

HOUSE BILL 434

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11r1828

By: **Delegate Frush**

Introduced and read first time: February 4, 2011

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 minimum amount in controversy in civil cases in which appeals
7 from the District Court are required to be heard on the record; providing for the
8 application of this Act; and generally relating to small claim actions in the
9 District Court.

10 BY repealing and reenacting, with amendments,
11 Article – Courts and Judicial Proceedings
12 Section 4–402(d)(1)(i), 4–405, and 12–401(f)
13 Annotated Code of Maryland
14 (2006 Replacement Volume and 2010 Supplement)

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

17 **Article – Courts and Judicial Proceedings**

18 4–402.

19 (d) (1) (i) Except in a case under paragraph (2), (4), (5), or (6) of §
20 4–401 of this subtitle, the plaintiff may elect to file suit in the District Court or in a
21 trial court of general jurisdiction, if the amount in controversy exceeds **[\$5,000]**
22 **\$10,000**, exclusive of prejudgment or postjudgment interest, costs, and attorney's fees
23 if attorney's fees are recoverable by law or contract.

24 4–405.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

7 12-401.

8 (f) In a civil case in which the amount in controversy exceeds [~~\$5,000~~]
9 **\$10,000** exclusive of interest, costs, and attorney's fees if attorney's fees are
10 recoverable by law or contract, in any matter arising under § 4-401(7)(ii) of this
11 article, and in any case in which the parties so agree, an appeal shall be heard on the
12 record made in the District Court. In every other case, including a criminal case in
13 which sentence has been imposed or suspended following a plea of nolo contendere or
14 guilty, and an appeal in a municipal infraction or Code violation case, an appeal shall
15 be tried de novo.

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

19 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
20 October 1, 2011.