

1 **SMALL CLAIMS COURT JURISDICTION**

2 2011 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Rebecca P. Edwards**

5 Senate Sponsor: Daniel R. Liljenquist

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7 **LONG TITLE**

8 **General Description:**

9 This bill allows a defendant in an action in district court to remove it to small claims  
10 court if it fits the jurisdictional amounts.

11 **Highlighted Provisions:**

12 This bill:

- 13 ▶ allows a defendant in an action in district court to remove it to a small claims court  
14 in the same jurisdiction if it is less than \$10,000 and the plaintiff agrees;
- 15 ▶ requires that the defendant pay the small claims filing fee; and
- 16 ▶ provides that the court may not charge the plaintiff a filing fee if the plaintiff  
17 appeals the small claims court judgment.

18 **Money Appropriated in this Bill:**

19 None

20 **Other Special Clauses:**

21 None

22 **Utah Code Sections Affected:**

23 AMENDS:

24 **78A-8-102**, as last amended by Laws of Utah 2009, Chapter 147

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

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

28 **78A-8-102. Small claims -- Defined -- Counsel not necessary -- Removal from**  
29 **district court -- Deferring multiple claims of one plaintiff -- Supreme Court to govern**

30 **procedures.**

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

32 (a) for the recovery of money where:

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

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

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

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

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

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

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

48 [~~2~~] (3) The judgment in a small claims action may not exceed \$10,000 including  
49 attorney fees but exclusive of court costs and interest.

50 [~~3~~] (4) Counter claims may be maintained in small claims actions if the counter claim  
51 arises out of the transaction or occurrence which is the subject matter of the plaintiff's claim. A  
52 counter claim may not be raised for the first time in the trial de novo of the small claims action.

53 [~~4~~] (5) (a) With or without counsel, persons or corporations may litigate actions on  
54 behalf of themselves:

55 (i) in person; or

56 (ii) through authorized employees.

57 (b) A person or corporation may be represented in an action by an individual who is

58 not an employee of the person or corporation and is not licensed to practice law only in  
59 accordance with the Utah rules of small claims procedure as promulgated by the Supreme  
60 Court.

61 [~~5~~] (6) If a person or corporation other than a municipality or a political subdivision  
62 of the state files multiple small claims in any one court, the clerk or judge of the court may  
63 remove all but the initial claim from the court's calendar in order to dispose of all other small  
64 claims matters. Claims so removed shall be rescheduled as permitted by the court's calendar.

65 [~~6~~] (7) Small claims matters shall be managed in accordance with simplified rules of  
66 procedure and evidence promulgated by the Supreme Court.