

**SENATE BILL NO. 301**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FOURTH LEGISLATURE - SECOND SESSION

**BY SENATOR SEEKINS**

**Introduced: 2/14/06**

**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 employment at the employer's**  
3 **principal place of business; allowing multiple defendants to control venue by agreement;**  
4 **amending Rule 3, Alaska Rules of Civil Procedure; and providing for an effective date."**

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

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

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

13 (1) at the request of the defendant, the court shall order a change of the  
14 location of the trial to a venue district in the state that is where the defendant resides,

1 the location of the defendant's principal place of business, or the location of the  
2 defendant's main corporate office;

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

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

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

16 (5) this subsection does not apply to causes of action listed in Rules  
17 3(b) and 16(g), Alaska Rules of Civil Procedure, or to a matter in which venue for the  
18 proceeding is otherwise specifically provided by law;

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

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

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

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