

SENATE BILL NO. 1108

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on the Judiciary

on _____)

(Patron Prior to Substitute--Senator Stanley)

A BILL to amend and reenact §§ 8.01-195.4 and 16.1-77 of the Code of Virginia, relating to general district courts; jurisdictional limits; emergency.

Be it enacted by the General Assembly of Virginia:

1. That §§ 8.01-195.4 and 16.1-77 of the Code of Virginia are amended and reenacted as follows:

§ 8.01-195.4. Jurisdiction of claims under this article; right to jury trial; service on Commonwealth or locality; amending amount of claim.

The general district courts shall have exclusive original jurisdiction to hear, determine, and render judgment on any claim against the Commonwealth or any transportation district cognizable under this article when the amount of the claim does not exceed \$4,500, exclusive of interest and any ~~attorneys'~~ attorney fees. Jurisdiction shall be concurrent with the circuit courts when the amount of the claim exceeds \$4,500 but does not exceed ~~\$25,000~~ \$50,000, exclusive of interest and such ~~attorneys'~~ attorney fees. Jurisdiction of claims when the amount exceeds ~~\$25,000~~ \$50,000 shall be limited to the circuit courts of the Commonwealth. The parties to any such action in the circuit courts shall be entitled to a trial by jury.

While a matter is pending in a general district court or a circuit court, upon motion of the plaintiff seeking to increase or decrease the amount of the claim, the court shall order transfer of the matter to the general district court or circuit court that has jurisdiction over the amended amount of the claim without requiring that the case first be dismissed or that the plaintiff suffer a nonsuit, and the tolling of the applicable statutes of limitations governing the pending matter shall be unaffected by the transfer. Where such a matter is pending, if the plaintiff is seeking to increase or decrease the amount of the claim to an amount wherein the general district court and the circuit court would have concurrent jurisdiction, the court shall transfer the matter to either the general district court or the circuit court, as directed by the

27 plaintiff, provided that such court otherwise has jurisdiction over the matter. Except for good cause shown,
 28 no such order of transfer shall issue unless the motion to amend and transfer is made at least 10 days
 29 before trial. The plaintiff shall pay filing and other fees as otherwise provided by law to the clerk of the
 30 court to which the case is transferred, and such clerk shall process the claim as if it were a new civil action.
 31 The plaintiff shall prepare and present the order of transfer to the transferring court for entry, after which
 32 time the case shall be removed from the pending docket of the transferring court and the order of transfer
 33 placed among its records. The plaintiff shall provide a certified copy of the transfer order to the receiving
 34 court.

35 In all actions against the Commonwealth commenced pursuant to this article, the Commonwealth
 36 shall be a proper party defendant, and service of process shall be made on the Attorney General. The notice
 37 of claim shall be filed pursuant to § 8.01-195.6 on the Director of the Division of Risk Management or
 38 the Attorney General. In all such actions against a transportation district, the district shall be a proper party
 39 and service of process and notices shall be made on the chairman of the commission of the transportation
 40 district.

41 **§ 16.1-77. Civil jurisdiction of general district courts; amending amount of claim.**

42 Except as provided in Article 5 (§ 16.1-122.1 et seq.), each general district court shall have, within
 43 the limits of the territory it serves, civil jurisdiction as follows:

44 (1) Exclusive original jurisdiction of (i) any claim to specific personal property or to any debt, fine
 45 or other money, or to damages for breach of contract or for injury done to real property, ~~real or personal,~~
 46 ~~or for any injury to the person that would be recoverable by action at law or suit in equity,~~ when the
 47 amount of such claim does not exceed \$4,500, exclusive of interest and any attorney fees, and concurrent
 48 jurisdiction with the circuit courts having jurisdiction in such territory of any such claim when the amount
 49 thereof exceeds \$4,500 but does not exceed \$25,000, exclusive of interest and any attorney fees, and (ii)
 50 any action for injury to person or personal property, regardless of theory, and any action for wrongful
 51 death as provided for in Article 5 (§ 8.01-50 et seq.) of Chapter 3 of Title 8.01 when the amount of such
 52 claim does not exceed \$4,500, exclusive of interest and any attorney fees, and concurrent jurisdiction with
 53 the circuit courts having jurisdiction in such territory of any such claim when the amount thereof exceeds

54 \$4,500 but does not exceed \$50,000, exclusive of interest and any attorney fees. However, ~~this \$25,000~~
55 jurisdictional limit shall not apply with respect to distress warrants under the provisions of § 8.01-130.4,
56 cases involving liquidated damages for violations of vehicle weight limits pursuant to § 46.2-1135, nor
57 cases involving forfeiture of a bond pursuant to § 19.2-143. While a matter is pending in a general district
58 court, upon motion of the plaintiff seeking to increase the amount of the claim, the court shall order transfer
59 of the matter to the circuit court that has jurisdiction over the amended amount of the claim without
60 requiring that the case first be dismissed or that the plaintiff suffer a nonsuit, and the tolling of the
61 applicable statutes of limitations governing the pending matter shall be unaffected by the transfer. Except
62 for good cause shown, no such order of transfer shall issue unless the motion to amend and transfer is
63 made at least 10 days before trial. The plaintiff shall pay filing and other fees as otherwise provided by
64 law to the clerk of the court to which the case is transferred, and such clerk shall process the claim as if it
65 were a new civil action. The plaintiff shall prepare and present the order of transfer to the transferring
66 court for entry, after which time the case shall be removed from the pending docket of the transferring
67 court and the order of transfer placed among its records. The plaintiff shall provide a certified copy of the
68 transfer order to the receiving court.

69 (2) Jurisdiction to try and decide attachment cases when the amount of the plaintiff's claim does
70 not exceed \$25,000 exclusive of interest and any attorney fees.

71 (3) Jurisdiction of actions of unlawful entry or detainer as provided in Article 13 (§ 8.01-124 et
72 seq.) of Chapter 3 of Title 8.01, and in Chapter 14 (§ 55.1-1400 et seq.) of Title 55.1, and the maximum
73 jurisdictional limits prescribed in subdivision (1) shall not apply to any claim, counter-claim or cross-
74 claim in an unlawful detainer action that includes a claim for damages sustained or rent against any person
75 obligated on the lease or guarantee of such lease.

76 (4) Except where otherwise specifically provided, all jurisdiction, power and authority over any
77 civil action or proceeding conferred upon any general district court judge or magistrate under or by virtue
78 of any provisions of the Code.

79 (5) Jurisdiction to try and decide suits in interpleader involving personal or real property where
80 the amount of money or value of the property is not more than the maximum jurisdictional limits of the

81 general district court. However, the maximum jurisdictional limits prescribed in subdivision (1) shall not
 82 apply to any claim, counter-claim, or cross-claim in an interpleader action that is limited to the disposition
 83 of an earnest money deposit pursuant to a real estate purchase contract. The action shall be brought in
 84 accordance with the procedures for interpleader as set forth in § 8.01-364. However, the general district
 85 court shall not have any power to issue injunctions. Actions in interpleader may be brought by either the
 86 stakeholder or any of the claimants. The initial pleading shall be either by motion for judgment, by warrant
 87 in debt, or by other uniform court form established by the Supreme Court of Virginia. The initial pleading
 88 shall briefly set forth the circumstances of the claim and shall name as defendant all parties in interest who
 89 are not parties plaintiff.

90 (6) Jurisdiction to try and decide any cases pursuant to § 2.2-3713 of the Virginia Freedom of
 91 Information Act (§ 2.2-3700 et seq.) or § 2.2-3809 of the Government Data Collection and Dissemination
 92 Practices Act (§ 2.2-3800 et seq.), for writs of mandamus or for injunctions.

93 (7) Concurrent jurisdiction with the circuit courts having jurisdiction in such territory to adjudicate
 94 habitual offenders pursuant to the provisions of Article 9 (§ 46.2-355.1 et seq.) of Chapter 3 of Title 46.2.

95 (8) Jurisdiction to try and decide any cases pursuant to § 55.1-1819 of the Property Owners'
 96 Association Act (§ 55.1-1800 et seq.) or § 55.1-1959 of the Virginia Condominium Act (§ 55.1-1900 et
 97 seq.).

98 (9) Concurrent jurisdiction with the circuit courts to submit matters to arbitration pursuant to
 99 Chapter 21 (§ 8.01-577 et seq.) of Title 8.01 where the amount in controversy is within the jurisdictional
 100 limits of the general district court. Any party that disagrees with an order by a general district court
 101 granting an application to compel arbitration may appeal such decision to the circuit court pursuant to §
 102 8.01-581.016.

103 For purposes of this section, the territory served by a county general district court expressly
 104 authorized by statute to be established in a city includes the general district court courtroom.

105 **2. That an emergency exists and this act is in force from its passage.**

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