

CHAPTER 177

COURTS

HOUSE BILL 95-1293

BY REPRESENTATIVES McPherson, Allen, George, Jerke, June, Kaufman, Martin, and Swenson;
also SENATORS Coffman, Bishop, and Hopper.

AN ACT

CONCERNING AMOUNTS CLAIMED IN SMALL CLAIMS COURT ACTIONS, AND, IN CONNECTION THEREWITH, INCREASING THE MAXIMUM AMOUNT THAT MAY BE CLAIMED IN SMALL CLAIMS COURT AND MAKING AN APPROPRIATION IN CONNECTION THEREWITH.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. 13-6-403 (1), Colorado Revised Statutes, 1987 Repl. Vol., as amended, is amended to read:

13-6-403. Jurisdiction of small claims court - limitations. (1) On and after ~~January 1, 1991,~~ JANUARY 1, 1996, the small claims court shall have concurrent original jurisdiction with the county and district courts in all civil actions in which the debt, damage, or value of the personal property claimed by either the plaintiff or the defendant, exclusive of interest and cost, does not exceed ~~three thousand five hundred~~ FIVE THOUSAND dollars, including by way of further example, and not limitation, jurisdiction to hear and determine actions in tort and assess damages therein not to exceed ~~three thousand five hundred~~ FIVE THOUSAND dollars. The small claims court division shall also have concurrent original jurisdiction with the county and district courts in actions where a party seeks to enforce a restrictive covenant on residential property and the amount required to comply with the covenant does not exceed ~~three thousand five hundred~~ FIVE THOUSAND dollars, exclusive of interest and costs, and in actions where a party seeks to disaffirm, avoid, or rescind a contract and the amount at issue does not exceed ~~three thousand five hundred~~ FIVE THOUSAND dollars.

SECTION 2. 13-32-101 (1) (c) (II), Colorado Revised Statutes, 1987 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW SUB-SUBPARAGRAPH to read:

13-32-101. Docket fees in civil actions - support registry fund created. (1) At

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

the time of first appearance in all civil actions and special proceedings in all courts of record, except in the supreme court and the court of appeals, and except in the probate proceedings in the district court or probate court of the city and county of Denver, and except as provided in subsection (2) of this section and in sections 13-32-103 and 13-32-104, there shall be paid in advance the total docket fees, as follows:

(c) (II) The general assembly hereby declares that docket fees for actions filed in the small claims division of the county court should reflect the range of the monetary jurisdictional limit established for such actions and that such fees should promote access to the courts and reflect appropriate contributions from litigants using the court system based on the money judgment sought in an action. The general assembly hereby declares that it is appropriate to establish docket fees for the small claims division of the county court as follows:

(D) WHEN THE MONEY JUDGMENT SOUGHT IN AN ACTION FILED IN THE SMALL CLAIMS DIVISION OF THE COUNTY COURT EXCEEDS THREE THOUSAND FIVE HUNDRED DOLLARS AND IS NO MORE THAN FIVE THOUSAND DOLLARS, A PLAINTIFF, THIRD-PARTY PLAINTIFF, OR PARTY FILING A CROSS CLAIM OR COUNTERCLAIM SHALL PAY A FEE OF FORTY-TWO DOLLARS, AND A DEFENDANT IN SUCH AN ACTION SHALL PAY A FEE OF THIRTY-EIGHT DOLLARS.

SECTION 3. 13-32-101 (1) (c), Colorado Revised Statutes, 1987 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW SUBPARAGRAPH to read:

13-32-101. Docket fees in civil actions - support registry fund created. (1) At the time of first appearance in all civil actions and special proceedings in all courts of record, except in the supreme court and the court of appeals, and except in the probate proceedings in the district court or probate court of the city and county of Denver, and except as provided in subsection (2) of this section and in sections 13-32-103 and 13-32-104, there shall be paid in advance the total docket fees, as follows:

(c) (III) IF ANY PERSON FILES A COUNTERCLAIM IN AN ACTION IN THE SMALL CLAIMS DIVISION OF THE COUNTY COURT, THE FEE FOR SUCH COUNTERCLAIM UNDER SUBPARAGRAPH (II) OF THIS PARAGRAPH (c) IS EITHER THE FEE FOR A COUNTERCLAIM BASED UPON THE AMOUNT OF THE MONEY JUDGMENT SOUGHT IN THE ACTION OR THE FEE FOR A COUNTERCLAIM BASED UPON THE AMOUNT OF THE COUNTERCLAIM, WHICHEVER FEE IS GREATER.

SECTION 4. Appropriation. (1) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the general fund not otherwise appropriated, to the judicial department, for the fiscal year beginning July 1, 1995, the sum of twenty thousand eight hundred seventy dollars (\$20,870) or so much thereof as may be necessary for the implementation of this act.

(2) Implementation of this act during the fiscal year beginning July 1, 1996, will require an appropriation from the general fund for said fiscal year in an amount estimated to be thirty-seven thousand seven hundred sixty-three dollars (\$37,763).

SECTION 5. Effective date - applicability. This act shall take effect January

1, 1996, and shall apply to any action filed in small claims court on or after said date.

SECTION 6. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: May 23, 1995