STAND. COM. REP. NO. 2651

Honolulu, Hawaii

MAR 0 3 2016

RE: S.B. No. 2101 S.D. 1

Honorable Ronald D. Kouchi President of the Senate Twenty-Eighth State Legislature Regular Session of 2016 State of Hawaii

Sir:

Your Committee on Ways and Means, to which was referred S.B. No. 2101, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO DISTRICT COURT SMALL CLAIMS,"

begs leave to report as follows:

The purpose and intent of this measure is to amend various statutory provisions relating to cases filed in the small claims division of the district court.

More specifically, this measure:

- Establishes that the small claims division has exclusive jurisdiction in cases for the recovery of money where the amount claimed is \$1,000 or less before interest and costs;
- (2) Makes an exception to the foregoing exclusive jurisdiction by establishing concurrent jurisdiction with the district court in cases where the plaintiff is represented by an attorney; provided that removal to the district court is at the plaintiff's option;
- (3) Prohibits awards of attorney's fees and commissions in all of the foregoing cases;
- (4) Removes service by registered mail and certified mail as options in small claims division cases for the recovery



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of money where the amount claimed is more than \$1,000 but does not exceed \$5,000;

- (5) Establishes that the small claims division has concurrent jurisdiction with the district court in all cases for the return of personal property worth \$5,000 or less;
- (6) Clarifies that when an action is filed in the small claims division, and the amount sought in any counterclaim exceeds the jurisdictional limit of the small claims division but does not exceed the jurisdictional limit of the district court, the action shall remain in the small claims division, except when the plaintiff requests removal to the district court; and
- (7) Clarifies that in all civil actions involving a residential landlord-tenant relationship, the district court shall have concurrent jurisdiction with the small claims division over any security deposit dispute.

Your Committee received written comments on this measure from the Judiciary.

Your Committee finds that this measure establishes certain jurisdictional and procedural provisions for the small claims division of the district court, thus allowing the court to better serve the public.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2101, S.D. 1, and recommends that it pass Third Reading.

> Respectfully submitted on behalf of the members of the Committee on Ways and Means,

JILL N. TOKUDA, Chair



The Senate Twenty-Eighth Legislature State of Hawai'i

Record of Votes Committee on Ways and Means WAM

Bill / Resolution No.:* 513 2101, SDA	Committee Referral: Date: JDL/LPH, WAM 2 02/16				
The Committee is reconsidering its previous decision on this measure.					
The Recommendation is:					
Pass, unamended Pass, with amendments Hold Recommit 2312 2311 2310 2313					
Members		Aye	Aye (WR)	Nay	Excused
TOKUDA, Jill N. (C)		/			
DELA CRUZ, Donovan M. (VC)					
CHUN OAKLAND, Suzanne		/			
ENGLISH, J. Kalani			-		
GALUTERIA, Brickwood					
HARIMOTO, Breene					
INOUYE, Lorraine R.					
RIVIERE, Gil		/			
TANIGUCHI, Brian T.		\langle			
WAKAI, Glenn					
SLOM, Sam					
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TOTAL		(0			
Recommendation:					
Chaik's or Designee's Signature:					
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy					

*Only one measure per Record of Votes