

# **WEST VIRGINIA LEGISLATURE**

**2016 REGULAR SESSION**

**Enrolled**

**Committee Substitute**

**for**

**Senate Bill 274**

By Senator Walters, *original sponsor*

[Passed March 7, 2016; in effect 90 days from passage]



1 AN ACT to amend and reenact §50-2-1 of the Code of West Virginia, 1931, as amended, relating  
2 to increasing the civil jurisdictional amount in magistrate courts from \$5,000 to \$10,000.

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

1 That §50-2-1 of the Code of West Virginia, 1931, as amended, be amended and reenacted  
2 to read as follows:

**ARTICLE 2. JURISDICTION AND AUTHORITY.**

**§50-2-1. Civil jurisdiction.**

1 Except as limited herein and in addition to jurisdiction granted elsewhere to magistrate  
2 courts, such courts shall have jurisdiction of all civil actions wherein the value or amount in  
3 controversy or the value of property sought, exclusive of interest and cost, is not more than  
4 \$10,000. Magistrate courts shall have jurisdiction of all matters involving unlawful entry or detainer  
5 of real property or involving wrongful occupation of residential rental property, so long as the title  
6 to such property is not in dispute. Except as the same may be in conflict with the provisions of  
7 this chapter, the provisions of article three, chapter fifty-five of this code, regarding unlawful entry  
8 and detainer, shall apply to such actions in magistrate court. Magistrate courts shall have  
9 jurisdiction of actions on bonds given pursuant to the provisions of this chapter. Magistrate courts  
10 shall have continuing jurisdiction to entertain motions in regard to post-judgment process issued  
11 from magistrate court and decisions thereon may be appealed in the same manner as judgments.

12 Magistrate courts do not have jurisdiction of actions in equity, of matters in eminent  
13 domain, of matters in which the title to real estate is in issue, of proceedings seeking satisfaction  
14 of liens through the sale of real estate, of actions for false imprisonment, of actions for malicious  
15 prosecution or of actions for slander or libel or of any of the extraordinary remedies set forth in  
16 chapter fifty-three of this code.

17 Magistrates, magistrate court clerks, magistrate court deputy clerks and magistrate  
18 assistants shall have the authority to administer any oath or affirmation, to take any affidavit or

19 deposition, unless otherwise expressly provided by law, and to take, under such regulations as  
20 are prescribed by law, the acknowledgment of deeds and other writings.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

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*Chairman, Senate Committee*

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*Chairman, House Committee*

Originated in the Senate.

In effect 90 days from passage.

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*Clerk of the Senate*

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*Clerk of the House of Delegates*

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*President of the Senate*

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*Speaker of the House of Delegates*

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The within ..... this the.....  
Day of ....., 2016.

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*Governor*