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HOUSE BILL NO. 3099

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee for Courts of Justice
on February 2, 2007)

(Patron Prior to Substitute—Delegate Iaquinto)

A BILL to amend the Code of Virginia by adding in Chapter 5 of Title 17.1 an article numbered 2, consisting of sections numbered 17.1-525 through 17.1-528, relating to a pilot program for a business division.

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Chapter 5 of Title 17.1 an article numbered 2, consisting of sections numbered 17.1-525 through 17.1-528, as follows:

Article 2.

Business Case Division.

§ 17.1-525. Pilot business case division; designated.

On or before July 1, 2008, the Supreme Court of Virginia shall select two judicial circuits to establish a pilot program for a business case division for a period of one year, using existing facilities. Such divisions shall not have jurisdiction over suits against the Commonwealth pursuant to the Virginia Tort Claims Act (§ 8.01-195.1 et seq.) or suits against any officer or employee of the Commonwealth for claims arising out of the performance of their official duties or responsibilities. Within six months of the conclusion of the pilot program, the Office of the Executive Secretary of the Supreme Court of Virginia shall report on the outcome of the pilot program. This report shall be made available to the General Assembly.

§ 17.1-526. Jurisdiction; transfer.

A. Notwithstanding any other provision of law, the business case division shall have jurisdiction, concurrent with that of the circuit court, over any matter filed in the circuit court in which the amount in controversy exceeds \$ 250,000.00 and which is brought pursuant to the following; (i) the Uniform Commercial Code (§ 8.1A-101 et seq.); (ii) the Virginia Securities Act (§ 13.1-501 et seq.); (iii) the Virginia Stock Corporation Act (§ 13.1-601 et seq.); (iv) the Virginia Uniform Partnership Act (§ 50-73-79 et seq.); (v) Virginia Revised Uniform Limited Partnership Act (§ 50-73.1 et seq.); (vi) the Virginia Limited Liability Company Act (§ 13.1-1000 et seq.); (vii) the Virginia Retail Franchising Act (§ 13.1-557 et seq.); the Virginia Trademark and Service Mark Act (§ 59.1-92.1 et seq.); or (ix) any other action, upon motion of all parties, the court finds warrants consideration by the business case division.

B. Upon motion of each party to a matter filed in a circuit court alleging a cause of action under any law listed in subsection A and which exceeds the amount in controversy under subsection A, the circuit court may transfer such case for a trial in the business case division, provided a business court division has been established in such circuit court's judicial circuit. Such motions shall be filed by each plaintiff concurrent with the filing of the action and by each defendant named in the suit within 10 days of receipt of service upon such defendant. Service of process upon each defendant shall include the motion for transfer in addition to all other papers required to be served.

§ 17.1-527. Composition.

The Chief Justice of the Supreme Court of Virginia shall appoint no more than three active or retired circuit court judges to serve as the judge or judges of the business case division in each judicial circuit in which the division has been established. The provisions of § 17.1-103 shall apply to any active circuit court judge appointed to serve. The appointment of any retired judge shall be governed by the provisions of § 17.1-106.

§ 17.1-528. Appeals.

Appeals from the business division shall be as in other civil cases from the circuit court.