

HOUSE BILL ANALYSIS

SB 6299

Title: An act relating to actions for unlawful issuance of a check or draft.

Brief Description: Identifying where actions for unlawful issuance of a check or draft may be brought.

Sponsors: Senators Johnson and Heavey.

HOUSE COMMITTEE ON LAW & JUSTICE

Staff: Edie Adams (786-7180).

Background: In order for a court to hear a particular matter, the court must have jurisdiction over the subject matter of the action and jurisdiction over the parties to the action. In addition, the particular court must be the court of proper "venue." Venue refers to the county within the state where a lawsuit may be brought or heard.

Generally, the rules of venue require an action to be brought in the county in which the defendant resides. There are some actions, however, that are considered local in nature, such as the recovery of real property, and these local actions must be brought in the county where the subject of the action is located. In addition, the Legislature has authorized some actions to be brought in the county in which the cause of action arose: actions for the recovery of a penalty or forfeiture; actions against a public officer; and actions for the recovery of damages from a motor vehicle accident.

An action to recover money owed is not a local action and is not subject to a specific exception to the general venue rule, and must therefore be brought in the county of the defendant's residence.

Summary of Bill: A civil action for the unlawful issuance of a check or draft may be brought in any division of the judicial district in which the check was issued or presented as payment, in addition to any county where the defendant resides.

Fiscal Note: Not requested.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Office of Program Research