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# A BILL FOR AN ACT

RELATING TO SMALL CLAIMS COURT.

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

1 SECTION 1. Section 633-27, Hawaii Revised Statutes, is  
2 amended by amending subsection (a) to read as follows:

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

10 (1) Cases for the recovery of money only where the amount  
11 claimed does not exceed [~~\$3,500~~] \$5,000 exclusive of  
12 interest and costs, except as provided by section 633-  
13 30;

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

17 (3) Cases for the return of leased or rented personal  
18 property worth [~~\$3,500~~] \$5,000 or less where the



1 amount claimed owed for that lease or rental does not  
2 exceed [~~\$3,500~~] \$5,000 exclusive of interest and  
3 costs.

4 This chapter shall not abridge or affect the jurisdiction of the  
5 district courts under paragraphs (1) and (3) to determine cases  
6 under the ordinary procedures of the court, it being optional  
7 with the plaintiff in the cases to elect the procedure of the  
8 small claims division of the district court or the ordinary  
9 procedures, as provided by rule of court. No case filed in the  
10 small claims division after December 31, 1991, shall be removed  
11 from the small claims division to be heard under the ordinary  
12 procedures of the district court unless the removal is agreed to  
13 by the plaintiff. In cases arising under paragraph (2), the  
14 jurisdiction of the small claims division of the district court  
15 shall be exclusive; provided that the district court, having  
16 jurisdiction over a civil action involving summary possession,  
17 shall have concurrent jurisdiction with the small claims  
18 division of the district court over any security deposit dispute  
19 between landlord and tenant in a residential landlord-tenant  
20 relationship. This subsection shall not abrogate nor supersede  
21 sections 604-5, 633-30, and 633-31."



- 1 SECTION 2. Statutory material to be repealed is bracketed  
2 and stricken. New statutory material is underscored.  
3 SECTION 3. This Act shall take effect upon its approval.



**Report Title:**

Small Claims Court

**Description:**

Increases the amount in controversy requirement for small claims court from \$3,500 to \$5,000. (SB2474 SD1)

