

Honolulu, Hawaii

MAR 29 2010

RE: H.B. No. 2784  
H.D. 1  
S.D. 1

Honorable Colleen Hanabusa  
President of the Senate  
Twenty-Fifth State Legislature  
Regular Session of 2010  
State of Hawaii

Madam:

Your Committee on Judiciary and Government Operations, to which was referred H.B. No. 2784, H.D. 1, entitled:

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

begs leave to report as follows:

The purpose of this measure is to:

- (1) Increase the jurisdictional limits of the Small Claims Division of the District Court from \$3,500 to \$4,500; and
- (2) Allow a case to be transferred from the Small Claims Division to the regular claims division of the District Court by either party.

Testimony in support of the measure was submitted by one individual. Comments regarding the measure were submitted by the Judiciary and the Collection Law Section of the Hawaii State Bar Association. Written testimony presented to your Committee may be reviewed on the Legislature's website.

Your Committee finds that increasing the jurisdictional limit of the Small Claims Division will essentially adjust the current amount for inflation and will allow the court to hear cases that, for various reasons, are better suited to be heard in the Small Claims Division forum.



Your Committee has amended this measure by:

- (1) Increasing the jurisdictional limit to less than \$5,000, in order to avoid any conflict with article I, section 13 of the Hawaii State Constitution, which provides for the right to a jury trial in civil cases, while allowing greater access to the courts by the public;
- (2) Limiting to the plaintiff the right to choose to transfer a case from the Small Claims Division to the regular claims division of the District Court, in order to preserve the benefits of a quick resolution and minimal cost to both of the parties;
- (3) Inserting an effective date of September 14, 2047 to encourage further discussion; and
- (4) Making technical, nonsubstantive changes for purposes of style.

As affirmed by the record of votes of the members of your Committee on Judiciary and Government Operations that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2784, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2784, H.D. 1, S.D. 1, and be placed on the calendar for Third Reading.

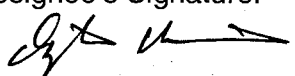
Respectfully submitted on  
behalf of the members of the  
Committee on Judiciary and  
Government Operations,

  
BRIAN T. TANIGUCHI, Chair



The Senate  
 Twenty-Fifth Legislature  
 State of Hawaii

**Record of Votes**  
**Committee on Judiciary and Government Operations**  
**JGO**

Bill / Resolution No.:*	Committee Referral:	Date:
HB 2784, HD1	JGO	18 3/12/10 <del>3/10/12</del>
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____		
The Recommendation is:		
<input type="checkbox"/> Pass, unamended 2312	<input checked="" type="checkbox"/> Pass, with amendments 2311	<input type="checkbox"/> Hold 2310
<input type="checkbox"/> Recommit 2313		
Members	Aye	Aye (WR)
	Nay	Excused
TANIGUCHI, Brian T. (C)	✓	
TAKAMINE, Dwight Y. (VC)	✓	
BUNDA, Robert	✓	
GABBARD, Mike		✓
NISHIHARA, Clarence K.	✓	
SLOM, Sam	✓	
<b>TOTAL</b>	5	0
	0	1
Recommendation:		
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted		
Chair's or Designee's Signature:		
		
Distribution:		
Original File with Committee Report	Yellow Clerk's Office	Pink Drafting Agency
Goldenrod Committee File Copy		

\*Only one measure per Record of Votes