

HOUSE BILL NO. 487

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FOURTH LEGISLATURE - SECOND SESSION

BY THE HOUSE JUDICIARY COMMITTEE

Introduced: 2/17/06

Referred: Judiciary, Finance

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to granting certain defendants an absolute right to change venue in
2 civil actions; setting venue for civil actions based on conduct in the course and scope of
3 employment at the employer's principal place of business; allowing multiple defendants
4 to control venue by agreement; amending Rule 3, Alaska Rules of Civil Procedure; and
5 providing for an effective date."

6 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

7 * **Section 1.** AS 22.10.040 is amended by adding a new subsection to read:

8 (b) Notwithstanding (a) of this section, a defendant has an absolute right to
9 change the place of trial if an action is commenced against the defendant in a venue
10 district in the state other than where the defendant resides, the location of the
11 defendant's principal place of business, or the location of the defendant's main
12 corporate office in the state. The right provided under this subsection may be
13 exercised as follows:

1 (1) at the request of the defendant, the court shall order a change of the
2 location of the trial to a venue district in the state that is where the defendant resides,
3 the location of the defendant's principal place of business, or the location of the
4 defendant's main corporate office;

5 (2) in an action based on conduct in the course and scope of
6 employment, a corporation or other entity has the right to trial in the venue district of
7 the employer's principal place of business in the state;

8 (3) if more than one defendant has the right to change the location of
9 trial under this subsection, a choice of trial locations is available, and all defendants
10 agree on the choice of venue district, the court shall order that the trial be located in
11 the venue district agreed on among the defendants; however, if the defendants cannot
12 agree on a trial location, the court shall select a venue district in the state that is where
13 a defendant resides, the location of a defendant's principal place of business, or the
14 location of a defendant's main corporate office;

15 (4) this subsection does not preclude the court from exercising its
16 authority to change venue when it has reason to believe that an impartial trial is not
17 possible under (a)(1) of this section;

18 (5) this subsection does not apply to causes of action listed in Rules
19 3(b) and 16(g), Alaska Rules of Civil Procedure, or to a matter in which venue for the
20 proceeding is otherwise specifically provided by law;

21 (6) in this subsection, "defendant" includes a third-party defendant.

22 * **Sec. 2.** The uncodified law of the State of Alaska is amended by adding a new section to
23 read:

24 **INDIRECT COURT RULE AMENDMENT.** AS 22.10.040(b), added by sec. 1 of this
25 Act, has the effect of amending Rule 3(d), Alaska Rules of Civil Procedure, by modifying the
26 rule that a trial and related hearings be conducted in a venue district within the judicial district
27 that would best serve the convenience of the parties and witnesses by establishing the right of
28 a defendant to seek and obtain a venue change and setting out the power of the court relating
29 to a change of venue motion.

30 * **Sec. 3.** This Act takes effect January 1, 2007.