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## HOUSE BILL NO. 2289

## FLOOR AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by Senator Obenshain  
on February 14, 2019)

(Patron Prior to Substitute—Delegate Leftwich)

A BILL to amend and reenact §§ 8.01-195.4 and 16.1-77 of the Code of Virginia, relating to jurisdiction of claim; plaintiff's motion to amend claim amount; transfer of matter.

Be it enacted by the General Assembly of Virginia:

1. That §§ 8.01-195.4 and 16.1-77 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; amending amount of claim.

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 \$25,000, exclusive of interest and such attorneys' fees. Jurisdiction of claims when the amount exceeds \$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.

While a matter is pending in a general district court or a circuit court, upon motion of the plaintiff seeking to increase or decrease the amount of the claim, the court shall order transfer of the matter to the general district court or circuit court that has jurisdiction over the amended amount of the claim without requiring that the case first be dismissed or that the plaintiff suffer a nonsuit, and the tolling of the applicable statutes of limitations governing the pending matter shall be unaffected by the transfer. Where such a matter is pending, if the plaintiff is seeking to increase or decrease the amount of the claim to an amount wherein the general district court and the circuit court would have concurrent jurisdiction, the court shall transfer the matter to either the general district court or the circuit court, as directed by the plaintiff, provided that such court otherwise has jurisdiction over the matter. Except for good cause shown, no such order of transfer shall issue unless the motion to amend and transfer is made at least 10 days before trial. The plaintiff shall pay filing and other fees as otherwise provided by law to the clerk of the court to which the case is transferred, and such clerk shall process the claim as if it were a new civil action. The plaintiff shall prepare and present the order of transfer to the transferring court for entry, after which time the case shall be removed from the pending docket of the transferring court and the order of transfer placed among its records. The plaintiff shall provide a certified copy of the transfer order to the receiving court.

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; amending amount of claim.

Except as provided in Article 5 (§ 16.1-122.1 et seq.), 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 fees, 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 \$25,000, exclusive of interest and any attorney fees. However, this \$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. While a matter is pending in a general district court, upon motion of the plaintiff seeking to increase the amount of the claim, the court shall order transfer of the matter to the circuit court that has jurisdiction over the amended amount of the claim without requiring that the case first be dismissed or that the plaintiff suffer a nonsuit, and the tolling of the applicable statutes of limitations governing the pending matter shall be unaffected by the transfer. Except for good cause shown, no such order of transfer shall issue unless the motion to amend and transfer is made at least 10 days before trial. The plaintiff shall pay filing and other fees as otherwise provided by law to the clerk of the court to which the case is transferred, and

60 *such clerk shall process the claim as if it were a new civil action. The plaintiff shall prepare and*  
61 *present the order of transfer to the transferring court for entry, after which time the case shall be*  
62 *removed from the pending docket of the transferring court and the order of transfer placed among its*  
63 *records. The plaintiff shall provide a certified copy of the transfer order to the receiving court.*

64 (2) Jurisdiction to try and decide attachment cases when the amount of the plaintiff's claim does not  
65 exceed \$25,000 exclusive of interest and any attorney fees.

66 (3) Jurisdiction of actions of unlawful entry or detainer as provided in Article 13 (§ 8.01-124 et seq.)  
67 of Chapter 3 of Title 8.01, and in Chapter 13 (§ 55-217 et seq.) of Title 55, and the maximum  
68 jurisdictional limits prescribed in subdivision (1) shall not apply to any claim, counter-claim or  
69 cross-claim in an unlawful detainer action that includes a claim for damages sustained or rent against  
70 any person obligated on the lease or guarantee of such lease.

71 (4) Except where otherwise specifically provided, all jurisdiction, power and authority over any civil  
72 action or proceeding conferred upon any general district court judge or magistrate under or by virtue of  
73 any provisions of the Code.

74 (5) Jurisdiction to try and decide suits in interpleader involving personal or real property where the  
75 amount of money or value of the property is not more than the maximum jurisdictional limits of the  
76 general district court. However, the maximum jurisdictional limits prescribed in subdivision (1) shall not  
77 apply to any claim, counter-claim, or cross-claim in an interpleader action that is limited to the  
78 disposition of an earnest money deposit pursuant to a real estate purchase contract. The action shall be  
79 brought in accordance with the procedures for interpleader as set forth in § 8.01-364. However, the  
80 general district court shall not have any power to issue injunctions. Actions in interpleader may be  
81 brought by either the stakeholder or any of the claimants. The initial pleading shall be either by motion  
82 for judgment, by warrant in debt, or by other uniform court form established by the Supreme Court of  
83 Virginia. The initial pleading shall briefly set forth the circumstances of the claim and shall name as  
84 defendant all parties in interest who are not parties plaintiff.

85 (6) Jurisdiction to try and decide any cases pursuant to § 2.2-3713 of the Virginia Freedom of  
86 Information Act (§ 2.2-3700 et seq.) or § 2.2-3809 of the Government Data Collection and  
87 Dissemination Practices Act (§ 2.2-3800 et seq.), for writs of mandamus or for injunctions.

88 (7) Concurrent jurisdiction with the circuit courts having jurisdiction in such territory to adjudicate  
89 habitual offenders pursuant to the provisions of Article 9 (§ 46.2-355.1 et seq.) of Chapter 3 of Title  
90 46.2.

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

92 (9) Jurisdiction to try and decide any cases pursuant to § 55-79.80:2 of the Condominium Act  
93 (§ 55-79.39 et seq.) or § 55-513 of the Property Owners' Association Act (§ 55-508 et seq.).

94 (10) Concurrent jurisdiction with the circuit courts to submit matters to arbitration pursuant to  
95 Chapter 21 (§ 8.01-577 et seq.) of Title 8.01 where the amount in controversy is within the jurisdictional  
96 limits of the general district court. Any party that disagrees with an order by a general district court  
97 granting an application to compel arbitration may appeal such decision to the circuit court pursuant to  
98 § 8.01-581.016.