

SENATE BILL REPORT

SB 5491

As Passed Senate, March 12, 2001

Title: An act relating to small claims appeals.

Brief Description: Revising small claims proceedings.

Sponsors: Senators Kline and Long; by request of Administrator for the Courts.

Brief History:

Committee Activity: Judiciary: 2/8/01, 2/20/01 [DP].

Passed Senate: 3/12/01, 46-0.

SENATE COMMITTEE ON JUDICIARY

Majority Report: Do pass.

Signed by Senators Kline, Chair; Constantine, Vice Chair; Costa, Kastama, McCaslin and Thibaudeau.

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. Although appeals to the superior court are de novo, no new evidence is allowed without the permission of the court.

Summary of Bill: The process to appeal a decision of a small claims court to the superior court is modified. Appeals of small claims lawsuits to superior court are to be based on the record of the case in district court and are not to be de novo.

References to the application of mandatory arbitration in the small claims court appeal process are deleted. In its discretion, a superior court may utilize any method of dispute resolution.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: Small claims should be quick and inexpensive and the appeal process should continue to give litigants a cheap way to appeal the case. This will eliminate the need to do a whole new trial in superior court.

Testimony Against: None.

Testified: Judge James Murphy, Superior Court Judges Association; Justice Alexander, Board for Judicial Administration.