

1 **SMALL CLAIMS COURT JURISDICTION**

2 2000 GENERAL SESSION

3 STATE OF UTAH

4 **Sponsor: Greg J. Curtis**

5 AN ACT RELATING TO THE JUDICIAL CODE; LIMITING AWARDS IN SMALL CLAIMS
6 COURTS TO LIQUIDATED DAMAGES.

7 This act affects sections of Utah Code Annotated 1953 as follows:

8 AMENDS:

9 **78-6-1**, as last amended by Chapter 215, Laws of Utah 1997

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

11 Section 1. Section **78-6-1** is amended to read:

12 **78-6-1. Small claims -- Defined -- Biannual review -- Counsel not necessary --**
13 **Deferring multiple claims of one plaintiff -- Supreme Court to govern procedures.**

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

15 (a) for the recovery of money where the amount claimed does not exceed \$5,000 including
16 attorney fees but exclusive of court costs and interest and where the defendant resides or the action
17 of indebtedness was incurred within the jurisdiction of the court in which the action is to be
18 maintained; or

19 (b) involving interpleader under Rule 22 of the Utah Rules of Civil Procedure, in which
20 the amount claimed does not exceed \$5,000 including attorney fees but exclusive of court costs
21 and interest.

22 (2) The judgment in a small claims action may not exceed \$5,000 including attorney fees
23 but exclusive of court costs and interest.

24 (3) The ~~judgment~~ **AFFIDAVIT** in a small claims action shall ~~be limited to liquidated~~
24a **damages** **NOT INCLUDE GENERAL DAMAGES FOR PAIN AND SUFFERING** .

25 ~~(3)~~ (4) Counter claims may be maintained in small claims actions if the counter claim
26 arises out of the transaction or occurrence that is the subject matter of the plaintiff's claim. A
27 counter claim may not be raised for the first time in the trial de novo of the small claims action.

28 [~~4~~] (5) The Judicial Council shall present to the Judiciary Interim Committee prior to the
29 general session of the Legislature during odd-numbered years a report and recommendations
30 concerning the maximum amount of small claims actions.

31 [~~5~~] (6) Persons or corporations may litigate actions on behalf of themselves in person or
32 through authorized employees with or without counsel.

33 [~~6~~] (7) If a person or corporation other than a municipality or a political subdivision of
34 the state files multiple small claims in any one court, the clerk or judge of the court may remove
35 all but the initial claim from the court's calendar in order to dispose of all other small claims
36 matters. Claims so removed shall be rescheduled as permitted by the court's calendar.

37 [~~7~~] (8) Small claims matters shall be managed in accordance with simplified rules of
38 procedure and evidence promulgated by the Supreme Court.

Legislative Review Note
as of 2-14-00 8:56 AM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel