

1999 SESSION

LEGISLATION NOT PREPARED BY DLS
INTRODUCED

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HOUSE BILL NO. 2523

Offered January 21, 1999

A BILL to amend and reenact § 8.01-265 of the Code of Virginia, relating to change of venue by court.

Patrons—Joannou and Cranwell

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That § 8.01-265 of the Code of Virginia is amended and reenacted as follows:

§ 8.01-265. Change of venue by court.

In addition to the provisions of § 8.01-264 and notwithstanding the provisions of §§ 8.01-195.4, 8.01-260, 8.01-261 and 8.01-262, the court wherein an action is commenced may, upon motion by any defendant and for good cause shown, (i) dismiss an action brought by a person who is not a resident of the Commonwealth without prejudice under such conditions as the court deems appropriate if the cause of action arose outside of the Commonwealth and if the court determines that a more convenient forum which has jurisdiction over all parties is available in a jurisdiction other than the Commonwealth or (ii) transfer the action to any fair and convenient forum having jurisdiction within the Commonwealth. Such conditions as the court deems appropriate shall include, but not be limited to, a requirement that the defendant agree not to assert the statute of limitations as a defense if the action is brought in a more convenient forum within a time specified by the court. The court, on motion of a plaintiff and for good cause shown, may retain the action for trial. Except by agreement of all parties, no action enumerated in Category A, § 8.01-261, shall be transferred to or retained by a forum not enumerated in such category. Good cause shall be deemed to include, but not to be limited to, the agreement of the parties or the avoidance of substantial inconvenience to the parties or the witnesses. *In addition, thereto good cause shall include, but not be limited to, the fact that the pro hac vice laws in the foreign jurisdiction where the action would otherwise be brought are more restrictive, stringent, or difficult to comply with by nonresident counsel than the pro hac vice provisions in the Commonwealth of Virginia, and/or that the defendant or counsel for defendant to the matter has objected to counsel for plaintiff qualifying pro hac vice in the foreign jurisdiction.*

The provisions of (i) of this section shall not apply to causes of action which accrue under § 8.01-249 (4).

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