

HOUSE BILL REPORT

SSB 5241

As Passed House:

April 4, 2001

Title: An act relating to venue.

Brief Description: Changing provisions relating to venue.

Sponsors: By Senate Committee on Judiciary (originally sponsored by Senators Johnson, Constantine, Sheahan, Kline, Costa, Zarelli and Roach).

Brief History:

Committee Activity:

Judiciary: 3/22/01, 3/27/01 [DP].

Floor Activity:

Passed House: 4/4/01, 91-0.

Brief Summary of Substitute Bill

- Changes the venue provisions applicable to certain civil actions in district and superior courts.
- Provides the plaintiff the option, in certain personal injury actions, to file suit where the cause of action arose or where the defendant resides.
- Allows actions in district court involving unlawful issuance of a check to be brought in the district in which the check was issued or presented as payment.

HOUSE COMMITTEE ON JUDICIARY

Majority Report: Do pass. Signed by 10 members: Representatives Carrell, Republican Co-Chair; Lantz, Democratic Co-Chair; Hurst, Democratic Vice Chair; Lambert, Republican Vice Chair; Boldt, Casada, Dickerson, Esser, Lovick and McDermott.

Staff: Trudes Hutcheson (786-7384).

Background:

Jurisdiction refers to the power of the particular court to take control of the lawsuit and

determine its outcome. Venue, on the other hand, refers to the place where the action may be brought within the state. Although separate statutes govern venue in district court and superior court, venue for most civil actions in those courts are substantially the same.

Generally, most civil actions in district court and superior court may be brought in the district or county where the defendant resides. There are a few specialized exceptions for venue in particular kinds of cases.

In both district court and superior court, an action for damages arising from a motor vehicle accident may, at the plaintiff's option, be filed in a court where the defendant resides or where the cause of action arose.

In addition, actions in which there is a corporate defendant may be brought in any district or county where the corporation transacts business.

In superior court, civil actions upon the unlawful issuance of a check may be brought either where the check was issued or presented for payment or where the defendant resides. There is no specific venue provision in district court for an action upon the unlawful issuance of a check.

Summary of Bill:

Changes are made to the venue statutes applicable to district and superior courts. In both district and superior courts, a plaintiff bringing an action for damages for injuries to the person or to personal property may file either where the cause of action arose or where the defendant resides.

In addition, civil actions in district court regarding the unlawful issuance of a check may be brought either where the defendant resides or where the check was issued or presented as payment.

Appropriation: None.

Fiscal Note: Not Requested.

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

Testimony For: This bill gives plaintiffs in other types of personal injury cases the same venue options available to plaintiffs in cases involving motor vehicle accidents. In cases where there is an innocent injured party, that party should be able to have a choice of venue. This makes the venue statute evenly applied to various personal injury actions. If someone is writing bad checks, the plaintiff should be able to bring an action where the

check was issued instead of where the defendant resides, which may be very far away.

Testimony Against: None.

Testified: Steve Toole, Washington State Trial Lawyers Association.