

HOUSE BILL REPORT

HB 2907

As Reported By House Committee On:

Law & Justice

Title: An act relating to small claims courts.

Brief Description: Clarifying the process of appealing small claims cases.

Sponsors: Representatives Sheahan, Robertson, Dunshee, Mason and Lantz.

Brief History:

Committee Activity:

Law & Justice: 2/6/98 [DP].

HOUSE COMMITTEE ON LAW & JUSTICE

Majority Report: Do pass. Signed by 13 members: Representatives Sheahan, Chairman; McDonald, Vice Chairman; Sterk, Vice Chairman; Costa, Ranking Minority Member; Constantine, Assistant Ranking Minority Member; Carrell; Cody; Kenney; Lambert; Lantz; Mulliken; Robertson and Sherstad.

Staff: Daniel Jablonsky (786-5793); Trudes Hutcheson (786-7384).

Background: Small claims court is a department of the district court. District courts have jurisdiction over civil claims if the amount at issue does not exceed \$35,000. The small claims department of the district court has jurisdiction over cases for the recovery of money where the amount claimed does not exceed \$2,500.

District court proceedings are conducted according to court rules for courts of limited jurisdiction. These rules do not apply to the small claims department, and therefore proceedings in the small claims department are governed by statute.

An appeal from a small claims judgment in district court to superior court is not available unless the amount in controversy exceeds \$250. In all appeals, the appellant must file a notice of appeal in the district court, pay the statutory superior court filing fee, and file a bond with the district court in an amount that is equal to the greater of two times the amount of the judgment and costs or two times the amount in controversy. The parties must also designate the portion of the record they want transferred to superior court and pay a preparation fee for the record to the district court clerk.

In 1997, changes were made to RCW 12.36 and RCW 12.40 to resolve difficulties experienced with the small claims appeals process. One change increased the time limit for filing small claims appeals from 20 to 30 days. Another change required parties to designate the portion of the record that needed to be sent to the superior court when an appeal was taken.

Summary of Bill: Two references to a 20-day appeal period are changed to 30 days in order to maintain consistency.

The process of transmitting the record of proceedings to the court hearing the appeal is clarified. A requirement that the entire record of proceedings be forwarded to the court hearing the appeal is added, and the ability to only forward a portion of the record is deleted.

Any bond posted in district court for the purpose of appeal is transferred along with the record of proceedings when the case is transferred to superior court.

Language concerning what court may stay proceedings pending appeal and enforce final judgments is made more explicit. Once a case is sent to superior court, that court makes all the decisions regarding the case.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: This legislation clarifies the process for appealing small claims cases. The changes provide consistency and remove confusion about the appeals process.

Testimony Against: None.

Testified: Melanie Stewart, Washington Municipal and District Court Judges (pro); and Judge Linda Thompson, Aukeen District Court (pro).