



Senate

General Assembly

File No. 388

January Session, 2005

Senate Bill No. 1121

Senate, April 18, 2005

The Committee on Judiciary reported through SEN. MCDONALD of the 27th Dist., Chairperson of the Committee on the part of the Senate, that the bill ought to pass.

AN ACT CONCERNING DAMAGES IN SMALL CLAIMS ACTIONS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (d) of section 51-15 of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective*
3 *October 1, 2005*):

4 (d) The procedure for the hearing and determination of small claims
5 as the same may be prescribed, from time to time, by the judges of the
6 Superior Court shall be used in all small claims sessions of the court.
7 The small claims procedure shall be applicable to all actions, except
8 actions of libel and slander, claiming money damages not in excess of
9 [three thousand five hundred] five thousand dollars, and to no other
10 actions. If an action is brought in the small claims session by a tenant
11 pursuant to subsection (g) of section 47a-21 to reclaim any part of a
12 security deposit which may be due, the judicial authority hearing the
13 action may award to the tenant the damages authorized by subsection
14 (d) of said section and, if authorized by the rental agreement or any

15 provision of the general statutes, costs, notwithstanding that the
16 amount of such damages and costs, in the aggregate, exceeds the
17 jurisdictional monetary limit established by this subsection. If a motion
18 is filed to transfer a small claims matter to the regular docket in the
19 court, the moving party shall pay the fee prescribed by section 52-259.
20 The Attorney General or an assistant attorney general, or the head of
21 any state agency or his or her authorized representative, while acting
22 in his or her official capacity shall not be required to pay any small
23 claims court fee. There shall be no charge for copies of service on
24 defendants in small claims matters.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2005</i>	51-15(d)

JUD *Joint Favorable*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 06 \$	FY 07 \$
Judicial Dept.	GF - Revenue Gain	Minimal	Minimal

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill raises the amount of money damages that may be sought in small claims court from \$3,500 to \$5,000. This change is not expected to substantially increase the caseload of the Judicial Department’s Civil Division such that it would require additional resources. Rather, it is anticipated that increasing the maximum amount of damages permitted would primarily result in an increase in recoveries for persons who would otherwise have filed small claims actions under current law.

Any revenue impact associated with filing fees is anticipated to be minimal. Current law provides for a \$35 filing fee in small claims matters. To the extent that the bill increases the number of filings, a revenue gain would occur that is anticipated to be less than \$50,000 annually. This revenue gain may be partially offset, however, by a revenue loss as cases may be shifted from the regular civil docket of the Superior Court, which has a filing fee of \$225.

OLR Bill Analysis
SB 1121

AN ACT CONCERNING DAMAGES IN SMALL CLAIMS ACTIONS

SUMMARY:

This bill increases, from \$3,500 to \$5,000, the maximum amount of damages that may be claimed in small claims court actions. Small claims court has jurisdiction over all matters, except libel or slander, involving money damages up to the statutory maximum.

EFFECTIVE DATE: October 1, 2005.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Report
Yea 34 Nay 0