

Arkansas Code – Selected Venue Provisions

§ 16-55-213. Venue

(a) All civil actions other than those mentioned in §§ 16-60-101--16-60-103, 16-60-107, 16-60-114, and 16-60-115, and subsection (e) of this section must be brought in any of the following counties:

(1) The county in which a substantial part of the events or omissions giving rise to the claim occurred;

(2)(A) The county in which an individual defendant resided.

(B) If the defendant is an entity other than an individual, the county where the entity had its principal office in this state at the time of the accrual of the cause of action; or

(3)(A) The county in which the plaintiff resided.

(B) If the plaintiff is an entity other than an individual, the county where the plaintiff had its principal office in this state at the time of the accrual of the cause of action.

(b)(1) The residence of any properly joined named class representative or representatives may be considered in determining proper venue in a class action.

(2) The residency of any putative or actual member of a class other than a named representative shall not be considered in determining proper venue for a class action.

(c) In any civil action, venue must be proper as to each or every named plaintiff joined in the action unless:

(1) The plaintiffs establish that they assert any right to relief against the defendants jointly, severally, or arising out of the same transaction or occurrence; and

(2) The existence of a substantial number of questions of law or material fact common to all those persons not only will arise in the action, but also that:

(A) The questions will predominate over individualized questions pertaining to each plaintiff;

(B) The action can be maintained more efficiently and economically for all parties than if prosecuted separately; and

(C) The interest of justice supports the joinder of the parties as plaintiffs in one (1) action.

(d)(1) Unless venue objections are waived by the defendant or by unanimous agreement of multiple defendants, if venue is improper for any plaintiff joined in the action, then the claim of the plaintiff shall be severed and transferred to a court where venue is proper.

(2)(A) If severance and transfer is mandated and venue is appropriate in more than one court, a defendant sued alone or multiple defendants, by unanimous agreement, shall have the right to select another court to which the action shall be transferred.

(B) If there are multiple defendants who are unable to agree on another court, the court in which the action was originally filed may transfer the action to another court.

(e) Any action for medical injury brought under § 16-114-201 et seq. against a medical care provider, as defined in § 16-114-201(2), shall be filed in the county in which the alleged act or omission occurred.

§ 16-60-101. Subject of litigation situated

Actions for the following causes must be brought in the county in which the subject of the action, or some part thereof, is situated, except as provided in § 16-60-116(d):

- (1) The recovery of real property, or of an estate or interest therein;
- (2) The partition of real property;
- (3) The sale of real property under a mortgage, lien, or other encumbrance or charge; and
- (4) An injury to real property.

§ 16-60-102. Cause of action arose

Actions for the following causes must be brought in the county where the cause, or some part thereof, arose:

(1) An action for the recovery of a fine, penalty, or forfeiture imposed by a statute, except that where the offense for which the claim is made was committed on a watercourse or road which is the boundary of two (2) counties, the action may be brought in either of them;

(2) An action against a public officer for an act done by him or her in virtue or under color of his or her office, or for a neglect of official duty; and

(3) An action upon the official bond of a public officer, except as provided in §§ 16-106-101 and 16-106-104.

§ 16-60-103. Actions which must be brought in Pulaski County

The following actions must be brought in the county in which the seat of government is situated:

(1) All civil actions in behalf of the state, or which may be brought in the name of the state, or in which the state has or claims an interest, except as provided in § 16-106-101;

(2) All actions brought by state boards, state commissioners, or state officers in their official capacity, or on behalf of the state, except as provided in § 16-106-101;

(3) All actions against the state and all actions against state boards, state commissioners, or state officers on account of their official acts, except that if an action could otherwise be brought in another county or counties under the venue laws of this state, as provided in § 16-60-101 et seq., then the action may be brought either in Pulaski County or the other county or counties; and

(4) All other actions required by law to be brought in Pulaski County.

§ 16-60-107. Turnpike road company

An action, other than one of those mentioned in §§ 16-60-101 -- 16-60-103, against a turnpike road company may be brought in any county in which any part of the road of the defendant lies.

§ 16-60-112. Personal injury actions

(a) All actions for damages for personal injury or death by wrongful act shall be brought in the county where the accident occurred which caused the injury or death, or in the county where the person injured or killed resided at the time of injury.

(b) All civil actions for the recovery of damages brought against a nonresident of the State of Arkansas may be commenced in the county where the accident occurred which caused the injury or death or in the county where the person injured or killed resided at the time of the injury.

(c) Actions for damages for personal injury or death by wrongful act, where the accident which caused the injury or death occurred outside this state, shall be brought in the county in this state where the person injured or killed resided at the time of injury or in any county in which the defendant, or one (1) of several defendants, resides or is summoned.

§ 16-60-114. Subcontractor, supplier or materialmen

(a) Contract actions by a resident subcontractor, supplier, or materialman against a prime contractor or subcontractor who is a nonresident of this state or who is a foreign corporation may be brought in the county in which the plaintiff resided at the time the cause of action arose.

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§ 16-60-115. Action by insured or beneficiary against surety on contractor's performance bond

An action brought in this state by or in behalf of an insured or beneficiary against a domestic or foreign surety on a contractor's payment or performance bond may be brought in the county:

- (1) In which the loss occurred;
- (2) Of the insured's residence at the time of loss; or
- (3) Of the beneficiary's residence at the time of loss.

§ 16-60-116. Actions not specifically designated

(a) Every other action may be brought in any county in which the defendant or one (1) of several defendants resides or is summoned.

(b) Where any action embraced in subsection (a) of this section is against a single defendant, the plaintiff shall not be entitled to judgment against him or her on the service of a summons in any other county than that in which the action is brought, unless he or she resided in that county at the commencement of the action or unless, having appeared in the action, he or she fails to object before the trial to its proceeding against him or her.

(c) Where any action embraced in subsection (a) of this section is against several

defendants, the plaintiff shall not be entitled to judgment against any of them on the service of summons in another county than that in which the action is brought, where no one of the defendants is summoned in that county or resided in that county at the commencement of the action, or where, if any of them resided or were summoned in that county, the action is discontinued or dismissed as to them, or judgment in the action is rendered in their favor, unless the defendant summoned in another county, having appeared in the action, failed to object before the judgment to its proceeding against him.

(d) The objection that one (1) of several defendants was summoned in another county shall be deemed to be waived if he or she appears, unless it is made before judgment as to that defendant.

(e) If after the commencement of an action in the county of the defendant's residence, he or she moves therefrom, the service of a summons upon him or her in any other county shall have the same effect as if it had been made in the county from which he or she moved.

§ 16-106-101. Precedence of actions, etc.

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(d) All actions for debts due the State of Arkansas, all actions in favor of any state officer, state board, or commissioner, in their official capacity, all actions which are authorized by the provisions of this code or by law to be brought in the name of the state, and all actions against the board, commissioner, or state officer for or on account of any official act done or omitted to be done shall be brought and prosecuted in the county where the defendant resides.

§ 16-17-706. Venue [in district courts]

(a) Except as provided in subsection (b) of this section, the venue of civil actions instituted under this subchapter shall be as in like actions instituted in the circuit courts.

(b) If a small claims division of the district court is established pursuant to Arkansas Constitution, Amendment 80, § 7(D), venue in civil actions instituted in the small claims division shall be as follows:

(1) When a defendant has contracted to perform an obligation in a particular county, an action based on that obligation may be commenced and maintained either in the county where the obligation is to be performed or in the county in which the defendant resides at the commencement of the action;

(2) When the action is for injury to person or to personal property, either the county where the injury occurred or the county where the defendant resides at the commencement of the action shall be the proper venue; and

(3) In all other cases, actions shall be commenced and maintained in the county in which the defendant resides.