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HOUSE BILL NO. 1899

Offered January 15, 1999

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

Patrons—Joannou and Tate

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:**1. That § 8.01-262 of the Code of Virginia is 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, 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 5 (a) and 5 (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 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~~ *Wherein any of the plaintiffs reside if (i)* all of the defendants are unknown or are nonresidents of the Commonwealth; ~~or if (ii) 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.~~

INTRODUCED

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