

16100263D

HOUSE BILL NO. 641

Offered January 13, 2016

Prefiled January 11, 2016

A BILL to amend and reenact §§ 8.01-577, 8.01-581.014, 8.01-581.016, and 16.1-77 of the Code of Virginia, relating to jurisdiction of general district court; arbitration.

Patron—Leftwich

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That §§ 8.01-577, 8.01-581.014, 8.01-581.016, and 16.1-77 of the Code of Virginia are amended and reenacted as follows:

§ 8.01-577. Submission of controversy; agreement to arbitrate; condition precedent to action.

A. Persons desiring to end any controversy, whether there is a suit pending therefor or not, may submit the same to arbitration, and agree that such submission may be entered of record in any circuit court or entered by order of any general district court. Upon proof of such agreement out of court, or by consent of the parties given in court in person or by counsel, it shall be entered in the proceedings of such court. Thereupon a rule shall be made, that the parties shall submit to the award which shall be made in accordance with such agreement and the provisions of this chapter.

B. Neither party shall have the right to revoke an agreement to arbitrate except on a ground which would be good for revoking or annulling other agreements. Submission of any claim or controversy to arbitration pursuant to such agreement shall be a condition precedent to institution of suit or action thereon, and the agreement to arbitrate shall be enforceable, unless the agreement also provides that submission to arbitration shall not be a condition precedent to suit or action.

§ 8.01-581.014. Court; jurisdiction.

The term "court" means a circuit court or general district court of this the Commonwealth having jurisdiction over the subject matter of the controversy.

§ 8.01-581.016. Appeals.

An appeal may be taken from:

- 1. An order denying an application to compel arbitration made under § 8.01-581.02;
2. An order by a general district court granting an application to compel arbitration;
3. An order granting an application to stay arbitration made under subsection B of § 8.01-581.02;
4. An order confirming or denying an award;
5. An order modifying or correcting an award;
6. An order vacating an award without directing a rehearing; or
7. A judgment or decree entered pursuant to the provisions of this article.

The appeal shall be taken in the manner and to the same extent as from orders or judgments in a civil action.

§ 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 \$25,000, exclusive of interest and any attorney's fees contracted for in the instrument. However, this \$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 \$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 or guarantee of such lease.

INTRODUCED

HB641

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

62 (5) Jurisdiction to try and decide suits in interpleader involving personal or real property where the
63 amount of money or value of the property is not more than the maximum jurisdictional limits of the
64 general district court. However, the maximum jurisdictional limits prescribed in subdivision (1) shall not
65 apply to any claim, counter-claim, or cross-claim in an interpleader action that is limited to the
66 disposition of an earnest money deposit pursuant to a real estate purchase contract. The action shall be
67 brought in accordance with the procedures for interpleader as set forth in § 8.01-364. However, the
68 general district court shall not have any power to issue injunctions. Actions in interpleader may be
69 brought by either the stakeholder or any of the claimants. The initial pleading shall be either by motion
70 for judgment, by warrant in debt, or by other uniform court form established by the Supreme Court of
71 Virginia. The initial pleading shall briefly set forth the circumstances of the claim and shall name as
72 defendant all parties in interest who are not parties plaintiff.

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

76 (7) Concurrent jurisdiction with the circuit courts having jurisdiction in such territory to adjudicate
77 habitual offenders pursuant to the provisions of Article 9 (§ 46.2-355.1 et seq.) of Chapter 3 of Title
78 46.2.

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

80 (9) Jurisdiction to try and decide any cases pursuant to § 55-79.80:2 of the Condominium Act
81 (§ 55-79.39 et seq.) or § 55-513 of the Property Owners' Association Act (§ 55-508 et seq.).

82 (10) *Concurrent jurisdiction with the circuit courts to submit matters to arbitration pursuant to*
83 *Chapter 21 (§ 8.01-577 et seq.) of Title 8.01 where the amount in controversy is within the jurisdictional*
84 *limits of the general district court. Any party that disagrees with an order by a general district court to*
85 *compel arbitration may appeal such decision to the circuit court pursuant to § 8.01-581.016.*