

WEST VIRGINIA LEGISLATURE

2016 REGULAR SESSION

Committee Substitute

for

Senate Bill 274

BY SENATOR WALTERS

[Originating in the Committee on the Judiciary;

reported on February 20, 2016.]

1 A BILL 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;
3 and allowing circuit courts to send cases at or under the jurisdictional amount to magistrate
4 courts for trial.

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 ~~\$5,000~~
4 \$10,000. Circuit courts may send any civil case where the amount in controversy is \$10,000 or
5 less to magistrate courts for trial. Magistrate courts shall have jurisdiction of all matters involving
6 unlawful entry or detainer of real property or involving wrongful occupation of residential rental
7 property, so long as the title to such property is not in dispute. Except as the same may be in
8 conflict with the provisions of this chapter, the provisions of article three, chapter fifty-five of this
9 code, regarding unlawful entry and detainer, shall apply to such actions in magistrate court.
10 Magistrate courts shall have jurisdiction of actions on bonds given pursuant to the provisions of
11 this chapter. Magistrate courts shall have continuing jurisdiction to entertain motions in regard to
12 post-judgment process issued from magistrate court and decisions thereon may be appealed in
13 the same manner as judgments.

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

19 Magistrates, magistrate court clerks, magistrate court deputy clerks and magistrate
20 assistants shall have the authority to administer any oath or affirmation, to take any affidavit or
21 deposition, unless otherwise expressly provided by law, and to take, under such regulations as
22 are prescribed by law, the acknowledgment of deeds and other writings.