

Senator Todd Weiler proposes the following substitute bill:

SMALL CLAIMS COURT AMENDMENTS

2016 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Todd Weiler

House Sponsor: Kay L. McIff

LONG TITLE

General Description:

This bill raises the jurisdictional limit of small claims court for breach of contract actions to \$15,000.

Highlighted Provisions:

This bill:

- ▶ raises the jurisdictional limit for small claims court for breach of contract actions to \$15,000; and
- ▶ disallows bodily injury claims.

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 2013, Chapter 368

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

Section 1. Section **78A-8-102** is amended to read:



26 **78A-8-102. Small claims -- Defined -- Counsel not necessary -- Breach of contract**
27 **actions -- Removal from district court -- Deferring multiple claims of one plaintiff --**
28 **Supreme Court to govern 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; or

38 (c) involving breach of contract, other than contracts subject to Title 31A, Insurance
39 Code, in which the amount claimed does not exceed \$15,000 including attorney fees but
40 exclusive of court costs and interest.

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

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

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

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

49 (3) The judgment in a small claims action may not exceed \$10,000, or \$15,000 for
50 breach of contract as provided in Subsection (1)(c), including attorney fees but exclusive of
51 court costs and interest.

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

55 (5) Claims involving property damage to a motor vehicle may be maintained in small
56 claims actions, and any removal or appeal thereof, without limiting the ability of a plaintiff to

57 make a claim for bodily injury against the same defendant in a separate legal action, however a
58 claim for bodily injury may not be maintained as a small claims action. In the event that
59 property damage claim is brought as a small claims action:

60 (a) any liability decision in an original small claims action or appeal thereof is not
61 binding in any separate legal action for bodily injury; and

62 (b) no additional property damage claims can be brought in any separate legal action
63 for bodily injury.

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

66 (i) in person; or

67 (ii) through authorized employees.

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

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

76 (8) Small claims matters shall be managed in accordance with simplified rules of
77 procedure and evidence promulgated by the Supreme Court.