

HOUSE BILL 70

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HB 546/01 - JUD

2002 Regular Session
2lr0706

(PRE-FILED)

By: **Delegates Baldwin and Mitchell**
Requested: October 22, 2001
Introduced and read first time: January 9, 2002
Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **District Court - Small Claim Actions**

3 FOR the purpose of altering the minimum amount in controversy in civil cases over
4 which the District Court of Maryland and the circuit courts have concurrent
5 jurisdiction; altering the amount of a small claim action in the District Court;
6 altering the amount in controversy in a civil action in the District Court in
7 which formal pleadings are prohibited; altering the minimum amount in
8 controversy in civil cases in which appeals from the District Court are required
9 to be heard on the record; providing for the application of this Act; and generally
10 relating to small claim actions in the District Court.

11 BY repealing and reenacting, with amendments,
12 Article - Courts and Judicial Proceedings
13 Section 4-402(d)(1)(i), 4-405, 6-403, and 12-401(f)
14 Annotated Code of Maryland
15 (1998 Replacement Volume and 2001 Supplement)

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

18 **Article - Courts and Judicial Proceedings**

19 4-402.

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

25 4-405.

26 The District Court has exclusive jurisdiction over a small claim action, which,
27 for purposes of this section, means a civil action for money in which the amount

1 claimed does not exceed [~~\$2,500~~] \$5,000 exclusive of interest, costs, and attorney's
2 fees, if attorney's fees are recoverable by law or contract; and landlord tenant action
3 under §§ 8-401 and 8-402 of the Real Property Article of the Code, in which the
4 amount of rent claimed does not exceed [~~\$2,500~~] \$5,000 exclusive of interest and
5 costs.

6 6-403.

7 (a) In a civil action in the District Court, if the amount in controversy is
8 [~~\$1,000~~] \$2,500 or less, there shall be no formal pleadings.

9 (b) If the amount in controversy exceeds [~~\$1,000~~] \$2,500 the forms and
10 pleadings are as provided by Title 3, Chapter 300 of the Maryland Rules.

11 12-401.

12 (f) In a civil case in which the amount in controversy exceeds [~~\$2,500~~] \$5,000
13 exclusive of interest, costs, and attorney's fees if attorney's fees are recoverable by law
14 or contract, in any matter arising under § 4-401(7)(ii) of this article, and in any case
15 in which the parties so agree, an appeal shall be heard on the record made in the
16 District Court. In every other case, including a criminal case in which sentence has
17 been imposed or suspended following a plea of nolo contendere or guilty, and an
18 appeal in a municipal infraction or Code violation case, an appeal shall be tried de
19 novo.

20 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be
21 construed to apply only prospectively and may not be applied or interpreted to have
22 any effect on or application to any civil action 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, 2002.