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HOUSE BILL NO. 1127

Offered January 14, 2004

Prefiled January 14, 2004

A BILL to amend and reenact § 8.01-261 of the Code of Virginia, relating to venue.

Patrons—McDonnell, Cosgrove and O'Bannon

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:**1. That § 8.01-261 of the Code of Virginia is amended and reenacted as follows:**

§ 8.01-261. Category A or preferred venue.

In the actions listed in this section, the forums enumerated shall be deemed preferred places of venue and may be referred to as "Category A" in this title. Venue laid in any other forum shall be subject to objection; however, if more than one preferred place of venue applies, any such place shall be a proper forum. The following forums are designated as places of preferred venue for the action specified:

1. In actions for review of, appeal from, or enforcement of state administrative regulations, decisions, or other orders:

a. If the moving or aggrieved party is other than the Commonwealth or an agency thereof, then the county or city wherein such party:

(1) Resides;

(2) Regularly or systematically conducts affairs or business activity; or

(3) Wherein such party's property affected by the administrative action is located.

b. If the moving or aggrieved party is the Commonwealth or an agency thereof, then the county or city wherein the respondent or a party defendant:

(1) Resides;

(2) Regularly or systematically conducts affairs or business activity; or

(3) Has any property affected by the administrative action.

c. If subdivisions 1 a and 1 b do not apply, then the county or city wherein the alleged violation of the administrative regulation, decision, or other order occurred.

2. Except as provided in subdivision 1 of this section, where the action is against one or more officers of the Commonwealth in an official capacity, the county or city where any such person has his official office.

3. The county or city wherein the subject land, or a part thereof, is situated in the following actions:

a. To recover or partition land;

b. To subject land to a debt;

c. To sell, lease, or encumber the land of persons under disabilities;

d. [Repealed.]

e. To sell wastelands;

f. To establish boundaries;

g. For unlawful entry or detainer;

h. For ejectment; or

i. To remove clouds on title.

4. [Reserved.]

5. In actions for writs of mandamus, prohibition, or certiorari, except such as may be issued by the Supreme Court, the county or city wherein is the record or proceeding to which the writ relates.

6. In actions on bonds required for public contract, the county or city in which the public project, or any part thereof, is situated.

7. In actions to impeach or establish a will, the county or city wherein the will was probated, or, if not probated at the time of the action, where the will may be properly offered for probate.

8., 9. [Repealed.]

10. In actions on any contract between a transportation district and a component government, any county or city any part of which is within such transportation district.

11. In attachments,

a. With reference to the principal defendant and those liable with or to him, venue shall be determined as if the principal defendant were the sole defendant; or

b. In the county or city in which the principal defendant has estate or has debts owing to him.

12. [Repealed.]

13. a. In any action for the collection of state, county, or municipal taxes, any one of the following

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59 counties or cities shall be deemed preferred places of venue:

60 (1) Wherein the taxpayer resides;

61 (2) Wherein the taxpayer owns real or personal property;

62 (3) Wherein the taxpayer has a registered office, or regularly or systematically conducts business; or

63 (4) In case of withdrawal from the Commonwealth by a delinquent taxpayer, wherein venue was
64 proper at the time the taxes in question were assessed or at the time of such withdrawal.

65 b. In any action for the correction of an erroneous assessment of state taxes and tax refunds, any one
66 of the following counties or cities shall be deemed preferred places of venue:

67 (1) Wherein the taxpayer resides;

68 (2) Wherein the taxpayer has a registered office or regularly or systematically conducts business;

69 (3) Wherein the taxpayer's real or personal property involved in such a proceeding is located; or

70 (4) The Circuit Court of the City of Richmond.

71 14. In proceedings by writ of quo warranto:

72 a. The city or county wherein any of the defendants reside;

73 b. If the defendant is a corporation, the city or county where its registered office is or where its
74 mayor, rector, president, or other chief officer resides; or

75 c. If there is no officer or none of the defendants reside in the Commonwealth, venue shall be in the
76 City of Richmond.

77 15. In proceedings to award an injunction:

78 a. To any judgment or judicial proceeding of a circuit court, venue shall be in the court in the county
79 or city in which the judgment was rendered or such proceeding is pending;

80 b. To any judgment or judicial proceeding of a district court, venue shall be in the circuit court of
81 the county or city in which the judgment was rendered or such proceeding is pending; or

82 c. To any other act or proceeding, venue shall be in the circuit court of the county or city in which
83 the act is to be done, or being done, or is apprehended to be done or the proceeding is pending.

84 16. [Repealed.]

85 17. In disbarment or suspension proceedings against any attorney-at-law, in the county or city where
86 the defendant:

87 a. Resides;

88 b. Has his principal office or place of practice when the proceeding is commenced;

89 c. Resided or had such principal office or place of practice when any misconduct complained of
90 occurred; or

91 d. Has any pending case as to which any misconduct took place.

92 18. In actions under the Virginia Tort Claims Act, Article 18.1 (§ 8.01-195.1 et seq.) of Chapter 3 of
93 this title:

94 a. The county or city where the claimant resides;

95 b. The county or city where the act or omission complained of occurred; or

96 c. If the claimant resides outside the Commonwealth and the act or omission complained of occurred
97 outside the Commonwealth, the City of Richmond.

98 19. In suits for annulment, affirmance, or divorce, the county or city in which the parties last
99 cohabited, or at the option of the plaintiff, in the county or city in which the defendant resides, if a
100 resident of this Commonwealth, and in cases in which an order of publication may be issued against the
101 defendant under § 8.01-316, venue may also be in the county or city in which the plaintiff resides.

102 20. In distress actions, in the county or city when the premises yielding the rent, or some part
103 thereof, may be or where goods liable to distress may be found.

104 21. *In any civil action for tortious injury, in the county or city where the cause of action, or any*
105 *part thereof, arose, or where the defendant or any one of several defendants resides. Actions filed*
106 *pursuant to the Virginia Tort Claims Act, Article 18.1 (§ 8.01-195.1 et seq.) of Chapter 3 of this title,*
107 *shall comply with the venue requirements stated in subdivision 18.*