

**Senate Bill No. 639**

(By Senator M. Hall)

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[Introduced March 25, 2013; referred to the Committee on the  
Judiciary.]

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A BILL to amend and reenact §56-1-1 of the Code of West Virginia,  
1931, as amended, relating to when a West Virginia resident  
may not be joined as a codefendant in any civil action in the  
circuit courts of the state.

*Be it enacted by the Legislature of West Virginia:*

That §56-1-1 of the Code of West Virginia, 1931, as amended,  
be amended and reenacted to read as follows:

**ARTICLE 1. VENUE.**

**§56-1-1. Venue generally.**

(a) Any civil action or other proceeding, except where it is  
otherwise specially provided, may hereafter be brought in the  
circuit court of any county:

(1) Wherein any of the defendants may reside or the cause of  
action arose, except that an action of ejectment or unlawful

1 detainer must be brought in the county wherein the land sought to  
2 be recovered, or some part thereof, is;

3       (2) If a corporation be a defendant, wherein its principal  
4 office is or wherein its mayor, president or other chief officer  
5 resides; or if its principal office be not in this state, and its  
6 mayor, president or other chief officer do not reside therein,  
7 wherein it does business; or if it be a corporation organized under  
8 the laws of this state which has its principal office located  
9 outside of this state and which has no office or place of business  
10 within the state, the circuit court of the county in which the  
11 plaintiff resides or the circuit court of the county in which the  
12 seat of state government is located shall have jurisdiction of all  
13 actions at law or suits in equity against the corporation, where  
14 the cause of action arose in this state or grew out of the rights  
15 of stockholders with respect to corporate management;

16       (3) If it be to recover land or subject it to a debt, where  
17 the land or any part may be;

18       (4) If it be against one or more nonresidents of the state,  
19 where any one of them may be found and served with process or may  
20 have estate or debts due him or her or them;

21       (5) If it be to recover a loss under any policy of insurance  
22 upon either property, life or health or against injury to a person,  
23 where the property insured was situated either at the date of the  
24 policy or at the time when the right of action accrued or the

1 person insured had a legal residence at the date of his or her  
2 death or at the time when the right of action accrued;

3 (6) If it be on behalf of the state in the name of the  
4 Attorney General or otherwise, where the seat of government is; or

5 (7) If a judge of a circuit be interested in a case which, but  
6 for such interest, would be proper for the jurisdiction of his or  
7 her court, the action or suit may be brought in any county in an  
8 adjoining circuit.

9 (b) Whenever a civil action or proceeding is brought in the  
10 county where the cause of action arose under the provisions of  
11 subsection (a) of this section, if no defendant resides in the  
12 county, a defendant to the action or proceeding may move the court  
13 before which the action is pending for a change of venue to a  
14 county where one or more of the defendants resides and upon a  
15 showing by the moving defendant that the county to which the  
16 proposed change of venue would be made would better afford  
17 convenience to the parties litigant and the witnesses likely to be  
18 called, and if the ends of justice would be better served by the  
19 change of venue, the court may grant the motion.

20 (c) No West Virginia resident may be joined with a nonresident  
21 as a defendant in any civil action in the circuit courts of West  
22 Virginia where the alleged fault of the West Virginia resident is  
23 less than twenty-five percent.

NOTE: The purpose of this bill is to prevent a West Virginia resident from being joined as a defendant with a nonresident in any civil action in circuit court where the alleged fault of the resident is less than twenty-five percent.

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.