

**PERSONAL PROPERTY AND PERSONAL
INJURY CLAIM**

2006 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Gregory S. Bell

House Sponsor: _____

LONG TITLE

General Description:

This bill permits a personal injury claim to be filed in district court after a personal property damage claim has been filed in small claims court when both claims arise out of the same motor vehicle accident.

Highlighted Provisions:

This bill:

► permits a personal injury claim to be adjudicated in district court when a property damage claim has been filed in small claims court when both claims arise out the same motor vehicle accident.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

78-6-1, as last amended by Chapter 204, Laws of Utah 2004

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

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



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

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

(a) for the recovery of money where:

(i) the amount claimed does not exceed \$7,500 including attorney fees but exclusive of court costs and interest; and

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

(b) involving interpleader under Rule 22 of the Utah Rules of Civil Procedure, in which the amount claimed does not exceed \$7,500 including attorney fees but exclusive of court costs and interest.

(2) The judgment in a small claims action may not exceed \$7,500 including attorney fees but exclusive of court costs and interest.

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

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

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

(i) in person; or

(ii) through authorized employees.

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

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

59 (7) Small claims matters shall be managed in accordance with simplified rules of
60 procedure and evidence promulgated by the Supreme Court.

61 (8) The filing and adjudication of a personal property damage claim arising out of a
62 motor vehicle accident does not preclude the subsequent filing in district court of a personal
63 injury claim arising out of the same motor vehicle accident, nor does it preclude the
64 adjudication de novo of any issue relating to the accident or claim.

Legislative Review Note
as of 2-2-06 8:13 AM

Based on a limited legal review, this legislation has not been determined to have a high probability of being held unconstitutional.

Office of Legislative Research and General Counsel

Fiscal Note
Bill Number SB0230

Personal Property and Personal Injury Claim

09-Feb-06

7:34 AM

State Impact

No Fiscal Impact.

Individual and Business Impact

May have a fiscal impact on individuals and businesses.

Office of the Legislative Fiscal Analyst