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# A BILL FOR AN ACT

RELATING TO THE SMALL CLAIMS DIVISION OF THE DISTRICT COURT.

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

1           SECTION 1. The purpose of this Act is to establish  
2 exclusive jurisdiction of the small claims division of the  
3 district court over cases in which the amount claimed is \$1,000  
4 or less and to make clarifying and housekeeping amendments.

5           SECTION 2. Section 633-27, Hawaii Revised Statutes, is  
6 amended to read as follows:

7           "**§633-27 District courts; powers.** (a) All district  
8 courts, except as otherwise provided, shall exercise  
9 jurisdiction conferred by this chapter, and while sitting in the  
10 exercise of that jurisdiction, shall be known and referred to as  
11 the small claims division of the district court; provided that  
12 the jurisdiction of the court when sitting as a small claims  
13 division of the district court shall be confined to:

14           (1) Cases for the recovery of money where the amount  
15                 claimed is \$1,000 or less exclusive of interest and  
16                 costs;



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

5        [~~(2)~~] (3) Cases involving disagreement between landlord and  
6                    tenant about the security deposit in a residential  
7                    landlord-tenant relationship; and

8        [~~(3)~~] (4) Cases for the return of [~~leased or rented~~]  
9                    personal property worth [~~less than~~] \$5,000 [~~where the~~  
10                    amount claimed owed for that lease or rental is less  
11                    than \$5,000 exclusive of interest and costs.] or less.

12        (b) This chapter shall not abridge or affect the  
13 jurisdiction of the district courts under [~~paragraphs (1) and~~  
14 ~~(3)~~] subsection (a) (2) and (4) to determine cases under the  
15 ordinary procedures of the court, it being optional with the  
16 plaintiff in the cases to elect the procedure of the small  
17 claims division of the district court or the ordinary  
18 procedures, as provided by rule of court.

19        (c) No case filed in the small claims division [~~after~~  
20 ~~December 31, 1991,~~] shall be removed from the small claims

1 division to be heard under the ordinary procedures of the  
2 district court unless the removal is agreed to by the plaintiff.

3       (d) In cases arising under [~~paragraph (2),~~] subsection  
4 (a)(1) and (3), the jurisdiction of the small claims division of  
5 the district court shall be exclusive; provided that the  
6 district court, having jurisdiction over a civil action  
7 involving [~~summary possession,~~] a residential landlord-tenant  
8 relationship, shall have concurrent jurisdiction with the small  
9 claims division of the district court over any security deposit  
10 dispute [~~between landlord and tenant in a residential landlord-~~  
11 ~~tenant relationship~~]. This subsection shall not abrogate or  
12 supersede sections 604-5, 633-30, and 633-31.

13       [~~(b)~~] (e) Actions shall be commenced in the small claims  
14 division of the district court of the judicial circuit in which  
15 the defendant or a majority of the defendants reside or the  
16 claim for relief arose, unless service cannot be made on all of  
17 the defendants in that circuit, in which case action may be  
18 commenced in any circuit in which all of the defendants can be  
19 served; provided that actions arising under [~~paragraph (2) of~~]  
20 subsection [~~(a) of this section~~] (a)(3) shall be commenced in  
21 the circuit wherein the rental premises are situated.



1        [~~e~~] (f) The small claims division of the district court  
2 may grant monetary relief and equitable relief except that:

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

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

10       [~~d~~] (g) Class actions are prohibited in the small claims  
11 division of the district court."

12        SECTION 3. This Act does not affect rights and duties that  
13 matured, penalties that were incurred, and proceedings that were  
14 begun before its effective date.

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

17        SECTION 5. This Act shall take effect on January 1, 2016.



**Report Title:**

Judiciary Package; Small Claims Division of the District Court;  
Jurisdiction

**Description:**

Establishes exclusive jurisdiction of the Small Claims Division of the District Court over cases in which the amount claimed is \$1,000 or less. Expands the Small Claims Division's jurisdiction over personal property cases to include any personal property worth \$5,000 or less. (HB291 HD1)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

