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## SENATE BILL NO. 651

Offered January 20, 2010

A BILL to amend and reenact §§ 16.1-122.2 and 16.1-122.3 of the Code of Virginia, relating to small claims court.

Patron—Quayle

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That §§ 16.1-122.2 and 16.1-122.3 of the Code of Virginia are amended and reenacted as follows:

§ 16.1-122.2. Jurisdiction.

Notwithstanding any provision of law to the contrary, the small claims court shall have jurisdiction, concurrent with that of the general district court, over the civil action specified in subdivision (1) of § 16.1-77 (~~4~~) when the amount claimed does not exceed ~~\$5,000~~ \$10,000, exclusive of interest. The maximum amount that may be claimed shall be adjusted July 1, 2015, and on July 1 every five years thereafter, in an amount equal to the cumulative annual increases for that five-year period in the United States Average Consumer Price Index for all urban consumers (CPI-U), as published by the Bureau of Labor Statistics of the U.S. Department of Labor; however, in no case shall the small claims court have jurisdiction over the civil action specified in subdivision (1) of § 16.1-77 when the amount claimed, exclusive of interest, exceeds the maximum jurisdictional limits of the general district court prescribed in subdivision (1) of § 16.1-77. The maximum jurisdictional limits of the small claims court shall be posted on the website maintained by the Supreme Court of Virginia and on the front door of each courthouse in the Commonwealth.

§ 16.1-122.3. Actions; how commenced; notice; continuances; pleadings.

A. Actions in the small claims court shall be commenced by the filing of a small claims civil warrant by a plaintiff.

B. At the time of filing a small claims civil warrant, the plaintiff shall pay to the clerk a required fee, which will be taxed as costs in the case. The plaintiff may be afforded the opportunity to receive preprinted information promulgated by the Committee on District Courts explaining the small claims court, including but not limited to information on case preparation, courtroom procedures, methods of collection, removal rights and appeals. The plaintiff shall select a time for the hearing which shall be held at least five days after service of the warrant. Such time shall be subject to concurrence by the clerk's office. The chief judge may limit the number of cases any one person may set for trial on any one date.

C. Upon the filing of the small claims civil warrant in small claims court, the court shall cause notice of process to be served upon the defendant. Notice of process shall consist of a copy of the warrant and shall be served by the method used in general district court. If applicable, the defendant shall be served with a copy of the preprinted information identified in subsection B of this section attached to the copy of the civil warrant.

D. All forms required by this article shall be prescribed by the Supreme Court of Virginia.

E. The trial shall be conducted on the first return date. However, by consent of all parties or upon order of the court, the time for trial may be changed from the time set for the first return. A continuance shall be granted to either the plaintiff or defendant only upon good cause shown.

F. There shall be no pleadings in small claims court actions other than the warrant and answer, grounds of defense, and counterclaims not to exceed ~~\$5,000~~ \$10,000. Such maximum amount shall be adjusted July 1, 2015, and on July 1 every five years thereafter, in an amount equal to the cumulative annual increases for that five-year period in the United States Average Consumer Price Index for all urban consumers (CPI-U), as published by the Bureau of Labor Statistics of the U.S. Department of Labor; however, in no case shall counterclaims exceed the maximum jurisdictional limits of the general district court prescribed in subdivision (1) of § 16.1-77.

INTRODUCED

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