

**Representative Kay L. McIff** proposes the following substitute bill:

**SMALL CLAIMS COURT AMENDMENTS**

2016 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Todd Weiler**

House Sponsor: Kay L. McIff

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**LONG TITLE**

**General Description:**

This bill raises the jurisdictional limit of small claims court for breach of contract actions to \$12,500.

**Highlighted Provisions:**

This bill:

► raises the jurisdictional limit for small claims court for breach of contract actions to \$12,500.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**78A-8-102**, as last amended by Laws of Utah 2013, Chapter 368

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*Be it enacted by the Legislature of the state of Utah:*

Section 1. Section **78A-8-102** is amended to read:

**78A-8-102. Small claims -- Defined -- Counsel not necessary -- Breach of contract**



26 **actions -- Removal from district court -- Deferring multiple claims of one plaintiff --**  
27 **Supreme Court to govern procedures.**

28 (1) A small claims action is a civil action:

29 (a) for the recovery of money where:

30 (i) the amount claimed does not exceed \$10,000 including attorney fees but exclusive  
31 of court costs and interest; and

32 (ii) the defendant resides or the action of indebtedness was incurred within the  
33 jurisdiction of the court in which the action is to be maintained; [~~or~~]

34 (b) involving interpleader under Rule 22 of the Utah Rules of Civil Procedure, in  
35 which the amount claimed does not exceed \$10,000 including attorney fees but exclusive of  
36 court costs and interest; or

37 (c) involving breach of contract, other than contracts subject to Title 31A, Insurance  
38 Code, in which the amount claimed does not exceed \$12,500 including attorney fees but  
39 exclusive of court costs and interest.

40 (2) (a) A defendant in an action filed in the district court that meets the requirement of  
41 Subsection (1)(a)(i) may remove, if agreed to by the plaintiff, the action to a small claims court  
42 within the same district by:

43 (i) giving notice, including the small claims filing number, to the district court of  
44 removal during the time afforded for a responsive pleading; and

45 (ii) paying the applicable small claims filing fee.

46 (b) No filing fee may be charged to a plaintiff to appeal a judgment on an action  
47 removed under Subsection (2)(a) to the district court where the action was originally filed.

48 (3) The judgment in a small claims action may not exceed \$10,000, or \$12,500 for  
49 breach of contract as provided in Subsection (1)(c), including attorney fees but exclusive of  
50 court costs and interest.

51 (4) Counter claims may be maintained in small claims actions if the counter claim  
52 arises out of the transaction or occurrence which is the subject matter of the plaintiff's claim. A  
53 counter claim may not be raised for the first time in the trial de novo of the small claims action.

54 (5) Claims involving property damage to a motor vehicle may be maintained in small  
55 claims actions, and any removal or appeal thereof, without limiting the ability of a plaintiff to  
56 make a claim for bodily injury against the same defendant in a separate legal action. In the

57 event that property damage claim is brought as a small claims action:

58 (a) any liability decision in an original small claims action or appeal thereof is not  
59 binding in any separate legal action for bodily injury; and

60 (b) no additional property damage claims can be brought in any separate legal action  
61 for bodily injury.

62 (6) (a) With or without counsel, persons or corporations may litigate actions on behalf  
63 of themselves:

64 (i) in person; or

65 (ii) through authorized employees.

66 (b) A person or corporation may be represented in an action by an individual who is  
67 not an employee of the person or corporation and is not licensed to practice law only in  
68 accordance with the Utah rules of small claims procedure as promulgated by the Supreme  
69 Court.

70 (7) If a person or corporation other than a municipality or a political subdivision of the  
71 state files multiple small claims in any one court, the clerk or judge of the court may remove all  
72 but the initial claim from the court's calendar in order to dispose of all other small claims  
73 matters. Claims so removed shall be rescheduled as permitted by the court's calendar.

74 (8) Small claims matters shall be managed in accordance with simplified rules of  
75 procedure and evidence promulgated by the Supreme Court.