

SMALL CLAIMS COURT JURISDICTION

2011 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Rebecca P. Edwards

Senate Sponsor: Daniel R. Liljenquist

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
- ▶ requires that the defendant pay the small claims filing fee.

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) A defendant in an action filed in the district court that meets the requirement of
39 Subsection (1)(a)(i) may remove the action to a small claims court within the same district by:

40 (a) giving notice to the plaintiff and district court of removal during the time afforded
41 for a responsive pleading; and

42 (b) paying the applicable small claims filing fee.

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

59 claims matters. Claims so removed shall be rescheduled as permitted by the court's calendar.

60 ~~[(6)]~~ (7) Small claims matters shall be managed in accordance with simplified rules of

61 procedure and evidence promulgated by the Supreme Court.

Legislative Review Note
as of 2-14-11 12:58 PM

Office of Legislative Research and General Counsel

FISCAL NOTE

H.B. 376

SHORT TITLE: **Small Claims Court Jurisdiction**

SPONSOR: **Edwards, R.**

2011 GENERAL SESSION, STATE OF UTAH

STATE GOVERNMENT (UCA 36-12-13(2)(b))

Enactment of this bill likely will not materially impact the state budget.

LOCAL GOVERNMENTS (UCA 36-12-13(2)(c))

Local justice courts will likely collect \$60 per case out of 500 cases for a total of \$30,000 per year.

DIRECT EXPENDITURES BY UTAH RESIDENTS AND BUSINESSES (UCA 36-12-13(2)(d))

Individuals who elect to move certain cases to a small claims court will pay \$60 per case out of an estimated 500 cases for a total of \$30,000.