

STAND. COM. REP. NO. **2651**

Honolulu, Hawaii

MAR 03 2016

RE: S.B. No. 2101  
S.D. 1

Honorable Ronald D. Kouchi  
President of the Senate  
Twenty-Eighth State Legislature  
Regular Session of 2016  
State of Hawaii

Sir:

Your Committee on Ways and Means, to which was referred S.B. No. 2101, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO DISTRICT COURT SMALL CLAIMS,"  
begs leave to report as follows:

The purpose and intent of this measure is to amend various statutory provisions relating to cases filed in the small claims division of the district court.

More specifically, this measure:

- (1) Establishes that the small claims division has exclusive jurisdiction in cases for the recovery of money where the amount claimed is \$1,000 or less before interest and costs;
- (2) Makes an exception to the foregoing exclusive jurisdiction by establishing concurrent jurisdiction with the district court in cases where the plaintiff is represented by an attorney; provided that removal to the district court is at the plaintiff's option;
- (3) Prohibits awards of attorney's fees and commissions in all of the foregoing cases;
- (4) Removes service by registered mail and certified mail as options in small claims division cases for the recovery



of money where the amount claimed is more than \$1,000 but does not exceed \$5,000;

- (5) Establishes that the small claims division has concurrent jurisdiction with the district court in all cases for the return of personal property worth \$5,000 or less;
- (6) Clarifies that when an action is filed in the small claims division, and the amount sought in any counterclaim exceeds the jurisdictional limit of the small claims division but does not exceed the jurisdictional limit of the district court, the action shall remain in the small claims division, except when the plaintiff requests removal to the district court; and
- (7) Clarifies that in all civil actions involving a residential landlord-tenant relationship, the district court shall have concurrent jurisdiction with the small claims division over any security deposit dispute.

Your Committee received written comments on this measure from the Judiciary.

Your Committee finds that this measure establishes certain jurisdictional and procedural provisions for the small claims division of the district court, thus allowing the court to better serve the public.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2101, S.D. 1, and recommends that it pass Third Reading.

Respectfully submitted on  
behalf of the members of the  
Committee on Ways and Means,

  
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JILL N. TORUDA, Chair



