

JAN 23 2015

---

# A BILL FOR AN ACT

---

RELATING TO THE SMALL CLAIMS DIVISION OF THE DISTRICT COURT.

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

1       SECTION 1. The purpose of this Act is to establish the  
2       exclusive jurisdiction of the small claims division of the  
3       district court over cases in which the amount claimed is \$1,000  
4       or less and to make clarifying and housekeeping amendments.

5       SECTION 2. Section 633-27, Hawaii Revised Statutes, is  
6       amended to read as follows:

7       "**§633-27 District courts; powers.** (a) All district  
8       courts, except as otherwise provided, shall exercise  
9       jurisdiction conferred by this chapter, and while sitting in the  
10      exercise of that jurisdiction, shall be known and referred to as  
11      the small claims division of the district court; provided that  
12      the jurisdiction of the court when sitting as a small claims  
13      division of the district court shall be confined to:

- 14      (1) Cases for the recovery of money [~~only~~] where the  
15              amount claimed is more than \$1,000 but does not exceed  
16              \$5,000 exclusive of interest and costs, except as  
17              provided by section 633-30;



1        (2) Cases for the recovery of money where the amount  
2        claimed is \$1,000 or less exclusive of interest and  
3        costs;

4        ~~[(2)]~~ (3) Cases involving disagreement between landlord and  
5        tenant about the security deposit in a residential  
6        landlord-tenant relationship; and

7        ~~[(3)]~~ (4) Cases for the return of ~~[leased or rented]~~  
8        personal property worth ~~[less than]~~ \$5,000 ~~[where the~~  
9        ~~amount claimed owed for that lease or rental is less~~  
10       ~~than \$5,000 exclusive of interest and costs.]~~ or less.

11       (b) This chapter shall not abridge or affect the  
12       jurisdiction of the district courts under ~~[paragraphs (1) and~~  
13       ~~(3)]~~ subsection (a) (1) and (4) to determine cases under the  
14       ordinary procedures of the court, it being optional with the  
15       plaintiff in the cases to elect the procedure of the small  
16       claims division of the district court or the ordinary  
17       procedures, as provided by rule of court.

18       (c) No case filed in the small claims division ~~[after~~  
19       ~~December 31, 1991,~~] shall be removed from the small claims  
20       division to be heard under the ordinary procedures of the  
21       district court unless the removal is agreed to by the plaintiff.



1       (d) In cases arising under [~~paragraph (2),~~] subsection  
2       (a)(2) and (3), the jurisdiction of the small claims division of  
3       the district court shall be exclusive; provided that the  
4       district court, having jurisdiction over a civil action  
5       involving [~~summary possession,~~] a residential landlord-tenant  
6       relationship, shall have concurrent jurisdiction with the small  
7       claims division of the district court over any security deposit  
8       dispute [~~between landlord and tenant in a residential landlord-~~  
9       ~~tenant relationship~~]. This subsection shall not abrogate or  
10      supersede sections 604-5, 633-30, and 633-31.

11      [~~(b)~~] (e) Actions shall be commenced in the small claims  
12      division of the district court of the judicial circuit in which  
13      the defendant or a majority of the defendants reside or the  
14      claim for relief arose, unless service cannot be made on all of  
15      the defendants in that circuit, in which case action may be  
16      commenced in any circuit in which all of the defendants can be  
17      served; provided that actions arising under [~~paragraph (2) of~~]  
18      subsection [~~(a) of this section~~] (a)(3) shall be commenced in  
19      the circuit wherein the rental premises are situated.

20      [~~(e)~~] (f) The small claims division of the district court  
21      may grant monetary relief and equitable relief except that:



(1) Monetary relief shall not include punitive damages;  
and


(2) Except as specifically provided in section 633-8,  
equitable relief shall be granted only as between  
parties to a landlord-tenant disagreement pursuant to  
chapter 521, and shall be limited to orders to repair,  
replace, refund, reform, and rescind.

~~[(d)]~~ (g) Class actions are prohibited in the small claims  
division of the district court."

SECTION 3. This Act does not affect rights and duties that  
matured, penalties that were incurred, and proceedings that were  
begun before its effective date.

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

SECTION 5. This Act shall take effect on January 1, 2016.

INTRODUCED BY:   
By Request



**Report Title:**

Judiciary Package; Small Claims Division of the District Court;  
Jurisdiction

**Description:**

Establishes the exclusive jurisdiction of the small claims division of the district court over cases in which the amount claimed is \$1,000 or less. Expands the small claims division's jurisdiction over personal property cases to include any personal property worth \$5,000 or less.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

