

SENATE BILL REPORT

SHB 2311

As Reported By Senate Committee On:
Law & Justice, February 24, 1998

Title: An act relating to small claims court.

Brief Description: Adjusting the jurisdictional amount for small claims court.

Sponsors: House Committee on Law & Justice (originally sponsored by Representatives L. Thomas, Benson, Zellinsky and Dyer).

Brief History:

Committee Activity: Law & Justice: 2/24/98 [DP].

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: Do pass.

Signed by Senators Roach, Chair; Fairley, Goings, Kline, Long, McCaslin, Stevens and Zarelli.

Staff: Dick Armstrong (786-7460)

Background: Small claims court is a department of the district court. The small claims department has jurisdiction over cases for the recovery of money where the amount claimed does not exceed \$2,500. An action is commenced in the small claims department by filing a claim that contains specified information and paying a filing fee.

An action originally filed in district court may be transferred to the small claims department if the claim does not exceed the jurisdictional limit of the small claims department. Generally, a party may not be represented by an attorney in the small claims department. However, if the action was originally filed in district court and the plaintiff was represented by an attorney at that time, the attorney may represent the plaintiff in the small claims department.

The proceedings in the small claims department are informal. The parties may offer evidence and bring witnesses. The judge may consult witnesses and investigate the controversy between the parties, and the judge may give judgment or make orders that the judge finds equitable.

A party may not appeal the judgment from the small claims department where the amount claimed was less than \$250. A party requesting the exercise of jurisdiction by the small claims department may not appeal a judgment if the amount claimed by that party was less than \$1,000.

Summary of Bill: The jurisdictional amount in small claims court is increased from \$2,500 to \$3,000.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: The increase in the amount in the original bill was greater, but it has been decreased to \$3,000 in the substitute bill. The bill only increases the amount by \$500, which is less than inflation.

Testimony Against: None.

Testified: Rep. Thomas, prime sponsor; Milt King, citizen.