

**Utah State Code
As of May 3, 2004**

78-6-1. Small claims - Defined - Biannual review - Counsel not necessary - Deferring multiple claims of one plaintiff - Supreme Court to govern procedures.

(1) A small claims action is a civil action:

(a) for the recovery of money where:

(i) the amount claimed does not exceed \$7,500 including attorney fees but exclusive of court costs and interest; and

(ii) the defendant resides or the action of indebtedness was incurred within the jurisdiction of the court in which the action is to be maintained; or

(b) involving interpleader under Rule 22 of the Utah Rules of Civil Procedure, in which the amount claimed does not exceed \$7,500 including attorney fees but exclusive of court costs and interest.

(2) The judgment in a small claims action may not exceed \$7,500 including attorney fees but exclusive of court costs and interest.

(3) Counter claims may be maintained in small claims actions if the counter claim arises out of the transaction or occurrence that is the subject matter of the plaintiff's claim. A counter claim may not be raised for the first time in the trial de novo of the small claims action.

(4) The Judicial Council shall present to the Judiciary Interim Committee prior to the general session of the Legislature during odd-numbered years a report and recommendations concerning the maximum amount of small claims actions.

(5)(a) With or without counsel, persons or corporations may litigate actions on behalf of themselves:

(i) in person; or

(ii) through authorized employees.

(b) A person or corporation may be represented in an action by an individual who is not an employee of the person or corporation and is not licensed to practice law only in accordance with the Utah Rules of Small Claims Procedure as promulgated by the supreme court.

(6) If a person or corporation other than a municipality or a political subdivision of the state files multiple small claims in any one court, the clerk or judge of the court may remove all but the initial claim from the court's calendar in order to dispose of all other small claims matters. Claims so removed shall be rescheduled as permitted by the court's calendar.

(7) Small claims matters shall be managed in accordance with simplified rules of procedure and evidence promulgated by the Supreme Court.

78-6-1.5. Evening hours - Judges pro tempore.

The district or justice court may request that the Supreme Court appoint a member of the Utah State Bar in good standing, with the member's consent, as judge pro tempore to hear and determine small claims at times, including evening sessions, to be set by the court. Such judges pro tempore, after being duly sworn, shall serve voluntarily and without compensation at the request of the court, shall be extended the same immunities, and shall have the same powers with respect to matters within the jurisdiction of the small claims court as may be exercised by a judge thereof.

78-6-6. Assignee may not file claim.

No claim shall be filed or prosecuted in such small claim court by any assignee of such claim.

78-6-8. Object of small claims - Attachment, garnishment, and execution.

(1) The hearing in a small claims action has the sole object of dispensing speedy justice between the parties. The record of small claims proceedings shall be as provided by rule of the Judicial Council.

(2) Attachment, garnishment, and execution may issue after judgment as prescribed by law, upon the payment of the fees required for those services.

78-6-10. Appeals - Who may take and jurisdiction.

(1) Either party may appeal the judgment in a small claims action to the district court of the county by filing a notice of appeal in the original trial court within 30 days of entry of the judgment. If the judgment in a small claims action is entered by a judge or judge pro tempore of the district court, the notice of appeal shall be filed with the district court.

(2) The appeal is a trial de novo and shall be tried in accordance with the procedures of small claims actions, except a record of the trial shall be maintained. The trial de novo may not be heard by a judge pro tempore appointed

under Section 78-6-1.5. The decision of the trial de novo may not be appealed unless the court rules on the constitutionality of a statute or ordinance.

78-6-14. Civil filing fees.

(1) Except as provided in this section, the fees for a small claims action in justice court shall be the same as provided in Section 78-7-35.

(2) Fees collected in small claims actions filed in municipal justice court are remitted to the municipal treasurer. Fees collected in small claims actions filed in a county justice court are remitted to the county treasurer.

(3) (a) Seven dollars and 50 cents shall be withheld from the fee for the small claims affidavit and allocated to the Judges' Retirement Trust Fund. Five dollars shall be withheld from the fee for a small claims counter affidavit and allocated to the Judges' Retirement Trust Fund.

(b) Two dollars withheld from the civil filing fee in a court of record as provided in Subsection 63-63a-8(4)(b) shall not apply to the fees collected for small claims actions in justice court.

(4) The fee in the justice court for filing a notice of appeal for trial de novo in a court of record is \$10. The fee covers all services of the justice court on appeal but does not satisfy the trial de novo filing fee in the court of record.

78-6-15. Costs.

The prevailing party in any small claims action is entitled to costs of the action and also the costs of execution upon a judgment rendered therein.