

HOUSE BILL REPORT

SB 6299

As Reported By House Committee On:

Law & Justice

Title: An act relating to actions for unlawful issuance of a check or draft.

Brief Description: Identifying where actions for unlawful issuance of a check or draft may be brought.

Sponsors: Senators Johnson and Heavey.

Brief History:

Committee Activity:

Law & Justice: 2/20/98, 2/26/98 [DP].

HOUSE COMMITTEE ON LAW & JUSTICE

Majority Report: Do pass. Signed by 13 members: Representatives Sheahan, Chairman; McDonald, Vice Chairman; Sterk, Vice Chairman; Costa, Ranking Minority Member; Constantine, Assistant Ranking Minority Member; Carrell; Cody; Kenney; Lambert; Lantz; Mulliken; Robertson and Sherstad.

Staff: Edie Adams (786-7180).

Background: In order for a court to hear a particular matter, the court must have jurisdiction over the subject matter of the action and jurisdiction over the parties to the action. In addition, the particular court must be the court of proper "venue." Venue refers to the county within the state where a lawsuit may be brought or heard.

Generally, the rules of venue require an action to be brought in the county in which the defendant resides. There are some actions, however, that are considered local in nature, such as the recovery of real property, and these local actions must be brought in the county where the subject of the action is located. In addition, the Legislature has authorized some actions to be brought in the county in which the cause of action arose: actions for the recovery of a penalty or forfeiture; actions against a public officer; and actions for the recovery of damages from a motor vehicle accident.

An action to recover money owed is not a local action and is not subject to a specific exception to the general venue rule, and must therefore be brought in the county of the defendant's residence.

Summary of Bill: A civil action for the unlawful issuance of a check or draft may be brought in any division of the judicial district in which the check was issued or presented as payment, in addition to any county where the defendant resides.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: If a person goes to another county and bounces a check at an establishment, the owner of the establishment should not have to go to the county where the defendant resides to recover the money. The owner should be able to bring an action in the place where the person presented the check for payment.

Testimony Against: None.

Testified: Senator Johnson, prime sponsor.