

SENATE BILL REPORT

SB 5241

As Reported By Senate Committee On:
Judiciary, February 6, 2001

Title: An act relating to venue.

Brief Description: Changing provisions relating to venue.

Sponsors: Senators Johnson, Constantine, Sheahan, Kline, Costa, Zarelli and Roach.

Brief History:

Committee Activity: Judiciary: 1/29/01, 2/6/01 [DPS].

SENATE COMMITTEE ON JUDICIARY

Majority Report: That Substitute Senate Bill No. 5241 be substituted therefor, and the substitute bill do pass.

Signed by Senators Kline, Chair; Constantine, Vice Chair; Costa, Johnson, Kastama, Long, McCaslin, Roach, Thibaudeau and Zarelli.

Staff: Lilah Amos (786-7421)

Background: Currently, a lawsuit seeking damages for injuries to person or property from a motor vehicle accident can be filed either in the county or district where the injury occurred or in the county or district where the defendant resides. However, a lawsuit involving injury to person or property resulting from a cause other than a motor vehicle accident can only be filed where the defendant resides. The action cannot be filed where the injury occurred.

There is no venue provision specifically addressing where to file civil actions regarding unlawful issuance of checks or drafts in district court. In superior court, the civil venue statute provides that an action regarding unlawful issuance of checks or drafts can be brought either where the defendant resides or where the check was issued or presented as payment.

Summary of Substitute Bill: In both district and superior courts, a lawsuit involving a claim for injuries to a person or property can be brought either where the injury occurred or where the defendant resides. The location of filing the lawsuit does not change based upon the cause of the claimed injury.

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

Substitute Bill Compared to Original Bill: A civil action for unlawful issuance of checks or drafts may be brought either in the district where the defendant resides or in any district where the check was issued or presented.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: This bill eliminates an inconsistency in the law. It is fair to allow actions for damages for injury from all causes, not just those caused by motor vehicle accidents, to be filed either where the act occurred or where the defendant resides. Any inconvenience should fall on the wrongdoer.

Testimony Against: None.

Testified: Larry Shannon, Washington State Trial Lawyer's Association.