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SENATE BILL NO. 896

Offered January 15, 1997

A BILL to amend and reenact §§ 8.01-262, 16.1-77.2 and 55-469 of the Code of Virginia, relating to permissible venue.

Patrons—Reynolds; Delegates: Armstrong and Clement

Referred to the Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That §§ 8.01-262, 16.1-77.2 and 55-469 of the Code of Virginia are amended and reenacted as follows:

§ 8.01-262. Category B or permissible venue.

In any actions to which this chapter applies except those actions enumerated in Category A where preferred venue is specified, one or more of the following counties or cities shall be permissible forums, such forums being sometimes referred to as "Category B" in this title:

1. Wherein the defendant resides or has his principal place of employment or, if the defendant is a corporation, *partnership or limited liability company, where its principal offices or place of business is located* or wherein its mayor, rector, president or other chief officer resides;

2. Wherein the defendant has a registered office, has appointed an agent to receive process, or such agent has been appointed by operation of the law; or, in case of withdrawal from this Commonwealth by such defendant, wherein venue herein was proper at the time of such withdrawal;

~~3. Wherein the defendant regularly conducts affairs or business activity, or in the case of withdrawal from this Commonwealth by such defendant, wherein venue herein was proper at the time of such withdrawal;~~

4. Wherein the cause of action, or any part thereof, arose;

5. In actions to recover or partition personal property, whether tangible or intangible, the county or city:

(a) Wherein such property is physically located; or

(b) Wherein the evidence of such property is located;

(c) And if subdivisions 54 (a) and 5 4 (b) do not apply, wherein the plaintiff resides.

6. In actions against a fiduciary as defined in § 8.01-2 appointed under court authority, the county or city wherein such fiduciary qualified;

7. In actions for improper message transmission or misdelivery wherein the message was transmitted or delivered or wherein the message was accepted for delivery or was misdelivered;

8. In actions arising based on delivery of goods, wherein the goods were received;

9. If there is no other forum available in subdivisions 1 through 8 7 of this category, then the county or city where the defendant has property or debts owing to him subject to seizure by any civil process; or

10. In actions in which all of the defendants are unknown or are nonresidents of the Commonwealth, or if there is no other forum available under any other provisions of § 8.01-261, or this section, then the county or city where any of the plaintiffs reside.

§ 16.1-77.2. Jurisdiction of partition of personal property and proceedings therefor.

Every general district court shall have jurisdiction of proceedings for partition of personal property, within the limits as to value and in accordance with the provisions hereinafter contained.

When joint owners of personal property of the value of more than twenty dollars but not more than maximum jurisdictional limits of the court as provided in § 16.1-77 (1) cannot agree upon a partition thereof, any party in interest may compel partition, the proceeding for which shall be commenced by a petition presented to a general district court as prescribed in subsection 54 of § 8.01-262. A copy of the petition, together with a notice of the time and place the petitioner will ask for a hearing thereon, shall be served on each of the defendants at least ten days prior to the day of hearing. The court shall hear and decide the matter without the appointment or use of commissioners.

Any such case meeting the requirements of § 16.1-92 may be removed to the circuit court in accordance with procedures prescribed by that section.

Any party aggrieved by a final judgment rendered by the general district court in any such proceeding shall have an appeal of right to any circuit court of the county or city having jurisdiction of appeals from such general district court, to be perfected within the time, and in all other respects in accordance with the provisions of law concerning appeals from general district courts in other civil cases.

INTRODUCED

SB896

60 § 56-469. Receipt and transmission of dispatches; venue.

61 It shall be the duty of every telegraph company in this Commonwealth to receive dispatches and
62 messages from and for other telegraph companies or lines doing the business of receiving and
63 transmitting messages for compensation, and from and for any person. Such companies shall, upon the
64 payment of the established charges, if demanded, transmit such dispatches and messages faithfully and
65 impartially, and as promptly as practicable, and in the order of delivery to such company. For every
66 failure to transmit a dispatch or message faithfully and impartially, and for every failure to transmit or
67 deliver a dispatch or message as promptly as practicable, or in the order of its delivery to the company,
68 the company shall forfeit the sum of fifty dollars to the person sending or wishing to send such dispatch
69 or message, or to the person to whom such dispatch is addressed, or such message is to be sent;
70 provided, that the recovery of one party entitled thereto shall be a bar to the recovery of the other party.
71 The provisions of this section shall not prevent any such company from giving preference to dispatches
72 or messages on official business from or to officers of the United States or the Commonwealth of
73 Virginia, or from making arrangements with proprietors or publishers of newspapers for the transmission
74 to them for publication of intelligence of general and public interest out of its regular order.

75 The venue for an action under this section shall be as specified in subdivision 76 of § 8.01-262.