

The House Committee on Judiciary offers the following substitute to HB 171:

A BILL TO BE ENTITLED
AN ACT

1 To amend Part 1 of Article 2 of Chapter 10 of Title 9 of the Official Code of Georgia
2 Annotated, relating to general provisions relating to venue, so as to provide for an additional
3 consideration for the court to consider in applying the doctrine of forum non conveniens; to
4 provide for related matters; to provide for an effective date and applicability; to repeal
5 conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Part 1 of Article 2 of Chapter 10 of Title 9 of the Official Code of Georgia Annotated,
9 relating to general provisions relating to venue, is amended by revising Code Section
10 9-10-31.1, relating to forums outside of this state, as follows:

11 "9-10-31.1.

12 (a) If a court of this state, on written motion of a party, finds that in the interest of justice
13 and for the convenience of the parties and witnesses a claim or action would be more
14 properly heard in a forum outside this state or in a different county of proper venue within
15 this state, the court shall decline to adjudicate the matter under the doctrine of forum non
16 conveniens. As to a claim or action that would be more properly heard in a forum outside
17 this state, the court ~~shall~~ may dismiss the claim or action. As to a claim or action that
18 would be more properly heard in a different county of proper venue within this state, the
19 venue shall be transferred to the appropriate county. In determining whether to grant a
20 motion to dismiss an action or to transfer venue under the doctrine of forum non
21 conveniens, the court shall give consideration to the following factors:

- 22 (1) Relative ease of access to sources of proof;
23 (2) Availability and cost of compulsory process for attendance of unwilling witnesses;
24 (3) Possibility of viewing of the premises, if viewing would be appropriate to the action;
25 (4) Unnecessary expense or trouble to the defendant not necessary to the plaintiff's own
26 right to pursue his or her remedy;

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- 27 (5) Administrative difficulties for the forum courts;
- 28 (6) Existence of local interests in deciding the case locally; ~~and~~
- 29 (7) Whether the forum outside of this state provides for impartial tribunals and
- 30 procedures that are consonant to the requirements of due process of law as required by
- 31 the Constitutions of the United States and the State of Georgia; and
- 32 ~~(7)~~(8) The traditional deference given to a plaintiff's choice of forum.
- 33 (b) A court ~~may~~ shall not dismiss a claim under this Code section until the defendant files
- 34 with the court or with the clerk of the court a written stipulation that, with respect to a new
- 35 action on the claim commenced by the plaintiff, all the defendants waive the right to assert
- 36 a statute of limitations defense in all other states of the United States in which the claim
- 37 was not barred by limitations at the time the claim was filed in this state as necessary to
- 38 effect a tolling of the limitations periods in those states beginning on the date the claim was
- 39 filed in this state and ending on the date the claim is dismissed."

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SECTION 2.

41 This Act shall become effective on July 1, 2016, and shall apply to civil actions arising on

42 or after July 1, 2016.

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SECTION 3.

44 All laws and parts of laws in conflict with this Act are repealed.