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## SENATE BILL NO. 540

## AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee for Courts of Justice  
on February 4, 1998)

(Patron Prior to Substitute—Senator Hanger)

*A BILL to amend and reenact §§ 8.01-195.4, 16.1-77, 16.1-92, and 16.1-122 of the Code of Virginia, relating to exclusive jurisdiction of general district courts.***Be it enacted by the General Assembly of Virginia:****1. That §§ 8.01-195.4, 16.1-77, 16.1-92, and 16.1-122 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 ~~\$1,000~~ 5,000, exclusive of interest and any attorneys' fees. Jurisdiction shall be concurrent with the circuit courts when the amount of the claim exceeds ~~\$1,000~~ 5,000 but does not exceed ~~\$10,000~~ 15,000, exclusive of interest and such attorneys' fees. Jurisdiction of claims when the amount exceeds ~~\$10,000~~ 15,000 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, which would be recoverable by action at law or suit in equity, when the amount of such claim does not exceed ~~\$1,000~~ \$5,000 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 ~~\$1,000~~ \$5,000 but does not exceed \$15,000, exclusive of interest and any attorney's fees contracted for in the instrument. However, this \$15,000 limit shall not apply with respect to distress warrants under the provisions of § 55-230.

(2) Jurisdiction to try and decide attachment cases when the amount of the plaintiff's claim does not exceed \$15,000 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 for damages sustained or rent proved to be owing where the premises were used by the occupant primarily 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 property where the amount of money or value of the property is not more than the maximum jurisdictional limits of the general district court. 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 or by warrant in debt. The initial pleading shall briefly set forth the circumstances of the claim and shall name as defendant all parties in interest who are not parties plaintiff.

(6) Jurisdiction to try and decide any cases pursuant to § 2.1-346 of the Virginia Freedom of Information Act (§ 2.1-340 et seq.), for writs of mandamus or for injunctions.

(7) Concurrent jurisdiction with the circuit courts having jurisdiction in such territory to adjudicate habitual offenders pursuant to the provisions of Article 9 (§ 46.2-351 et seq.) of Chapter 3 of Title 46.2.

60 § 16.1-92. Removal of action involving more than \$ 5,000.

61 When the amount in controversy in any action at law except cases of unlawful entry and detainer in  
62 a general district court exceeds the sum of ~~\$1,000~~ \$5,000, exclusive of interest, attorney's fees  
63 contracted for in the instrument, and costs, the judge shall, at any time on or before the return day of  
64 the process, or within ten days after such return day, if trial of the case has not commenced and if  
65 judgment has not been rendered, upon the application of any defendant, the filing by him of an affidavit  
66 of himself, his agent or attorney, that he has a substantial defense to the action, which affidavit shall  
67 state the grounds of such defense, and the payment by him of the costs accrued to the time of removal,  
68 the writ tax as fixed by law, and the costs in the court to which it is removed as fixed by subdivision  
69 (17) of § 14.1-112, remove the action and all the papers thereof to a court having jurisdiction of appeals  
70 from the court wherein the action was brought; and the clerk if there be one, or the judge if there be no  
71 clerk of the court, shall promptly transmit the papers in the case and the writ tax and costs to the clerk  
72 of the court to which the action is removed. If the defendant fails to pay the accrued costs, writ tax, and  
73 the costs in the court to which the case is removed at the time the application for removal is filed, the  
74 judge shall proceed to try the case.

75 On the trial of the case in the circuit court the proceedings shall conform as nearly as may be to  
76 proceedings prescribed by the Rules of Court for other actions at law, but the court may permit all  
77 necessary amendments, including amendments to increase the amount of the claim above the  
78 jurisdictional amount set forth in § 16.1-77, enter such orders, and direct such proceedings as may be  
79 necessary or proper to correct any defects, irregularities and omissions in the pleadings and bring about  
80 a trial of the merits of the controversy.

81 In no event shall an objection to venue be considered by the circuit court unless raised by a  
82 defendant in his affidavit of substantial defense filed in the general district court.

83 § 16.1-122. Removal or appeal.

84 If the money or property claimed in any such proceeding is more than ~~\$1,000~~ \$5,000 in value, the  
85 proceeding may be removed to a circuit court and heard and disposed of therein as provided in  
86 § 16.1-92. If the property or money claimed in any such proceeding is more than fifty dollars in value,  
87 an appeal of right may be had to the judgment or order of the court as provided in § 16.1-106.