

## SB0213S02 compared with SB0213S01

~~{deleted text}~~ shows text that was in SB0213S01 but was deleted in SB0213S02.

inserted text shows text that was not in SB0213S01 but was inserted into SB0213S02.

**DISCLAIMER:** This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

~~{Senator Todd Weiler}~~Representative Kay L. McIff proposes the following substitute bill:

### SMALL CLAIMS COURT AMENDMENTS

2016 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Todd Weiler**

House Sponsor: ~~{\_\_\_\_\_}~~Kay L. McIff

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#### LONG TITLE

##### General Description:

This bill raises the jurisdictional limit of small claims court for breach of contract actions to ~~{\$15,000}~~\$12,500.

##### Highlighted Provisions:

This bill:

- ▶ raises the jurisdictional limit for small claims court for breach of contract actions to ~~{\$15,000; and}~~\$12,500.

~~{\_\_\_\_\_} disallows bodily injury claims.~~

##### ~~{\_\_\_\_\_}~~Money Appropriated in this Bill:

None

##### Other Special Clauses:

None

## SB0213S02 compared with SB0213S01

### Utah Code Sections Affected:

AMENDS:

**78A-8-102**, as last amended by Laws of Utah 2013, Chapter 368

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*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 -- Breach of contract actions -- Removal from district court -- Deferring multiple claims of one plaintiff -- Supreme Court to govern procedures.**

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

(a) for the recovery of money where:

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

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

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

(c) involving breach of contract, other than contracts subject to Title 31A, Insurance Code, in which the amount claimed does not exceed ~~15,000~~12,500 including attorney fees but exclusive of court costs and interest.

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

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

(ii) paying the applicable small claims filing fee.

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

(3) The judgment in a small claims action may not exceed \$10,000, or ~~15,000~~12,500 for breach of contract as provided in Subsection (1)(c), including attorney

## SB0213S02 compared with SB0213S01

fees but exclusive of court costs and interest.

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

(5) Claims involving property damage to a motor vehicle may be maintained in small claims actions, and any removal or appeal thereof, without limiting the ability of a plaintiff to make a claim for bodily injury against the same defendant in a separate legal action ~~{, however a claim for bodily injury may not be maintained as a small claims action}~~. In the event that property damage claim is brought as a small claims action:

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

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

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

(i) in person; or

(ii) through authorized employees.

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

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

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