

No. 1083

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1986

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ENROLLED

HOUSE BILL No. 1083

(By ~~Mr.~~ Del. Shepherd + Del. Casey)

— ● —

Passed January 31, 1986

In Effect Ninety Days From Passage

ENROLLED
H. B. 1083

(By DELEGATE SHEPHERD and DELEGATE CASEY)

[Passed January 31, 1986; in effect ninety days from passage.]

AN ACT to repeal section two, article one, chapter fifty-six of the code of West Virginia, one thousand nine hundred thirty-one, as amended; and to amend and reenact section one of said article, relating generally to the venue of civil actions and other proceedings; providing that an action may be brought in either the county where any of the defendants reside or in the county wherein the cause of action arose; and allowing a change of venue from counties wherein the cause of action arose upon certain showings by a party.

Be it enacted by the Legislature of West Virginia:

That section two, article one, chapter fifty-six of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be repealed; and that section one of said article one be amended and reenacted, all to read as follows:

ARTICLE 1. VENUE.

§56-1-1. Venue generally.

1 (a) Any civil action or other proceeding, except where
2 it is otherwise specially provided, may hereafter be
3 brought in the circuit court of any county:

4 (1) Wherein any of the defendants may reside or the
5 cause of action arose, except that an action of ejectment
6 or unlawful detainer must be brought in the county
7 wherein the land sought to be recovered or some part

8 thereof, is; or

9 (2) If a corporation be a defendant, wherein its
10 principal office is, or wherein its mayor, president or
11 other chief officer resides; or if its principal office be not
12 in this state, and its mayor, president or other chief
13 officer do not reside therein, wherein it does business; or
14 if it be a corporation organized under the laws of this
15 state, which has its principal office located outside of this
16 state, and which has no office or place of business within
17 the state, the circuit court of the county in which the
18 plaintiff resides or the circuit court of the county in
19 which the seat of state government is located shall have
20 jurisdiction of all actions at law or suits in equity against
21 such corporation, where the cause of action arose in this
22 state or grew out of the rights of stockholders with
23 respect to corporate management; or

24 (3) If it be to recover land or subject it to a debt,
25 wherein such land or any part thereof may be; or

26 (4) If it be against one or more nonresidents of the
27 state, wherein any one of them may be found and served
28 with process, or may have estate or debts due him or
29 them; or

30 (5) If it be to recover a loss under any policy of
31 insurance, upon either property, life or health, or against
32 injury to a person, wherein the property insured was
33 situated either at the date of the policy or at the time
34 when the right of action accrued; or the person insured
35 had a legal residence at the date of his death or at the
36 time when the right of action accrued; or

37 (6) If it be on behalf of the state in the name of the
38 attorney general or otherwise, wherein the seat of
39 government is; or

40 (7) If a judge of a circuit be interested in a case which,
41 but for such interest, would be proper for the jurisdiction
42 of his court, the action or suit may be brought in any
43 county in an adjoining circuit.

44 (b) Whenever a civil action or proceeding is brought
45 in the county wherein the cause of action arose, under
46 the provisions of subsection (a) of this section, if no

47 defendant resides in such county, a defendant to the
48 action or proceeding may move the court before which
49 the action is pending for a change of venue to a county
50 wherein one or more of the defendants resides, and upon
51 a showing by the moving defendant that the county to
52 which the proposed change of venue would be made
53 would better afford convenience to the parties litigant
54 and the witnesses likely to be called, and if the ends of
55 justice would be better served by such change of venue,
56 the court may grant such motion.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

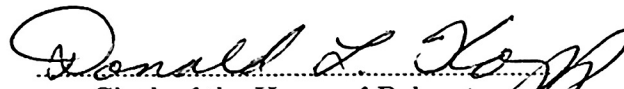

Chairman Senate Committee



Chairman House Committee


Originating in the House.

Takes effect ninety days from passage.


Clerk of the Senate


Clerk of the House of Delegates


President of the Senate


Speaker of the House of Delegates

The within  this the 11th
day of February, 1986.


Governor

PRESENTED TO THE

GOVERNOR

Date 2/6/86

Time 2:31 p.m.

FILED IN THE OFFICE OF
SHERIFF OF STATE OF
WEST VIRGINIA

THIS DATE 2/13/86