

SMALL CLAIMS COURT JURISDICTION

2011 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Rebecca P. Edwards

Senate Sponsor: \_\_\_\_\_

LONG TITLE

General Description:

This bill allows a defendant in an action in district court to remove it to small claims court if it fits the jurisdictional amounts.

Highlighted Provisions:

This bill:

- allows a defendant in an action in district court to remove it to a small claims court in the same jurisdiction if it is less than \$10,000 and the plaintiff agrees ; [and]
requires that the defendant pay the small claims filing fee ; and
provides that the court may not charge the plaintiff a filing fee if the plaintiff appeals the small claims court judgment .

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 2009, Chapter 147

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 -- Removal from district court -- Deferring multiple claims of one plaintiff -- Supreme Court to govern



28 **procedures.**

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

30 (a) for the recovery of money where:

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

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

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

38 (2) ~~H→~~ **(a)** ~~←H~~ A defendant in an action filed in the district court that meets the  
38a requirement of

39 Subsection (1)(a)(i) may remove H→, if agreed to by the plaintiff, ←H the action to a small  
39a claims court within the same district by:

40 ~~H→~~ **(a)** ~~(i)~~ ~~←H~~ giving notice H→, including the small claims filing number, ←H to the  
40a H→ [plaintiff and] ←H district court of removal during the time afforded  
41 for a responsive pleading; and

42 ~~H→~~ **(b)** ~~(ii)~~ ~~←H~~ paying the applicable small claims filing fee.

42a ~~H→~~ **(b) No filing fee may be charged to a plaintiff to appeal a judgment on an action**  
42b **removed under Subsection (2)(a) to the district court where the action was originally filed. ←H**

43 ~~(2)~~ **(3)** The judgment in a small claims action may not exceed \$10,000 including  
44 attorney fees but exclusive of court costs and interest.

45 ~~(3)~~ **(4)** Counter claims may be maintained in small claims actions if the counter claim  
46 arises out of the transaction or occurrence which is the subject matter of the plaintiff's claim. A  
47 counter claim may not be raised for the first time in the trial de novo of the small claims action.

48 ~~(4)~~ **(5)** (a) With or without counsel, persons or corporations may litigate actions on  
49 behalf of themselves:

50 (i) in person; or

51 (ii) through authorized employees.

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

56 ~~(5)~~ **(6)** If a person or corporation other than a municipality or a political subdivision  
57 of the state files multiple small claims in any one court, the clerk or judge of the court may  
58 remove all but the initial claim from the court's calendar in order to dispose of all other small