

# HOUSE BILL ANALYSIS

## SB 5831

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**Title:** An act relating to the venue of actions by or against counties.

**Brief Description:** Eliminating provisions allowing adjacent counties as the venue of actions by or against counties.

**Sponsors:** Senators Newhouse, Deccio, Haugen and McCaslin.

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### HOUSE COMMITTEE ON LAW & JUSTICE

**Staff:** Trudes Hutcheson (786-7384).

**Background:** Statutes and case law govern where a lawsuit may be tried, which is the venue of the lawsuit. One venue statute focuses on whether the party to the lawsuit is a county. Another statute focuses on the type of lawsuit. Once a lawsuit has been commenced in one court, a party may move to change venue depending upon the circumstances.

When a county is the plaintiff, the action must be commenced in the superior court of the county in which the defendant resides or in the county adjoining the county bringing the suit. When a county is the defendant, the action may be commenced in the superior court of the county or of the adjoining county. RCW 36.01.050. According to the courts, the purpose of this statute is apparently to provide plaintiffs with alternative forums without the need to demonstrate bias or impartiality— and to provide a degree of protection to plaintiffs suing counties without unduly burdening the county officials who must respond to the charges.— *Cossel v. Skagit County*, 119 Wn.2d 434, 438 (1992).

In a suit arising from an automobile accident, the plaintiff may bring the action in the county where the cause arose or in a county where at least one of the defendants resides. RCW 4.12.020. Sometimes a county may be a defendant in an automobile accident case. The courts have determined that this statute and the adjoining county statute are complementary and not in conflict. Therefore, in actions arising from an automobile accident, the plaintiff has the option of commencing an action against a county in either the county being sued, the adjoining county, or a county where one of the defendants resides.

A defendant may move to change the place of trial under certain circumstances, such as when an impartial trial cannot be had in the location, or for the convenience of the witnesses, or the ends of justice would be forwarded by the change.

**Summary of Bill:** The provision allowing actions to be commenced in an adjoining county is deleted. Actions against a county may be commenced in the superior court of that county. Actions by a county must be commenced in the superior court of the county in which the defendant resides.

**Fiscal Note:** Not requested.

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

Office of Program Research