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**SUBSTITUTE SENATE BILL 5241**

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**State of Washington**

**57th Legislature**

**2001 Regular Session**

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

READ FIRST TIME 02/07/01.

1 AN ACT Relating to venue; and amending RCW 3.66.040 and 4.12.020.

2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

3 **Sec. 1.** RCW 3.66.040 and 1988 c 71 s 1 are each amended to read as  
4 follows:

5 (1) An action arising under RCW 3.66.020 (1), (~~((2) except for the~~  
6 ~~recovery of possession of personal property,~~)) (4), (6), (7), and (9)  
7 may be brought in any district in which the defendant, or, if there be  
8 more than one defendant, where some one of the defendants, resides at  
9 the time the complaint is filed or in which the defendant, or if there  
10 be more than one defendant, where some one of the defendants may be  
11 served with the notice and complaint in which latter case, however, the  
12 district where the defendant or defendants is or are served must be  
13 within the county in which the (~~said~~) defendant or defendants reside.  
14 If the residence of the defendant is not ascertained by reasonable  
15 efforts, the action may be brought in the district in which the  
16 defendant's place of actual physical employment is located.

17 (2) An action arising under RCW 3.66.020(2) for the recovery of  
18 possession of personal property and RCW 3.66.020(8) shall be brought in

1 the district in which the subject matter of the action or some part  
2 thereof is situated.

3 (3) An action arising under RCW 3.66.020 (3) and (5) shall be  
4 brought in the district in which the cause of action, or some part  
5 thereof arose.

6 (4) An action arising under RCW 3.66.020(2) for the recovery of  
7 damages for injuries to the person or for injury to personal property  
8 (~~arising from a motor vehicle accident~~) may be brought, at the  
9 plaintiff's option, either in the district in which the cause of  
10 action, or some part thereof, arose, or in the district in which the  
11 defendant, or, if there be more than one defendant, where some one of  
12 the defendants, resides at the time the complaint is filed.

13 (5) An action against a nonresident of this state may be brought in  
14 any district where service of process may be had, or in which the cause  
15 of action or some part thereof arose, or in which the plaintiff or one  
16 of them resides.

17 (6) An action upon the unlawful issuance of a check or draft may be  
18 brought in any district in which the defendant resides or may be  
19 brought in any district in which the check was issued or presented as  
20 payment.

21 (7) For the purposes of chapters 3.30 through 3.74 RCW, the  
22 residence of a corporation defendant shall be deemed to be in any  
23 district where the corporation transacts business or has an office for  
24 the transaction of business or transacted business at the time the  
25 cause of action arose or where any person resides upon whom process may  
26 be served upon the corporation, unless herein otherwise provided.

27 **Sec. 2.** RCW 4.12.020 and 1941 c 81 s 1 are each amended to read as  
28 follows:

29 Actions for the following causes shall be tried in the county where  
30 the cause, or some part thereof, arose:

31 (1) For the recovery of a penalty or forfeiture imposed by statute;

32 (2) Against a public officer, or person specially appointed to  
33 execute his or her duties, for an act done by him or her in virtue of  
34 his or her office, or against a person who, by his or her command or in  
35 his or her aid, shall do anything touching the duties of such officer;

36 (3) For the recovery of damages (~~arising from a motor vehicle~~  
37 ~~accident; but in a cause arising because of motor vehicle accident~~)  
38 for injuries to the person or for injury to personal property, the

1 plaintiff shall have the option of suing either in the county in which  
2 the cause of action or some part thereof arose, or in the county in  
3 which the defendant resides, or if there be more than one defendant,  
4 where some one of the defendants resides, at the time of the  
5 commencement of the action.

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