

WEST VIRGINIA LEGISLATURE

2025 REGULAR SESSION

Introduced

Senate Bill 742

By Senators Azinger, Oliverio, Morris, and Charnock

[Introduced March 12, 2025; referred
to the Committee on the Judiciary]

1 A BILL to amend and reenact §50-2-1 and §50-4-4a of the Code of West Virginia, 1931, as
 2 amended, relating to increasing the jurisdictional limits of magistrate courts; clarifying the
 3 ability of a corporate party to appear through its agent or an attorney for claims affecting its
 4 rights in magistrate court; and preserving protections to prohibit magistrates from
 5 representing any party in a magistrate court proceeding.

Be it enacted by the Legislature of West Virginia:

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~~ \$20,000. Magistrate courts shall have jurisdiction of all matters involving unlawful entry or
 5 detainer of real property or involving wrongful occupation of residential rental property, so long as
 6 the title to ~~such~~ the property is not in dispute. Except as the same may be in conflict with the
 7 provisions of this chapter, the provisions of §55-3-1 *et seq.* 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 of
 14 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 53 of this code.

17 Magistrates, magistrate court clerks, magistrate court deputy clerks and magistrate
 18 assistants ~~shall have the authority to~~ may 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 are
20 prescribed by law, the acknowledgment of deeds and other writings.

§50-4-4a. Appearance in civil cases.

1 Any party, including corporate parties, to a civil action in a magistrate court may appear
2 and conduct ~~such~~ the action in person, by agent or by attorney. Appearance by an agent or
3 attorney shall have the same effect as appearance by the party represented, and the appearance
4 by an agent ~~shall~~ may not constitute the unlawful practice of law.: Provided, That the party is
5 attempting to vindicate its own claims rather than seeking to adjudicate the rights of a third party:
6 Provided however, That No no magistrate may act as ~~such~~ an agent or attorney.

NOTE: The purpose of this bill is to increase the jurisdiction limits of magistrate courts for claims less than or equal to \$20,000 and to clarify that corporate parties may appear *pro-se* by an agent or by an attorney provided the corporate party is attempting to vindicate its claims rather than those of a third party.

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