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HOUSE BILL NO. 924

Offered January 9, 2002

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A BILL to amend and reenact §§ 8.01-195.4, 16.1-77, 16.1-92, 16.1-107, 16.1-108, 16.1-109 and 16.1-122 of the Code of Virginia, relating to exclusive original jurisdictional of general district courts.

Patron—Joannou

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That §§ 8.01-195.4, 16.1-77, 16.1-92, 16.1-107, 16.1-108, 16.1-109 and 16.1-122 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.

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 ~~\$1,000~~ \$7,500, exclusive of interest and any attorneys' fees. Jurisdiction shall be concurrent with the circuit courts when the amount of the claim exceeds ~~\$1,000~~ \$7,500 but does not exceed \$10,000, exclusive of interest and such attorneys' fees. Jurisdiction of claims when the amount exceeds \$10,000 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.

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

§ 16.1-77. Civil jurisdiction of general district courts.

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

(1) Exclusive original jurisdiction of any claim to specific personal property or to any debt, fine or other money, or to damages for breach of contract or for injury done to property, real or personal, or for any injury to the person, which would be recoverable by action at law or suit in equity, when the amount of such claim does not exceed ~~\$3,000~~ \$7,500 exclusive of interest and any attorney's fees contracted for in the instrument, and concurrent jurisdiction with the circuit courts having jurisdiction in such territory of any such claim when the amount thereof exceeds ~~\$3,000~~ \$7,500 but does not exceed \$15,000, exclusive of interest and any attorney's fees contracted for in the instrument. However, this \$15,000 limit shall not apply with respect to distress warrants under the provisions of § 55-230.

(2) Jurisdiction to try and decide attachment cases when the amount of the plaintiff's claim does not exceed \$15,000 exclusive of interest and any attorney's fees contracted for in the instrument.

(3) Jurisdiction of actions of unlawful entry or detainer as provided in Article 13 (§ 8.01-124 et seq.) of Chapter 3 of Title 8.01, and in Chapter 13 (§ 55-217 et seq.) of Title 55, and the maximum jurisdictional limits prescribed in subdivision (1) shall not apply to any claim for damages sustained or rent proved to be owing where the premises were used by the occupant primarily for business, commercial or agricultural purposes.

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

(5) Jurisdiction to try and decide suits in interpleader involving personal property where the amount of money or value of the property is not more than the maximum jurisdictional limits of the general district court. The action shall be brought in accordance with the procedures for interpleader as set forth in § 8.01-364. However, the general district court shall not have any power to issue injunctions. Actions in interpleader may be brought by either the stakeholder or any of the claimants. The initial pleading shall be either by motion for judgment or by warrant in debt. The initial pleading shall briefly set forth the circumstances of the claim and shall name as defendant all parties in interest who are not parties plaintiff.

(6) Jurisdiction to try and decide any cases pursuant to § 2.1-346 of the Virginia Freedom of

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59 Information Act (§ 2.1-340 et seq.), for writs of mandamus or for injunctions.

60 (7) Concurrent jurisdiction with the circuit courts having jurisdiction in such territory to adjudicate
61 habitual offenders pursuant to the provisions of Article 9 (§ 46.2-355.1 et seq.) of Chapter 3 of Title
62 46.2.

63 § 16.1-92. Removal of action involving more than \$6,000.

64 When the amount in controversy in any action at law except cases of unlawful entry and detainer in
65 a general district court exceeds the sum of ~~\$3,000~~ \$7,500, exclusive of interest, attorney's fees
66 contracted for in the instrument, and costs, the judge shall, at any time on or before the return day of
67 the process, or within ten days after such return day, if trial of the case has not commenced and if
68 judgment has not been rendered, upon the application of any defendant, the filing by him of an affidavit
69 of himself, his agent or attorney, that he has a substantial defense to the action, exclusive of the sole
70 issue of the amount or computation of damages, which affidavit shall state the grounds of such defense,
71 and the payment by him of the costs accrued to the time of removal, the writ tax as fixed by law, and
72 the costs in the court to which it is removed as fixed by subdivision 13 of § 17.1-275, remove the action
73 and all the papers thereof to a court having jurisdiction of appeals from the court wherein the action was
74 brought; and the clerk if there be one, or the judge if there be no clerk of the court, shall promptly
75 transmit the papers in the case and the writ tax and costs to the clerk of the court to which the action is
76 removed. If the defendant fails to pay the accrued costs, writ tax, and the costs in the court to which the
77 case is removed at the time the application for removal is filed, the judge shall proceed to try the case.

78 On the trial of the case in the circuit court the proceedings shall conform as nearly as may be to
79 proceedings prescribed by the Rules of Court for other actions at law, but the court may permit all
80 necessary amendments, including amendments to increase the amount of the claim above the
81 jurisdictional amount set forth in § 16.1-77, enter such orders, and direct such proceedings as may be
82 necessary or proper to correct any defects, irregularities and omissions in the pleadings and bring about
83 a trial of the merits of the controversy.

84 In no event shall an objection to venue be considered by the circuit court unless raised by a
85 defendant in his affidavit of substantial defense filed in the general district court.

86 The limits for removal of cases under the Tort Claims Act (§ 8.01-195.1 et seq.) shall be governed
87 by the jurisdictional amounts set forth in that act.

88 § 16.1-107. Requirements for appeal.

89 No appeal shall be allowed unless and until the party applying for the same or someone for him
90 shall give bond, in an amount and with sufficient surety approved by the judge or by his clerk if there
91 is one, to abide by such judgment as may be rendered on appeal if such appeal is perfected, or if not so
92 perfected, then to satisfy the judgment of the court in which it was rendered. However, no appeal bond
93 shall be required of the Commonwealth or when an appeal is proper to protect the estate of a decedent,
94 an infant, a convict, or an insane person, or the interest of a county, city, town or transportation district
95 created pursuant to Chapter 45 (§ 15.2-4500 et seq.) of Title 15.2, *or if the court determines from oral*
96 *examination of the appealing party or from other competent evidence that the party is indigent within*
97 *the contemplation of law pursuant to the guidelines set forth in § 19.2-159.*

98 If such bond is furnished by or on behalf of any party against whom judgment has been rendered for
99 money or property or both, the bond shall be conditioned for the performance and satisfaction of such
100 judgment or order as may be entered against such party on appeal, and for the payment of all costs and
101 damages which may be awarded against him in the appellate court. If the appeal is by a party against
102 whom there is no recovery except for costs, the bond shall be conditioned for the payment of such costs
103 and damages as may be awarded against him on the appeal.

104 In addition to the foregoing, the party applying for appeal shall, within thirty days from the date of
105 the judgment, pay to the clerk of the court from which the appeal is taken the amount of the writ tax of
106 the court to which the appeal is taken and costs as required by subdivision A 13 of § 17.1-275.

107 § 16.1-108. Deposit of money in lieu of bond.

108 In lieu of giving bond with surety as provided in this article, any party appealing from the judgment
109 or order of the court may deposit with the judge or clerk thereof, who shall issue his official receipt
110 therefor, such sum of money as the judge or clerk may estimate to be sufficient to discharge any
111 judgment or order which may be entered by the court of record on the trial of the appeal to secure the
112 appeal bond. The money so deposited shall be transmitted in cash or by check of the court to the clerk
113 of the court to which the appeal is taken, who shall likewise issue his official receipt therefor. *However,*
114 *no deposit is required if the court determines from oral examination of the appealing party or from*
115 *other competent evidence that the party is indigent within the contemplation of law pursuant to the*
116 *guidelines set forth in § 19.2-159.*

117 § 16.1-109. Appellate court may require new or additional security.

118 The court to which the appeal is taken may on motion for good cause shown, after reasonable notice
119 to the appellant, require the appellant to give new or additional security, and if such security be not
120 given within the time prescribed by the appellate court the appeal shall be dismissed with costs, and the

121 judgment or order of the court from which the appeal was taken shall remain in effect and the appellate
122 court shall award execution thereon, with costs, against the appellant and his surety. *However, no*
123 *additional security is required if the court determines from oral examination of the appealing party or*
124 *from other competent evidence that the party is indigent within the contemplation of law pursuant to the*
125 *guidelines set forth in § 19.2-159.*

126 § 16.1-122. Removal or appeal.

127 If the money or property claimed in any such proceeding is more than ~~\$3,000~~ \$7,500 in value, the
128 proceeding may be removed to a circuit court and heard and disposed of therein as provided in
129 § 16.1-92. If the property or money claimed in any such proceeding is more than fifty dollars in value,
130 an appeal of right may be had to the judgment or order of the court as provided in § 16.1-106. The
131 limits for removal of cases under the Tort Claims Act (§ 8.01-195.1 et seq.) shall be governed by the
132 jurisdictional amounts set forth in that act.