

FINAL BILL REPORT

HB 2907

C 52 L 98

Synopsis as Enacted

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

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

House Committee on Law & Justice

Senate Committee on Law & Justice

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. 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 the statutes governing civil procedure in district court 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: The procedures for appealing small claims cases are changed and clarified.

Two references to a 20-day appeal period are changed to 30 days in order to maintain consistency. The entire record of proceedings, instead of just a portion, must be forwarded to the court hearing the appeal. Any bond posted in district court for the purpose of appeal must be transferred along with the record of proceedings when the case is transferred to superior court.

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

Votes on Final Passage:

House 95 1
Senate 49 0

Effective: June 11, 1998