

18101433D

SENATE BILL NO. 415

Offered January 10, 2018

Prefiled January 9, 2018

A *BILL to amend and reenact §§ 8.01-195.4 and 16.1-77 of the Code of Virginia, relating to jurisdiction of claim; plaintiff's motion to amend claim amount; transfer of matter.*

Patron—McDougle

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That §§ 8.01-195.4 and 16.1-77 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; amending amount of claim.

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 \$25,000, exclusive of interest and such attorneys' fees. Jurisdiction of claims when the amount exceeds \$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.

While a matter is pending in a general district court or a circuit court, upon motion of the plaintiff seeking to increase or decrease the amount of the claim, the court shall order transfer of the matter to the general district court or circuit court that has jurisdiction over the amended amount of the claim without requiring that the case first be dismissed or the plaintiff suffer a nonsuit. Where such a matter is pending, if the plaintiff is seeking to increase or decrease the amount of the claim to an amount wherein the general district court and the circuit court would have concurrent jurisdiction, the court shall transfer the matter to either the general district court or the circuit court, as directed by the plaintiff, provided that such court otherwise has jurisdiction over the matter.

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; amending amount of claim.

Except as provided in Article 5 (§ 16.1-122.1 et seq.), 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 fees, 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 fees. 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. *While a matter is pending in a general district court or a circuit court, upon motion of the plaintiff seeking to increase or decrease the amount of the claim, the court shall order transfer of the matter to the general district court or circuit court that has jurisdiction over the amended amount of the claim without requiring that the case first be dismissed or the plaintiff suffer a nonsuit. Where such a matter is pending, if the plaintiff is seeking to increase or decrease the amount of the claim to an amount wherein the general district court and the circuit court would have concurrent jurisdiction, the court shall transfer the matter to either the general district court or the circuit court, as directed by the plaintiff, provided that such court otherwise has jurisdiction over the matter.*

(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 fees.

(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

59 jurisdictional limits prescribed in subdivision (1) shall not apply to any claim, counter-claim or
60 cross-claim in an unlawful detainer action that includes a claim for damages sustained or rent against
61 any person obligated on the lease or guarantee of such lease.

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

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

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

79 (7) Concurrent jurisdiction with the circuit courts having jurisdiction in such territory to adjudicate
80 habitual offenders pursuant to the provisions of Article 9 (§ 46.2-355.1 et seq.) of Chapter 3 of Title
81 46.2.

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

83 (9) Jurisdiction to try and decide any cases pursuant to § 55-79.80:2 of the Condominium Act
84 (§ 55-79.39 et seq.) or § 55-513 of the Property Owners' Association Act (§ 55-508 et seq.).

85 (10) Concurrent jurisdiction with the circuit courts to submit matters to arbitration pursuant to
86 Chapter 21 (§ 8.01-577 et seq.) of Title 8.01 where the amount in controversy is within the jurisdictional
87 limits of the general district court. Any party that disagrees with an order by a general district court
88 granting an application to compel arbitration may appeal such decision to the circuit court pursuant to
89 § 8.01-581.016.