
SENATE BILL 5989

State of Washington

65th Legislature

2018 Regular Session

By Senator Padden

Prefiled 12/04/17.

1 AN ACT Relating to small claims court; and amending RCW 12.40.010
2 and 12.40.027.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 12.40.010 and 2008 c 227 s 2 are each amended to
5 read as follows:

6 In every district court there shall be created and organized by
7 the court a department to be known as the "small claims department of
8 the district court." The small claims department shall have
9 jurisdiction, but not exclusive, in cases for the recovery of money
10 only if the amount claimed does not exceed (~~five~~) ten thousand
11 dollars.

12 **Sec. 2.** RCW 12.40.027 and 1997 c 352 s 5 are each amended to
13 read as follows:

14 RCW 4.14.010 regarding removal of actions to superior court shall
15 not apply to cases originally filed in small claims court, or
16 transferred to the small claims court pursuant to RCW 12.40.025. No
17 defendant or third party defendant may remove a small claims case
18 from small claims court as a matter of right by merely filing a claim
19 or counterclaim or other request for relief that is beyond the
20 jurisdiction of the small claims court. Claims, counterclaims, or

1 other requests for relief filed by a defendant or third party
2 defendant in excess of the jurisdiction of small claims court may be
3 maintained simultaneously in superior court as a separate action
4 brought by such defendant or third party defendant. Such a superior
5 court action does not affect the jurisdiction of the small claims
6 court to hear the original small claims case. The decision of the
7 small claims court shall have no preclusive effect on a superior
8 court action brought pursuant to this section. If the small claims
9 case is appealed, it shall be automatically joined with any superior
10 court case filed pursuant to this section, and the procedures set
11 forth in RCW 12.36.055 shall not apply.

12 Nothing in this section may be construed to limit the small
13 claims court from transferring a small claims case to district court
14 or superior court after notice and hearing. Good cause in support of
15 a party's motion for transfer from small claims to district or
16 superior court may be inferred by appearance of an attorney on his or
17 her behalf or a request for jury trial and payment of the required
18 jury demand fee, or both.

--- END ---