WEST VIRGINIA LEGISLATURE
Regular Session, 2004

ENROLLED
Committee Substitute for
SENATE BILL NO. 107

(By Senator Chain)

PASSED March 10, 2004

In Effect 90 days from Passage
AN ACT to amend and reenact §14-2-2 of the Code of West Virginia, 1931, as amended, relating to venue in actions and proceedings against the state; and authorizing civil actions against the state to be filed in the county in which the cause of action arose where the recovery being sought is limited to the coverage available under the state's liability insurance policy.

Be it enacted by the Legislature of West Virginia:

That §14-2-2 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

ARTICLE 2. CLAIMS AGAINST THE STATE.

§14-2-2. Venue for certain suits and actions.
Enr. Com. Sub. for S. B. No. 107] 2

(a) Except as provided in subsection (b) of this section, the following proceedings shall only be brought and prosecuted in the circuit court of Kanawha County:

(1) Any suit in which the Governor, any other state officer or a state agency is made a party defendant, except as garnishee or suggestee.

(2) Any suit attempting to enjoin or otherwise suspend or affect a judgment or decree on behalf of the state obtained in any circuit court.

(b) The following proceedings shall be filed as hereafter provided:

(1) Any proceeding for injunctive or mandamus relief involving the taking, title or collection for or prevention of damage to real property may be brought and presented in the circuit court of the county in which the real property affected is situate.

(2) Any civil action in which the Governor, any other state officer or a state agency is made a party defendant and recovery is being sought only to the extent of the applicable state liability insurance coverage, may be brought in or transferred to the circuit court of the county wherein the cause of action arose along with any related claims arising out of the same transaction or occurrence. The parties may agree that such an action can be adjudicated in the circuit court of Kanawha County.

The provisions of this section shall not be construed to in any way limit the constitutional immunity of the state from suit under section thirty-five, article VI of the Constitution of the state.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee  

Chairman House Committee  

Originated in the Senate.

In effect ninety days from passage.

Clerk of the Senate  

Clerk of the House of Delegates  

President of the Senate  

Speaker House of Delegates  

The within is approved this the Day of April, 2006.  

Governor