

PROPERTY DAMAGE CLAIMS

2013 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: V. Lowry Snow

Senate Sponsor: Curtis S. Bramble

LONG TITLE

General Description:

This bill amends provisions related to small claims courts.

Highlighted Provisions:

This bill:

► provides that property damage to motor vehicles can be maintained in a small claims court without limiting the ability to make another claim against the same individual in regards to bodily injury.

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 2011, Chapter 114

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 procedures.



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

57 for bodily injury.

58 [~~5~~] (6) (a) With or without counsel, persons or corporations may litigate actions on

59 behalf of themselves:

60 (i) in person; or

61 (ii) through authorized employees.

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

66 [~~(6)~~] (7) If a person or corporation other than a municipality or a political subdivision
67 of the state files multiple small claims in any one court, the clerk or judge of the court may
68 remove all but the initial claim from the court's calendar in order to dispose of all other small
69 claims matters. Claims so removed shall be rescheduled as permitted by the court's calendar.

70 [~~(7)~~] (8) Small claims matters shall be managed in accordance with simplified rules of
71 procedure and evidence promulgated by the Supreme Court.

Legislative Review Note
as of 2-15-13 5:55 AM

Office of Legislative Research and General Counsel