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**HOUSE BILL NO. 1590****AMENDMENT IN THE NATURE OF A SUBSTITUTE**(Proposed by the House Committee for Courts of Justice  
on January 19, 2011)

(Patrons Prior to Substitute—Delegates Iaquinto and Loupassi [HB 1446])

*A BILL to amend and reenact §§ 8.01-195.4, 16.1-77, 43-34, and 46.2-644.03 of the Code of Virginia, relating to jurisdictional limits of courts.***Be it enacted by the General Assembly of Virginia:****1. That §§ 8.01-195.4, 16.1-77, 43-34, and 46.2-644.03 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 \$4,500, exclusive of interest and any attorneys' fees. Jurisdiction shall be concurrent with the circuit courts when the amount of the claim exceeds \$4,500 but does not exceed ~~\$15,000~~ \$25,000, exclusive of interest and such attorneys' fees. Jurisdiction of claims when the amount exceeds ~~\$15,000~~ \$25,000 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 that would be recoverable by action at law or suit in equity, when the amount of such claim does not exceed \$4,500 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 \$4,500 but does not exceed ~~\$15,000~~ \$25,000, exclusive of interest and any attorney's fees contracted for in the instrument. However, this ~~\$15,000~~ \$25,000 limit shall not apply with respect to distress warrants under the provisions of § 55-230, cases involving liquidated damages for violations of vehicle weight limits pursuant to § 46.2-1135, nor cases involving forfeiture of a bond pursuant to § 19.2-143.

(2) Jurisdiction to try and decide attachment cases when the amount of the plaintiff's claim does not exceed ~~\$15,000~~ \$25,000 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, counter-claim or cross-claim in an unlawful detainer action that includes a claim for damages sustained or rent against any person obligated on the lease proved to be owing where the premises were used by the occupant primarily for business, commercial or agricultural purposes. Any counter-claim or cross-claim shall arise out of the same use of the property 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 or real property where the amount of money or value of the property is not more than the maximum jurisdictional limits of the general district court. However, the maximum jurisdictional limits prescribed in subdivision (1) shall not apply to any claim, counter-claim, or cross-claim in an interpleader action that is limited to the disposition of an earnest money deposit pursuant to a real estate purchase contract. 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, by warrant in debt, or by other uniform court form established by the Supreme Court of

60 Virginia. The initial pleading shall briefly set forth the circumstances of the claim and shall name as  
61 defendant all parties in interest who are not parties plaintiff.

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

65 (7) Concurrent jurisdiction with the circuit courts having jurisdiction in such territory to adjudicate  
66 habitual offenders pursuant to the provisions of Article 9 (§ 46.2-355.1 et seq.) of Chapter 3 of Title  
67 46.2.

68 (8) Jurisdiction to try and decide cases alleging a civil violation described in § 18.2-76.

69 § 43-34. Enforcement of liens acquired under §§ 43-31 through 43-33 and of liens of bailees.

70 Any person having a lien under §§ 43-31 through 43-33 and any bailee, except where otherwise  
71 provided, having a lien as such at common law on personal property in his possession which he has no  
72 power to sell for the satisfaction of the lien, if the debt for which the lien exists is not paid within 10  
73 days after it is due and the value of the property affected by the lien does not exceed \$7,500, may sell  
74 such property or so much thereof as may be necessary, by public auction, for cash. The proceeds shall  
75 be applied to the satisfaction of the debt and expenses of sale, and the surplus, if any, shall be paid  
76 within 30 days of the sale to any lienholder, and then to the owner of the property. A seller who fails to  
77 remit the surplus as provided shall be liable to the person entitled to the surplus in an amount equal to  
78 \$50 for each day beyond 30 days that the failure continues.

79 Before making the sale, the seller shall advertise the time, place, and terms thereof in a public place.  
80 In the case of property other than a motor vehicle required to be registered in Virginia having a value in  
81 excess of \$600, 10 days' prior notice shall be given to any secured party who has filed a financing  
82 statement against the property, and written notice shall be given to the owner as hereinafter provided.

83 If the value of the property is more than \$7,500 but does not exceed ~~\$15,000~~ \$25,000, the party  
84 having the lien, after giving notice as herein provided, may apply by petition to any general district  
85 court of the county or city wherein the property is, or, if the value of the property exceeds ~~\$15,000~~  
86 \$25,000, to the circuit court of the county or city, for the sale of the property. If, on the hearing of the  
87 case on the petition, the defense, if any made thereto, and such evidence as may be adduced by the  
88 parties respectively, the court is satisfied that the debt and lien are established and the property should  
89 be sold to pay the debt, the court shall order the sale to be made by the sheriff of the county or city.  
90 The sheriff shall make the same and apply and dispose of the proceeds in the same manner as if the  
91 sale were made under a writ of fieri facias.

92 If the owner of the property is a resident of this Commonwealth, any notice required by this section  
93 may be served as provided in § 8.01-296 or, if the sale is to be made without resort to the courts, by  
94 personal delivery or by certified or registered mail delivered to the present owner of the property to be  
95 sold at his last known address at least 10 days prior to the date of sale. If he is a nonresident or if his  
96 address is unknown, notice may be served by posting a copy thereof in three public places in the county  
97 or city wherein the property is located. For purposes of this section, a public place means a premises  
98 owned by the Commonwealth, a political subdivision thereof or an agency of either which is open to the  
99 general public.

100 § 46.2-644.03. Enforcement of liens acquired under §§ 46.2-644.01 and 46.2-644.02 and of liens of  
101 bailees.

102 Any person having a lien under §§ 46.2-644.01 and 46.2-644.02 and any bailee, except where  
103 otherwise provided, having a lien as such at common law on personal property in his possession which  
104 he has no power to sell for the satisfaction of the lien, if the debt for which the lien exists is not paid  
105 within 10 days after it is due and the value of the property affected by the lien does not exceed \$7,500,  
106 may sell such property or so much thereof as may be necessary, by public auction, for cash. The  
107 proceeds shall be applied to the satisfaction of the debt and expenses of sale, and the surplus, if any,  
108 shall be paid within 30 days of the sale to any lienholder, and then to the owner of the property. A  
109 seller who fails to remit the surplus as provided shall be liable to the person entitled to the surplus in an  
110 amount equal to \$50 for each day beyond 30 days that the failure continues.

111 Before making the sale, the seller shall advertise the time, place, and terms thereof in a public place.  
112 In the case of property other than a motor vehicle required to be registered in Virginia having a value in  
113 excess of \$600, 10 days' prior notice shall be given to any secured party who has filed a financing  
114 statement against the property, and written notice shall be given to the owner as hereinafter provided. If  
115 the property is a motor vehicle required by the motor vehicle laws of Virginia to be registered, the  
116 person having the lien shall ascertain from the Commissioner of the Department of Motor Vehicles  
117 whether the certificate of title of the motor vehicle shows a lien thereon. If the certificate of title shows  
118 a lien, the bailee proposing the sale of the motor vehicle shall notify the lienholder of record, by  
119 certified mail, at the address on the certificate of title of the time and place of the proposed sale 10 days  
120 prior thereto. If the name of the owner cannot be ascertained, the name of "John Doe" shall be  
121 substituted in any proceedings hereunder and no written notice as to him shall be required to be mailed.

122 Whenever a vehicle is shown by the Department of Motor Vehicles records to be owned by a person  
123 who has indicated that he is on active military duty or service, the Department shall include such  
124 information in response to requests for vehicle information pursuant to the requirements of this chapter.

125 If the value of the property is more than \$7,500 but does not exceed ~~\$15,000~~ \$25,000, the party  
126 having the lien, after giving notice as herein provided, may apply by petition to any general district  
127 court of the county or city wherein the property is, or, if the value of the property exceeds ~~\$15,000~~  
128 \$25,000, to the circuit court of the county or city, for the sale of the property. If, on the hearing of the  
129 case on the petition, the defense, if any made thereto, and such evidence as may be adduced by the  
130 parties respectively, the court is satisfied that the debt and lien are established and the property should  
131 be sold to pay the debt, the court shall order the sale to be made by the sheriff of the county or city.  
132 The sheriff shall make the same and apply and dispose of the proceeds in the same manner as if the  
133 sale were made under a writ of fieri facias.

134 If the owner of the property is a resident of the Commonwealth, any notice required by this section  
135 may be served as provided in § 8.01-296 or, if the sale is to be made without resort to the courts, by  
136 personal delivery or by certified or registered mail delivered to the present owner of the property to be  
137 sold at his last known address at least 10 days prior to the date of sale. If he is a nonresident or if his  
138 address is unknown, notice may be served by posting a copy thereof in three public places in the county  
139 or city wherein the property is located. For purposes of this section, a public place means a premises  
140 owned by the Commonwealth, a political subdivision thereof or an agency of either which is open to the  
141 general public.

142 If the property is a motor vehicle (i) for which neither the owner nor any other lienholder or secured  
143 party can be determined by the Department of Motor Vehicles through a diligent search of its records,  
144 (ii) manufactured for a model year at least six years prior to the current model year, and (iii) having a  
145 value of no more than \$3,000 as determined by the provisions of § 8.01-419.1, a person having a lien  
146 on such vehicle may, after showing proof that the vehicle has been in his continuous custody for at least  
147 30 days, apply for and receive from the Department of Motor Vehicles title or a nonrepairable certificate  
148 to such vehicle, free of all liens and claims of ownership of others, and proceed to sell or otherwise  
149 dispose of the vehicle.

150 Whenever a motor vehicle is sold hereunder, the Department of Motor Vehicles shall issue a  
151 certificate of title and registration or a nonrepairable certificate to the purchaser thereof upon his  
152 application containing the serial or motor number of the vehicle purchased together with an affidavit of  
153 the lienholder that he has complied with the provisions hereof, or by the sheriff conducting a sale that  
154 he has complied with said order.

155 Any garage keeper to whom a motor vehicle has been delivered pursuant to § 46.2-1209, 46.2-1213,  
156 or 46.2-1215 may after 30 days from the date of delivery proceed under this section, provided that  
157 action has not been taken pursuant to such sections for the sale of such motor vehicle.

158 Notwithstanding any provisions to the contrary, any person having a lien under § 46.2-644.01 or  
159 46.2-644.02 shall comply with the provisions of the federal Servicemembers Civil Relief Act (50 U.S.C.  
160 App. 501 et seq.) when disposing of a vehicle owned by a member of the military duty or service.