CHAPTER 542

VENUE OF ACTIONS

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542.01 VENUE; GENERAL RULE; EXCEPTION.

Except as provided in section 542.02, every civil action shall be tried in the county in which it was begun, unless the place of trial be changed as hereinafter prescribed; and when so changed all subsequent papers in the action shall be entitled and filed in the county to which such transfer has been made.

History: *(9206) RL s 4088*

542.02 ACTIONS RELATING TO LAND, SITUS TO GOVERN.

Actions for the recovery of real estate, the foreclosure of a mortgage or other lien thereon, the partition thereof, the determination in any form of an estate or interest therein, and for injuries to lands within this state, shall be tried in the county where such real estate or some part thereof is situated, subject to the power of the court to change the place of trial in the cases specified in section 542.11, clauses (1), (3), and (4). If the county designated in the complaint is not the proper county, the court therein shall have no jurisdiction of the action.

History: *(9207) RL s 4089*

542.03 OFFICIAL MISCONDUCT, WHERE CAUSE AROSE.

Subdivision 1. **Venue.** Except as provided in subdivision 2, actions against a public officer, or person specially appointed to execute a public officer's duties, for acts done by virtue of the office, and against any person for like cause who has acted in place or in aid of the officer, and actions to recover penalties or forfeitures imposed by statute, shall be tried in the county in which the cause of action arose. If the act for which the penalty or forfeiture is imposed is committed upon a lake or stream extending into, or bordering upon, more than one county, the action may be tried in any of these counties.

Subd. 2. **Bringing action; venue; factors.** The trial of any action against a state official for acts affecting the use of land or waters of the state may, in the discretion of the court, be tried in the county where the land or water is located, whether or not the state official resides in that county, on motion made to the court in that county by any party to the action if the court finds (1) that trial of the action in that county is in the interests of justice, (2) that no party to the action will be prejudiced thereby and (3) that the trial of the action

will be expedited. The motion may be submitted on pleadings mailed to the court without the necessity of personal appearance.

History: *(9208) RL s 4090; 1980 c 598 s 2; 1986 c 444*

542.04 ACTIONS ON FORFEITED BAIL BONDS.

Actions and proceeding prosecuted upon forfeited bail bonds or recognizances shall be heard and tried in the county in which the forfeiture was adjudged.

History: *(9209, 10596) 1923 c 100 s 1*

542.05 COST BOND; RECOGNIZANCES; NONRESIDENTS.

Actions upon bonds for costs given in any civil action or proceeding by a nonresident plaintiff, as provided by law, and upon any recognizance by a party or witness in any criminal prosecution shall be tried in the county where the bond or security is filed, unless the court, for cause other than the residence of the defendant, changes the venue. An action against a nonresident defendant proceeded against by attachment may be brought in any county in which the defendant has property liable to attachment.

History: *(9210) RL s 4091; 1983 c 359 s 76*

542.06 REPLEVIN.

Actions to recover the possession of personal property wrongfully taken shall be tried in the county in which the taking occurred or in the county in which the property is situated.

History: *(9211) RL s 4092; 1979 c 18 s 10; 1986 c 382 s 1; 1986 c 398 art 12 s 1*

542.07 ACTIONS BY OR FOR THE STATE.

Except as otherwise provided by law in particular cases, civil actions for trespass in which the state of Minnesota is plaintiff, may be begun and tried in such county as the attorney general, or other attorney authorized to bring the same, shall select.

History: *(9212) RL s 4093*

542.08 ACTIONS FOR WAGES.

An action for the recovery of wages or money due for manual labor may be brought in the county in which such labor was performed; and when so brought the venue of such action shall not be changed to another county without the written consent of the plaintiff filed with the court.

History: *(9213) RL s 4094*

542.09 OTHER CASES; DEFENDANT'S RESIDENCE OR WHERE CAUSE AROSE; CORPORATIONS.

All actions not enumerated in sections 542.02 to 542.08 and 542.095 shall be tried in a county in which one or more of the defendants reside when the action is begun or in which the cause of action or some part thereof arose. If none of the parties shall reside or be found in the state, the action may be begun and tried in any county which the plaintiff shall designate. A corporation, other than railroad companies, street railway companies, and street railroad companies whether the motive power is steam, electricity, or other power used by these corporations or companies, also telephone companies, telegraph companies, and all other public service corporations, shall be considered as residing in any county wherein it has an office, resident

agent, or business place. The above enumerated public service corporations shall be considered as residing in any county wherein the cause of action shall arise and wherein any part of its lines of railway, railroad, street railway, street railroad, without regard to the motive power of the railroad, street railway, or street railroad, telegraph or telephone lines or any other public service corporation shall extend, without regard to whether the corporation or company has an office, agent, or business place in the county or not.

History: *(9214) RL s 4095; 1913 c 552 s 1; 1955 c 614 s 1*

542.095 VENUE IN MOTOR VEHICLE CASES.

An action against the owner, driver, or operator of any motor vehicle arising out of and by reason of the negligent driving, operation, management, and control of such motor vehicle may be brought in the county where the action arose or in the county of the residence of the defendant or a majority of the defendants against whom the action is brought and when so brought the venue of the action shall not be changed without the written consent of the plaintiff filed with the court or unless changed by order of the court pursuant to section 542.11.

History: *(9213-1) 1939 c 148 s 1*

542.10 CHANGE OF VENUE AS OF RIGHT; DEMAND.

If the county designated in the complaint is not the proper county, the action may notwithstanding be tried therein unless, within 20 days after the summons is served, the defendant demands in writing that it be tried in the proper county. This demand shall be accompanied by the affidavit of the defendant, or defendant's agent or attorney, setting forth the county of residence at the time of the commencement of the action, the date of service of the summons, and stating that neither the cause of action nor any part thereof arose in the county designated in the complaint. This demand and affidavit, with proof of service thereof upon the plaintiff's attorney, shall be filed with the court administrator in the county where the action was begun within 30 days from the date of its service and thereupon, unless the county where the action was begun is a county in which the cause of action or some part thereof arose, the place of trial shall be changed to the county where the defendant resides without any other proceedings. If the county designated in the complaint is not the county in which the cause of action or some part thereof arose and if there are several defendants residing in different counties, the trial shall be had in the county upon which a majority of them unite in demanding or, if the numbers be equal, in that whose county seat is nearest. When the place of trial is changed all other proceedings shall be had in the county to which the change is made, unless otherwise provided by consent of parties filed with the court administrator or by order of the court and the papers shall be transferred and filed accordingly. When a demand for a change of the place of trial is made as herein provided the action shall not for any of the reasons specified in section 542.11 be retained for trial in the county where begun, but can be tried therein only upon removal thereto from the proper county in the cases provided by law.

A party who has paid the filing fee of the county where the action originated shall not be required to pay the filing fee of the county to which the action is transferred. The transferor county may retain any filing fees received prior to the change of county, but shall in writing advise the county to which the action is transferred of any and all such filing fees paid to the transferor county.

History: *(9215) RL s 4096; 1961 c 13 s 1; 1965 c 686 s 1; 1969 c 70 s 1; 1975 c 123 s 1; 1986 c 444; 1Sp1986 c 3 art 1 s 82*

542.11 CHANGE OF VENUE BY ORDER OF COURT; GROUNDS.

The venue of any civil action may be changed by order of the court in the following cases:

(1) upon written consent of the parties;

(2) when it is made to appear on motion that any party has been made a defendant for the purpose of preventing a change of venue under section 542.10;

(3) when an impartial trial cannot be had in the county wherein the action is pending; or

(4) when the convenience of witnesses and the ends of justice would be promoted by the change.

History: *(9216) RL s 4097*

542.12 ACTION ON CONTRACTOR'S BOND.

An action against the sureties on a public contractor's bond or against such sureties and contractor jointly may be brought in the county where the cause of action arose and when so brought the venue of such action shall not be changed without the written consent of the plaintiff filed with the court or unless changed by order of the court pursuant to section 542.11.

History: *(9217) 1923 c 128 s 1*

542.13 INTEREST OR BIAS OF JUDGE.

No judge shall sit in any cause, except to hear a motion to change the venue, if interested in its determination, or if the judge might be excluded for bias from acting therein as a juror. If there is no other judge of the court or district, the judge shall grant a change of the venue when, upon a motion therefor, the interest or bias shall be made to appear, unless before the motion is heard the governor shall have assigned another judge to try such cause. The venue may be changed upon the sole judge's motion upon deeming it improper to sit in the cause.

History: *(9218) RL s 4098; 1986 c 444*

542.14 ACTIONS IN MUNICIPAL COURT.

All provisions relating to venue shall apply to civil actions begun in the municipal courts, except that the application for such change shall be made after answering and before the time fixed for the trial of the cause; and upon a change of venue being effected in any such action, under any of sections 542.10 to 542.14, the transfer shall be made to the district court of the proper county.

History: *(9219) RL s 4099*

542.15 MS 1982 [Repealed, 1983 c 359 s 151]

542.16 NOTICE TO REMOVE.

Subdivision 1. **Initial disqualification.** Any party, or the party's attorney, to a cause pending in a district court, except for a proceeding under section 484.702, may make and file with the court administrator in which the action is pending and serve on the opposite party a notice to remove. The notice must be served and filed within ten days after the party receives notice of which judge or judicial officer is to preside at the trial or hearing, or, if no notice of a hearing is served with the summons, then within the time to answer the summons, whichever is later. Thereupon without any further act or proof, the chief judge of the judicial district shall assign any other judge of any court within the district to preside at the trial of the cause or the hearing of the motion or order to show cause, and the cause shall be continued on the calendar, until the assigned judge can be present. In criminal actions the notice to remove shall be made and filed with the court administrator by the defendant, or the defendant's attorney, not less than two days before the expiration

of the time allowed by law to prepare for trial and in any of those cases the presiding judge shall be incapacitated to try the cause. In criminal cases, the chief judge, for the purpose of securing a speedy trial, may change the place of trial to another county.

Subd. 2. **Subsequent disqualifications.** After having once disqualified a presiding judge as a matter of right under subdivision 1, a litigant may disqualify the substitute judge, but only by making an affirmative showing of prejudice. A showing that the judge might be excluded for bias from acting as a juror in the matter constitutes an affirmative showing of prejudice. If a litigant makes an affirmative showing of prejudice against a substitute judge, the chief judge of the judicial district shall assign any other judge of any court within the district to hear the cause.

History: *(9221) RL s 4101; 1919 c 92 s 1; 1927 c 283; 1931 c 200; 1937 c 237 s 1; 1978 c 647 s 2; 1979 c 233 s 18; 1986 c 444; 1Sp1986 c 3 art 1 s 82; 2000 c 372 s 1*

542.17 EXPENSES PAID IN FIRST INSTANCE; REIMBURSEMENT.

When the venue shall be changed in a civil action upon the consent of parties, with or without an order of court, to a county other than the one where the same is properly triable or by an order of the court under section 542.11, clause (3) or (4), the expenses of the trial of such action, including officers and jurors fees, and all expenses caused by the trial of such action which would not otherwise have been incurred by the county where the same is tried shall be paid by the county in which such action was commenced.

Such expenses shall be paid in the first instance by the county in which the action is tried and thereupon the court administrator of that county shall prepare, under hand and seal, an itemized statement of such expenses and, upon approval thereof by the judge of the court in which the trial was had, and the filing of such itemized statement and approval in the office of the auditor of the county in which such action was commenced, such auditor shall issue a warrant for the amount of such approved statement in favor of the county in which the trial was had.

History: *(9222, 9223) 1917 c 421 s 1,2; 1986 c 444; 1Sp1986 c 3 art 1 s 82*

542.18 STATE AS PARTY TO CIVIL ACTION; REMOVAL FROM RAMSEY COUNTY.

Notwithstanding any provision of law to the contrary, the trial of any civil action in the county of Ramsey to which the state or any officer, department or agency thereof is a party may, in the discretion of the court, be removed to any other county in which one of the parties resides on motion made to the court as in civil actions by any of the parties to the action, if the court finds (1) that removal is in the interests of justice, (2) that no party to the action will be prejudiced thereby and (3) that the trial of the action will be expedited thereby. The motion may be submitted on pleadings mailed to the court without the necessity of personal appearance.

History: *Ex1967 c 22 s 8; 1980 c 598 s 3*