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HOUSE BILL 1287

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State of Washington

58th Legislature

2003 Regular Session

By Representatives Lovick, Bush, Moeller, Campbell, McDonald and Cox;  
by request of Attorney General

Read first time 01/22/2003. Referred to Committee on Judiciary.

1 AN ACT Relating to district court jurisdiction over actions  
2 involving commercial electronic mail; and amending RCW 3.66.020 and  
3 3.66.040.

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

5 **Sec. 1.** RCW 3.66.020 and 2000 c 49 s 1 are each amended to read as  
6 follows:

7 If the value of the claim or the amount at issue does not exceed  
8 fifty thousand dollars, exclusive of interest, costs, and attorneys'  
9 fees, the district court shall have jurisdiction and cognizance of the  
10 following civil actions and proceedings:

- 11 (1) Actions arising on contract for the recovery of money;  
12 (2) Actions for damages for injuries to the person, or for taking  
13 or detaining personal property, or for injuring personal property, or  
14 for an injury to real property when no issue raised by the answer  
15 involves the plaintiff's title to or possession of the same and actions  
16 to recover the possession of personal property;  
17 (3) Actions for a penalty;

1 (4) Actions upon a bond conditioned for the payment of money, when  
2 the amount claimed does not exceed fifty thousand dollars, though the  
3 penalty of the bond exceeds that sum, the judgment to be given for the  
4 sum actually due, not exceeding the amount claimed in the complaint;

5 (5) Actions on an undertaking or surety bond taken by the court;

6 (6) Actions for damages for fraud in the sale, purchase, or  
7 exchange of personal property;

8 (7) Proceedings to take and enter judgment on confession of a  
9 defendant;

10 (8) Proceedings to issue writs of attachment, garnishment and  
11 replevin upon goods, chattels, moneys, and effects; (~~and~~)

12 (9) All other actions and proceedings of which jurisdiction is  
13 specially conferred by statute, when the title to, or right of  
14 possession of real property is not involved; and

15 (10) Actions arising under the provisions of chapter 19.190 RCW.

16 **Sec. 2.** RCW 3.66.040 and 2001 c 45 s 1 are each amended to read as  
17 follows:

18 (1) An action arising under RCW 3.66.020 (1), (4), (6), (7), and  
19 (9) may be brought in any district in which the defendant, or, if there  
20 be more than one defendant, where some one of the defendants, resides  
21 at the time the complaint is filed or in which the defendant, or if  
22 there be more than one defendant, where some one of the defendants may  
23 be served with the notice and complaint in which latter case, however,  
24 the district where the defendant or defendants is or are served must be  
25 within the county in which the defendant or defendants reside. If the  
26 residence of the defendant is not ascertained by reasonable efforts,  
27 the action may be brought in the district in which the defendant's  
28 place of actual physical employment is located.

29 (2) An action arising under RCW 3.66.020(2) for the recovery of  
30 possession of personal property and RCW 3.66.020(8) shall be brought in  
31 the district in which the subject matter of the action or some part  
32 thereof is situated.

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

36 (4) An action arising under RCW 3.66.020(2) for the recovery of  
37 damages for injuries to the person or for injury to personal property

1 may be brought, at the plaintiff's option, either in the district in  
2 which the cause of action, or some part thereof, arose, or in the  
3 district in which the defendant, or, if there be more than one  
4 defendant, where some one of the defendants, resides at the time the  
5 complaint is filed.

6 (5) An action against a nonresident of this state, including an  
7 action arising under the provisions of chapter 19.190 RCW, may be  
8 brought in any district where service of process may be had, or in  
9 which the cause of action or some part thereof arose, or in which the  
10 plaintiff or one of them resides.

11 (6) An action upon the unlawful issuance of a check or draft may be  
12 brought in any district in which the defendant resides or may be  
13 brought in any district in which the check was issued or presented as  
14 payment.

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

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