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SENATE BILL NO. 774

Offered January 12, 2011

Prefiled December 14, 2010

A BILL to amend and reenact §§ 8.01-195.4, 16.1-77, and 43-34 of the Code of Virginia, relating to jurisdictional limits of courts.

Patrons—McEachin and Petersen

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That §§ 8.01-195.4, 16.1-77, and 43-34 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 \$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 ~~\$15,000~~ \$25,000, exclusive of interest and such attorneys' fees. Jurisdiction of claims when the amount exceeds ~~\$15,000~~ \$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.

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 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'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 \$4,500 but does not exceed ~~\$15,000~~ \$25,000, exclusive of interest and any attorney's fees contracted for in the instrument. However, this ~~\$15,000~~ \$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.

(2) Jurisdiction to try and decide attachment cases when the amount of the plaintiff's claim does not exceed ~~\$15,000~~ \$25,000 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, counter-claim or cross-claim in an unlawful detainer action that includes a claim for damages sustained or rent against any person obligated on the lease proved to be owing where the premises were used by the occupant primarily for business, commercial or agricultural purposes. Any counter-claim or cross-claim shall arise out of the same use of the property 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 or real property where the amount of money or value of the property is not more than the maximum jurisdictional limits of the general district court. However, the maximum jurisdictional limits prescribed in subdivision (1) shall not apply to any claim, counter-claim, or cross-claim in an interpleader action that is limited to the disposition of an earnest money deposit pursuant to a real estate purchase contract. The action shall be brought in accordance with the procedures for interpleader as set forth in § 8.01-364. However, the

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SB774

59 general district court shall not have any power to issue injunctions. Actions in interpleader may be
60 brought by either the stakeholder or any of the claimants. The initial pleading shall be either by motion
61 for judgment, by warrant in debt, or by other uniform court form established by the Supreme Court of
62 Virginia. The initial pleading shall briefly set forth the circumstances of the claim and shall name as
63 defendant all parties in interest who are not parties plaintiff.

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

67 (7) Concurrent jurisdiction with the circuit courts having jurisdiction in such territory to adjudicate
68 habitual offenders pursuant to the provisions of Article 9 (§ 46.2-355.1 et seq.) of Chapter 3 of Title
69 46.2.

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

71 § 43-34. Enforcement of liens acquired under §§ 43-31 through 43-33 and of liens of bailees.

72 Any person having a lien under §§ 43-31 through 43-33 and any bailee, except where otherwise
73 provided, having a lien as such at common law on personal property in his possession which he has no
74 power to sell for the satisfaction of the lien, if the debt for which the lien exists is not paid within 10
75 days after it is due and the value of the property affected by the lien does not exceed \$7,500, may sell
76 such property or so much thereof as may be necessary, by public auction, for cash. The proceeds shall
77 be applied to the satisfaction of the debt and expenses of sale, and the surplus, if any, shall be paid
78 within 30 days of the sale to any lienholder, and then to the owner of the property. A seller who fails to
79 remit the surplus as provided shall be liable to the person entitled to the surplus in an amount equal to
80 \$50 for each day beyond 30 days that the failure continues.

81 Before making the sale, the seller shall advertise the time, place, and terms thereof in a public place.
82 In the case of property other than a motor vehicle required to be registered in Virginia having a value in
83 excess of \$600, 10 days' prior notice shall be given to any secured party who has filed a financing
84 statement against the property, and written notice shall be given to the owner as hereinafter provided.

85 If the value of the property is more than \$7,500 but does not exceed ~~\$15,000~~ \$25,000, the party
86 having the lien, after giving notice as herein provided, may apply by petition to any general district
87 court of the county or city wherein the property is, or, if the value of the property exceeds ~~\$15,000~~
88 \$25,000, to the circuit court of the county or city, for the sale of the property. If, on the hearing of the
89 case on the petition, the defense, if any made thereto, and such evidence as may be adduced by the
90 parties respectively, the court is satisfied that the debt and lien are established and the property should
91 be sold to pay the debt, the court shall order the sale to be made by the sheriff of the county or city.
92 The sheriff shall make the same and apply and dispose of the proceeds in the same manner as if the
93 sale were made under a writ of fieri facias.

94 If the owner of the property is a resident of this Commonwealth, any notice required by this section
95 may be served as provided in § 8.01-296 or, if the sale is to be made without resort to the courts, by
96 personal delivery or by certified or registered mail delivered to the present owner of the property to be
97 sold at his last known address at least 10 days prior to the date of sale. If he is a nonresident or if his
98 address is unknown, notice may be served by posting a copy thereof in three public places in the county
99 or city wherein the property is located. For purposes of this section, a public place means a premises
100 owned by the Commonwealth, a political subdivision thereof or an agency of either which is open to the
101 general public.