

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 1153-02
Bill No.: Perfected HCS for HB 460
Subject: Civil Procedure; Courts
Type: Original
Date: March 8, 2017

Bill Summary: This proposal modifies provisions relating to civil proceedings.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2018	FY 2019	FY 2020
Total Estimated Net Effect on General Revenue	\$0	\$0	\$0

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2018	FY 2019	FY 2020
Total Estimated Net Effect on <u>Other</u> State Funds	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.

This fiscal note contains 5 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2018	FY 2019	FY 2020
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2018	FY 2019	FY 2020
Total Estimated Net Effect on FTE	0	0	0

☐ Estimated Net Effect (expenditures or reduced revenues) expected to exceed \$100,000 in any of the three fiscal years after implementation of the act.

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2018	FY 2019	FY 2020
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

Officials at the **Office of the Attorney General** assume that any potential costs arising from this proposal can be absorbed with existing resources.

Officials at the **Office of the State Courts Administrator**, the **Department of Insurance, Financial Institutions and Professional Registration**, the **Office of the State Public Defender** and the **Office of Prosecution Services** each assume no fiscal impact to their respective agencies from this proposal.

House Amendment #1

Officials at the **Department of Insurance, Financial Institutions and Professional Registration** and the **Office of the State Courts Administrator** each assume no fiscal impact to their respective agencies from this proposal.

Oversight assumes this amendment would not change the fiscal impact of the proposal.

House Amendment #2

Officials at the **Department of Insurance, Financial Institutions and Professional Registration** and the **Office of the State Courts Administrator** each assume no fiscal impact to their respective agencies from this proposal.

Oversight assumes this amendment would not change the fiscal impact of the proposal.

House Substitute Amendment #1 for House Amendment #3

Officials at the **Department of Insurance, Financial Institutions and Professional Registration** and the **Office of the State Courts Administrator** each assume no fiscal impact to their respective agencies from this proposal.

Oversight assumes this amendment would not change the fiscal impact of the proposal.

<u>FISCAL IMPACT - State Government</u>	FY 2018 (10 Mo.)	FY 2019	FY 2020
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

<u>FISCAL IMPACT - Local Government</u>	FY 2018 (10 Mo.)	FY 2019	FY 2020
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

FISCAL IMPACT - Small Business

There could be a direct fiscal impact to small businesses as a result of this proposal.

FISCAL DESCRIPTION

This bill allows two or more plaintiffs, in any civil action where there is a count alleging a tort, to join in a single action only if each plaintiff could have separately filed an action in that venue, independent of the claims of any other plaintiff. A plaintiff shall be deemed misjoined if he or she cannot establish proper venue independently. If the plaintiff was first injured outside Missouri, two or more defendants may be joined in a single action if the plaintiff can establish proper venue against each defendant individually. If proper venue cannot be established against a defendant individually, that defendant shall be deemed misjoined. If a plaintiff or defendant is deemed misjoined, the plaintiff or defendant shall be severed from the action and the claims shall be transferred to a county in which venue exists. If no venue in Missouri exists, the claims shall be dismissed.

If trial occurs over objections to improperly established venue and the matter is still subject to review, any judgment entered shall be vacated and the claim shall be remained to the trial court for the sole purpose of transferring any claim for which venue does not exist to a county in which venue exists. If no such venue exists, the claim shall be dismissed. The bill also repeals a provision prohibiting orders of dismissal to divest a court of venue if venue was proper at the time the action commenced, as well as a provision requiring a dismissed defendant to remain a party to the action for venue purposes.

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Office of the Attorney General
Office of the State Courts Administrator
Office of the State Public Defender
Office of Prosecution Services
Department of Insurance, Financial Institutions and Professional Registration



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Director
March 8, 2017

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March 8, 2017