
A BILL FOR AN ACT

RELATING TO SMALL CLAIMS.

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

1 SECTION 1. This Act shall be known and may be cited to as
2 the Small Claims Division Modernization Act.

3 SECTION 2. Chapter 633, Hawaii Revised Statutes, is
4 amended by adding two new sections to be appropriately
5 designated and to read as follows:

6 "§633- Ombudsman; duties. (a) There shall be a
7 district court ombudsman in each circuit, who shall be appointed
8 by the administrative judge for the circuit.

9 (b) The duties of the district court ombudsman shall be
10 prescribed by the supreme court or the supreme court's designee,
11 and may include:

12 (1) Assisting litigants in the preparation of their cases;

13 (2) Serving as court-appointed mediators and judgment
14 collectors;

15 (3) Soliciting community response to the efficiency and
16 effectiveness of the small claims division and
17 relaying all findings to the division; and



(4) Publicizing the availability of the small claims
division to the community.

§633- Protecting small claims division jurisdiction.

An agreement entered into or renewed on or after the date of
enactment of this Act, which establishes a forum for an action
arising from an offer or provision of goods, services, property,
or extensions of credit primarily for personal, family, or
household purposes that is otherwise within the jurisdiction of
a small claims court of this State is contrary to public policy
and is void and unenforceable."

SECTION 3. Section 633-27, Hawaii Revised Statutes, is
amended by amending subsections (a), (b), and (c) to read as
follows:

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



(1) Cases for the recovery of money only where the amount claimed does not exceed [~~\$5,000~~] \$25,000 exclusive of interest and costs, except as provided by section 633-30;

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

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

This chapter shall not abridge or affect the jurisdiction of the district courts under paragraphs (1) and (3) to determine cases under the ordinary procedures of the court, it being optional with the plaintiff in the cases to elect the procedure of the small claims division of the district court or the ordinary procedures, as provided by rule of court. No case filed in the small claims division after December 31, 1991, shall be removed from the small claims division to be heard under the ordinary procedures of the district court unless the removal is agreed to by the plaintiff. In cases arising under paragraph (2), the



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

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

19 (c) The small claims division of the district court may
20 grant monetary relief and equitable relief except that:



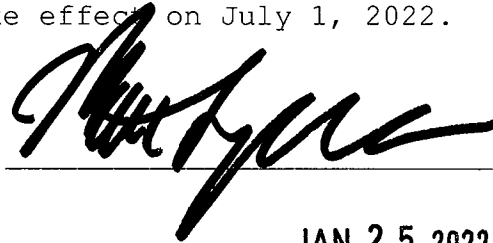
(1) Monetary relief shall not include punitive damages;
and

(2) Except as specifically provided in section 633-8,
equitable relief [~~shall be granted only as~~] for
disputes between parties to a landlord-tenant
disagreement pursuant to chapter 521[~~7~~-and] shall be
limited to orders to repair, replace, refund, reform,
and rescind."

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

SECTION 5. This Act shall take effect on July 1, 2022.

INTRODUCED BY:



JAN 25 2022



H.B. NO. 2283

Report Title:

Small Claims Division Modernization Act

Description:

Establishes district court ombudsman to assist the small claims division. Declares agreements establishing forums for actions within the jurisdiction of the small claims division to be contrary to public policy and void and unenforceable. Raises the monetary cap for claims under the small claims division's jurisdiction. Expands the small claims division's allowable equitable remedies.

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