

HOUSE BILL 20

D3

8lr0631

(PRE-FILED)

By: **Delegate Smigiel**

Requested: September 13, 2007

Introduced and read first time: January 9, 2008

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **District Court – Small Claim Actions – Amount in Controversy**

3 FOR the purpose of increasing the minimum amount in controversy in civil actions
4 over which the District Court of Maryland and the circuit courts have
5 concurrent jurisdiction; increasing the maximum amount in controversy in civil
6 actions over which the District Court has exclusive jurisdiction; increasing the
7 maximum amount in controversy in civil actions in which there are no formal
8 pleadings; increasing the minimum amount in controversy in civil actions in
9 which appeals from the District Court are required to be heard on the record;
10 providing for the application of this Act; and generally relating to small claim
11 actions in the District Court.

12 BY repealing and reenacting, with amendments,
13 Article – Courts and Judicial Proceedings
14 Section 4–402(d)(1)(i), 4–405, 6–403, and 12–401(f)
15 Annotated Code of Maryland
16 (2006 Replacement Volume and 2007 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
22 § 4–401 of this subtitle, the plaintiff may elect to file suit in the District Court or in a
23 trial court of general jurisdiction, if the amount in controversy exceeds [**\$5,000**]
24 **\$10,000**, exclusive of prejudgment or postjudgment interest, costs, and attorney's fees
25 if attorney's fees are recoverable by law or contract.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 4-405.

2 The District Court has exclusive jurisdiction over a small claim action, which,
3 for purposes of this section, means a civil action for money in which the amount
4 claimed does not exceed [\$5,000] **\$10,000** exclusive of interest, costs, and attorney's
5 fees, if attorney's fees are recoverable by law or contract; and landlord tenant action
6 under §§ 8-401 and 8-402 of the Real Property Article, in which the amount of rent
7 claimed does not exceed [\$5,000] **\$10,000** exclusive of interest and costs.

8 6-403.

9 (a) In a civil action in the District Court, if the amount in controversy is
10 [\$2,500] **\$5,000** or less, there shall be no formal pleadings.

11 (b) If the amount in controversy exceeds [\$2,500] **\$5,000** the forms and
12 pleadings are as provided by Title 3, Chapter 300 of the Maryland Rules.

13 12-401.

14 (f) In a civil case in which the amount in controversy exceeds [\$5,000]
15 **\$10,000** exclusive of interest, costs, and attorney's fees if attorney's fees are
16 recoverable by law or contract, in any matter arising under § 4-401(7)(ii) of this
17 article, and in any case in which the parties so agree, an appeal shall be heard on the
18 record made in the District Court. In every other case, including a criminal case in
19 which sentence has been imposed or suspended following a plea of nolo contendere or
20 guilty, and an appeal in a municipal infraction or Code violation case, an appeal shall
21 be tried de novo.

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

25 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
26 October 1, 2008.