

HOUSE BILL 42

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2000 Regular Session
0lr0291

(PRE-FILED)

By: **Delegate Boutin**
Requested: July 7, 1999
Introduced and read first time: January 12, 2000
Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Courts - District Court - Civil Jurisdiction**

3 FOR the purpose of altering the amount in controversy of civil cases over which the
4 District Court of Maryland and the circuit courts have concurrent jurisdiction;
5 providing for the application of this Act; and generally relating to the civil
6 jurisdiction of the District Court.

7 BY repealing and reenacting, with amendments,
8 Article - Courts and Judicial Proceedings
9 Section 4-402(d)
10 Annotated Code of Maryland
11 (1998 Replacement Volume and 1999 Supplement)

12 BY repealing and reenacting, without amendments,
13 Article - Courts and Judicial Proceedings
14 Section 4-402(e)
15 Annotated Code of Maryland
16 (1998 Replacement Volume and 1999 Supplement)

17 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
18 MARYLAND, That the Laws of Maryland read as follows:

19 **Article - Courts and Judicial Proceedings**

20 4-402.

21 (d) (1) (i) Except in a case under paragraph (2), (4), (5), or (6) of § 4-401 of
22 this subtitle, the plaintiff may elect to file suit in the District Court or in a trial court
23 of general jurisdiction, if the amount in controversy exceeds [\$2,500] \$10,000,
24 exclusive of prejudgment or postjudgment interest, costs, and attorney's fees if
25 attorney's fees are recoverable by law or contract.

1 (ii) In the case of a class action, the separate claims of the proposed
2 members of the class may be aggregated to meet the minimum amount in controversy
3 required under subparagraph (i) of this paragraph.

4 (2) In a case under § 4-401(7) or (8) of this subtitle, the plaintiff may
5 elect to file a petition for injunctive relief either in the District Court or the circuit
6 court.

7 (e) (1) In a civil action in which the amount in controversy exceeds \$10,000,
8 exclusive of attorney's fees if attorney's fees are recoverable by law or contract, a party
9 may demand a jury trial pursuant to the Maryland Rules.

10 (2) Except in a replevin action, if a party is entitled to and files a timely
11 demand, in accordance with the Maryland Rules, for a jury trial, jurisdiction is
12 transferred forthwith and the record of the proceeding shall be transmitted to the
13 appropriate court. In a replevin action, if a party is entitled to and files a timely
14 demand for a jury trial, the District Court may conduct a hearing on the show cause
15 order prior to issuing the writ, enforce an injunction issued by it in the action, and
16 issue, renew, and receive returns upon the writ of replevin. The action shall be
17 transmitted to the appropriate court only after the writ has been returned, stating
18 that the property sought has been seized or eloigned, and the time for filing a notice
19 of intention to defend has expired.

20 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be
21 construed only prospectively and may not be applied or interpreted to have any effect
22 on or application to any case filed before the effective date of this Act.

23 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
24 October 1, 2000.