

JAN 23 2009

A BILL FOR AN ACT

RELATING TO SMALL CLAIMS COURT.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Section 633-27, Hawaii Revised Statutes, is
2 amended by amending subsection (a) to read as follows:

3 "(a) All district courts, except as otherwise provided,
4 shall exercise jurisdiction conferred by this chapter, and while
5 sitting in the exercise of that jurisdiction, shall be known and
6 referred to as the small claims division of the district court;
7 provided that the jurisdiction of the court when sitting as a
8 small claims division of the district court shall be confined
9 to:

10 (1) Cases for the recovery of money only where the amount
11 claimed does not exceed [~~\$3,500~~] \$5,000 exclusive of
12 interest and costs, except as provided by section 633-
13 30;

14 (2) Cases involving disagreement between landlord and
15 tenant about the security deposit in a residential
16 landlord-tenant relationship; and



1 (3) Cases for the return of leased or rented personal
2 property worth [~~\$3,500~~] \$5,000 or less where the
3 amount claimed owed for that lease or rental does not
4 exceed [~~\$3,500~~] \$5,000 exclusive of interest and
5 costs.

6 This chapter shall not abridge or affect the jurisdiction of the
7 district courts under paragraphs (1) and (3) to determine cases
8 under the ordinary procedures of the court, it being optional
9 with the plaintiff in the cases to elect the procedure of the
10 small claims division of the district court or the ordinary
11 procedures, as provided by rule of court. No case filed in the
12 small claims division after December 31, 1991, shall be removed
13 from the small claims division to be heard under the ordinary
14 procedures of the district court unless the removal is agreed to
15 by the plaintiff. In cases arising under paragraph (2), the
16 jurisdiction of the small claims division of the district court
17 shall be exclusive; provided that the district court, having
18 jurisdiction over a civil action involving summary possession,
19 shall have concurrent jurisdiction with the small claims
20 division of the district court over any security deposit dispute
21 between landlord and tenant in a residential landlord-tenant



1 relationship. This subsection shall not abrogate nor supersede
2 sections 604-5, 633-30, and 633-31."

3 SECTION 2. Statutory material to be repealed is bracketed
4 and stricken. New statutory material is underscored.

5 SECTION 3. This Act shall take effect upon its approval.

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INTRODUCED BY:

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Report Title:

Small Claims Court

Description:

Increases the amount in controversy requirement for small claims court from \$3,500 to \$5,000.

