

WEST VIRGINIA LEGISLATURE

2018 REGULAR SESSION

ENGROSSED

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: Provided, That at any time before trial in any action for wrongful occupation or unlawful
6 detainer involving \$2,500 or more any party may, upon payment of the circuit court filing fee,
7 cause such action to be removed to circuit court. All appropriate documents shall then be
8 forwarded along with ~~such~~ the fee to the clerk of the circuit court. The matter shall then be heard
9 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.