filed in this state as necessary to effect a tolling of the  
78 limitations periods in those states beginning on the date the  
79 claim was filed in this state and ending on the date the claim is  
80 dismissed.

81           **SECTION 2.** This act shall take effect and be in force from  
82 and after July 1, 2018.

