

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.

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

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

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

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

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

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

50 (5) Claims involving property damage to a motor vehicle may be maintained in small
51 claims actions ~~H→~~ and any removal or appeal thereof ~~←H~~ without limiting the ability of a
51a plaintiff to make a claim for bodily injury
52 against the same defendant in a separate legal action. In the event that property damage claim
53 is brought as a small claims action:

54 (a) any liability decision in ~~H→~~ [the] an ~~←H~~ original small claims
54a ~~H→~~ [court] action or appeal thereof ~~←H~~ is ~~H→~~ [nonbinding] not binding, ~~S→~~ [not admissible
54a1a in

54a1 evidence, and may not be referred to] ~~←S~~ ~~←H~~ in any
55 ~~H→~~ [subsequent] separate ~~←H~~ legal action for bodily injury; and

56 (b) no additional property damage claims can be brought in any
56a ~~H→~~ [subsequent] separate ~~←H~~ legal action