
Judiciary Committee

HB 1311

Title: An act relating to the venue of court actions filed against the state.

Brief Description: Changing provisions relating to the venue of court actions filed against the state.

Sponsors: Representatives Armstrong, Shabro, Anderson, Nixon, Hatfield, Roach, Kristiansen, Woods, Schoesler, Schindler, Benson, Condotta and McMahan.

Brief Summary of Bill

- Removes Thurston County's specific listing as a place of proper venue for court actions filed against the state.

Hearing Date: 2/7/03

Staff: Edie Adams (786-7180).

Background:

In a civil cause of action, the location of the plaintiffs and defendants and the place where the cause of action arose may all be different. Venue rules determine which court, of those that may have jurisdiction over an action, is the proper court to hear the case. Venue rules vary depending on the type of action. For example, personal tort actions must be brought in the county where any one of the defendant resides, whereas actions involving real property must be brought in the county where the property is located.

In actions brought against the state of Washington, the plaintiff may file a suit against the state in any of the following places:

- The county of residence or principal place of business of any plaintiff;
- The county where the cause of action arose;
- The county in which the real property that is the subject of the action is situated;
- The county where the action may be properly commenced by reason of the joinder of an additional defendant; or
- Thurston County.

Both a plaintiff and a defendant can move for a change of venue in a lawsuit. A court may change the place of trial for improper venue for the following reasons: (1) venue is not proper; (2) the court determines that the convenience of witnesses or the ends of justice would be forwarded by the change; (3) there is reason to believe that an impartial trial cannot be had in that particular court; or (4) the judge is disqualified from hearing the case. An appellate court may overturn a lower court's decision to change venue only if there has been an abuse of discretion regarding the change of venue.

Summary of Bill:

Thurston County is removed as an independent place of proper venue for actions filed against the state. An action brought against the state may be filed in Thurston County only if one of the remaining four venue criteria points to Thurston County.

Appropriation: None.

Fiscal Note: Requested on January 29, 2003.

Effective Date: The bill takes effect ninety days after adjournment of session in which bill is passed.