

SMALL CLAIMS AMENDMENTS

2022 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Brady Brammer

Senate Sponsor: _____

LONG TITLE

General Description:

This bill amends provisions related to small claims actions.

Highlighted Provisions:

This bill:

- ▶ amends the amount required for a small claims action; and
- ▶ makes technical and conforming 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 2017, Chapter 73

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 when:
29 (i) the amount claimed does not exceed [~~\$11,000~~]:
30 (A) on or after May 4, 2022, through December 31, 2024, \$15,000 including attorney
31 fees[;] but exclusive of court costs and interest; [~~and~~]
32 (B) on or after January 1, 2025, through December 31, 2029, \$20,000 including
33 attorney fees but exclusive of court costs and interest; and
34 (C) on or after January 1, 2030, \$25,000 including attorney fees but exclusive of court
35 costs and interest; and

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

38 (b) involving interpleader under Rule 22 of the Utah Rules of Civil Procedure, in
39 which the amount claimed does not exceed [~~\$11,000 including attorney fees, but exclusive of~~
40 ~~court costs and interest~~] the amount described in Subsection (1)(a)(i).

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) A filing fee may not 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 [~~\$11,000 including attorney~~
50 ~~fees, but exclusive of court costs and interest~~] the amount described in Subsection (1)(a)(i).

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

54 (5) (a) A claim involving property damage from a motor vehicle accident may be
55 maintained in a small claims action, and any removal or appeal of the small claims action,
56 without limiting the ability of a plaintiff to make a claim for bodily injury against the same
57 defendant in a separate legal action.

58 (b) In the event that a property damage claim is brought as a small claims action:

59 ~~[(a)]~~ (i) a liability decision in an original small claims action or appeal of the original
60 small claims action is not binding in a separate legal action for bodily injury; and

61 ~~[(b)]~~ (ii) an additional property damage claim may not be brought in a separate legal
62 action for bodily injury.

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

65 (i) in person; or

66 (ii) through authorized employees.

67 (b) A person or corporation may be represented in an action by an individual who is
68 not an employee of the person or corporation and is not licensed to practice law only in
69 accordance with the Utah Rules of Small Claims Procedure as made by the Supreme Court.

70 (7) (a) If a person or corporation other than a municipality or a political subdivision of
71 the state files multiple small claims in any one court, the clerk or judge of the court may
72 remove all but the initial claim from the court's calendar in order to dispose of all other small
73 claims matters.

74 (b) A claim so removed shall be rescheduled as permitted by the court's calendar.

75 (8) A small claims matter shall be managed in accordance with simplified rules of
76 procedure and evidence made by the Supreme Court.