

1 State of Arkansas
2 92nd General Assembly
3 Regular Session, 2019

A Bill

SENATE BILL 139

4
5 By: Senator M. Johnson
6

For An Act To Be Entitled

8 AN ACT TO AMEND THE LAWS CONCERNING VENUE IN THE
9 JUDICIARY; TO PROMOTE EFFICIENT VENUE TRANSFER; TO
10 DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES.

Subtitle

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14 TO AMEND THE LAWS CONCERNING VENUE IN THE
15 JUDICIARY; TO PROMOTE EFFICIENT VENUE
16 TRANSFER; AND TO DECLARE AN EMERGENCY.

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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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21 SECTION 1. Arkansas Code § 16-60-201(e), concerning the change of
22 venue for a civil action, is amended to read as follows:

23 (e)(1) A defendant in a civil action ~~under § 16-60-104(3) or special~~
24 proceeding against the state, a state board or commission, a state board
25 member or commissioner, or a state officer that is brought due an official
26 act of the defendant may obtain ~~an order for~~ a change of venue ~~by motion~~
27 ~~requesting a transfer~~ to one (1) of the following counties:

28 (A) Pulaski County;

29 (B) ~~Any~~ A county in which one (1) of the plaintiffs, or in
30 the case of a certified class action, any member of the class, resides,
31 conducts business, or maintains a principal place of business; or

32 (C) If no plaintiff is a resident of Arkansas, any county
33 in the ~~state~~ State of Arkansas.

34 (2)(A) The venue of the civil action ~~shall be changed upon a~~
35 ~~showing that the proposed transferee county is a proper venue as set forth in~~
36 ~~this subsection~~ or special proceeding shall be changed upon the filing by the



1 defendant of a notice of transfer with the clerk of the transferor court and
 2 the clerk of the transferee court.

3 (B) The notice of transfer filed with the clerk of the
 4 transferee court shall include a copy of all pleadings, process, or other
 5 documents or other items filed in the civil action or special proceeding.

6 (C) Upon filing of the notice of transfer, the transferor
 7 court shall no longer have jurisdiction over the civil action or special
 8 proceeding.

9 (3)(A) A party to the civil action or special proceeding may,
 10 within five (5) business days of being served with the notice of transfer,
 11 file an objection in the transferee court that the county of the transferee
 12 court is not a proper venue as set forth in subdivision (e)(1) of this
 13 section.

14 (B)(i) The transferee court shall hold a hearing on an
 15 objection raised under subdivision (e)(3)(A) of this section within five (5)
 16 days of the filing of the objection.

17 (ii) If the transferee court determines that it is
 18 not a proper venue as set forth in subsection (e)(1) of this section, it
 19 shall immediately order that the civil action or special proceeding be
 20 returned to the transferor court.

21 (f) For purposes of this section, a corporation, limited liability
 22 company, limited liability partnership, or similar entity is a resident of
 23 Arkansas only if the corporation, limited liability company, limited
 24 liability partnership, or similar entity:

- 25 (1) Is organized under the laws of the this state; or
- 26 (2) Maintains its principal place of business in this state.

27 (g) As used in this section:

28 (1) "Transferee court" means the court to which a defendant
 29 elects to transfer a civil action or special proceeding under subdivision
 30 (e)(1) of this section;

31 (2) "Transferor court" means the court in which the original
 32 pleadings were filed; and

33 (3) "Special proceeding" includes a legal action recognized by
 34 or contemplated under Rule 81 of the Arkansas Rules of Civil Procedure.

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 36 SECTION 2. EMERGENCY CLAUSE. It is found and determined by the

1 General Assembly of the State of Arkansas that the people of the State of
2 Arkansas will benefit from immediate access to the most efficient venues for
3 prosecution of litigation in which the state is a party. Therefore, an
4 emergency is declared to exist, and this act being immediately necessary for
5 the preservation of the public peace, health, and safety shall become
6 effective on:

7 (1) The date of its approval by the Governor;

8 (2) If the bill is neither approved nor vetoed by the Governor,
9 the expiration of the period of time during which the Governor may veto the
10 bill; or

11 (3) If the bill is vetoed by the Governor and the veto is
12 overridden, the date the last house overrides the veto.

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