

**SMALL CLAIMS AMENDMENTS**

2017 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Karen Kwan**

Senate Sponsor: Wayne A. Harper

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**LONG TITLE**

**General Description:**

This bill modifies provisions regarding a small claims court.

**Highlighted Provisions:**

This bill:

**§→ ▶ addresses jurisdictional limits for small claims court; ←§**

▶ modifies a provision regarding a motor vehicle accident; and

▶ makes technical changes.

**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

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

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



28 (a) for the recovery of money [~~where~~] when:

29 (i) the amount claimed does not exceed ~~\$~~→ [~~\$10,000~~] \$11,000 ←~~\$~~ including attorney fees,  
29a but exclusive  
30 of court costs and interest; and

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

33 (b) involving interpleader under Rule 22 of the Utah Rules of Civil Procedure, in  
34 which the amount claimed does not exceed ~~\$~~→ [~~\$10,000~~] \$11,000 ←~~\$~~ including attorney fees, but  
34a exclusive of  
35 court costs and interest.

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

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

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

42 (b) [~~No~~] A filing fee may not be charged to a plaintiff to appeal a judgment on an  
43 action removed under Subsection (2)(a) to the district court where the action was originally  
44 filed.

45 (3) The judgment in a small claims action may not exceed ~~\$~~→ [~~\$10,000~~] \$11,000 ←~~\$~~  
45a including attorney  
46 fees, but exclusive of court costs and interest.

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

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

56 (a) [~~any~~] a liability decision in an original small claims action or appeal [~~thereof~~] of the  
57 original small claims action is not binding in [~~any~~] a separate legal action for bodily injury;  
58 and