

SMALL CLAIMS AMENDMENTS

2017 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Karen Kwan

Senate Sponsor: Wayne A. Harper

LONG TITLE

General Description:

This bill modifies provisions regarding a small claims court.

Highlighted Provisions:

This bill:

- ▶ 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

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 including attorney fees, 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 including attorney fees, but 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 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

59 (b) ~~[no]~~ an additional property damage ~~[claims can]~~ claim may not be brought in ~~[any]~~
60 a separate legal action for bodily injury.

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

63 (i) in person; or

64 (ii) through authorized employees.

65 (b) A person or corporation may be represented in an action by an individual who is
66 not an employee of the person or corporation and is not licensed to practice law only in
67 accordance with the Utah ~~[rules of small claims procedure as promulgated]~~ Rules of Small
68 Claims Procedure as made by the Supreme Court.

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

74 (8) ~~[Small claims matters]~~ A small claims matter shall be managed in accordance with
75 simplified rules of procedure and evidence ~~[promulgated]~~ made by the Supreme Court.

Legislative Review Note
Office of Legislative Research and General Counsel