

# **WEST VIRGINIA LEGISLATURE**

**2018 REGULAR SESSION**

**Committee Substitute**

**for**

**House Bill 4242**

BY DELEGATE SHOTT

[Introduced January 22, 2018; Referred to the  
Committee on the Judiciary.]



1 A BILL to amend and reenact §50-4-8 of the Code of West Virginia, 1931, as amended, relating  
2 to clarifying the jurisdictional amount for removal of a civil action from magistrate court to  
3 circuit court; and providing an exception for landlord-tenant actions.

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

**ARTICLE 4. PROCEDURE BEFORE TRIAL.**

**§50-4-8. Removal to circuit court.**

1 At any time before trial in a civil action involving less than ~~\$2,500~~ \$5,000 the action may  
2 be removed to circuit court upon the concurrence of all parties and upon the payment of the circuit  
3 court filing fee. At any time before trial in a civil action involving ~~\$2,500~~ \$5,000 or more, any party  
4 may, upon payment of the circuit court filing fee, cause such action to be removed to the circuit  
5 court. Any action for wrongful occupation of residential rental property or unlawful detainer may  
6 be removed to circuit court upon payment of the circuit court filing fee by any party. All appropriate  
7 documents shall then be forwarded along with ~~such~~ the fee to the clerk of the circuit court. The  
8 matter shall then be heard by the circuit court.

NOTE: The purpose of this bill is to clarify the jurisdictional amount for removal of a civil action from magistrate court to circuit court.

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