

**SENATE BILL NO. 272**

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - SECOND SESSION

BY SENATORS TORGERSON, Taylor

Introduced: 2/9/96

Referred: JUD

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act relating to small claims actions; relating to actions that may be heard  
2 by a magistrate; relating to representation by an attorney in civil actions in  
3 which a corporation is a party and to representation by an attorney in certain  
4 civil claims asserted by assignment; amending Rules 11(a)(4), 15(c), and 17(b),  
5 Alaska District Court Rules of Civil Procedure; and providing for an effective  
6 date."

7 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

8 \* **Section 1.** AS 22.15.040(a) is amended to read:

9 (a) When a claim for relief does not exceed **\$10,000** [\$5,000] exclusive of  
10 costs, interest, and attorney fees, and request is so made, the district judge or  
11 magistrate shall hear the action as a small claim unless important or unusual points of  
12 law are involved or the state is a defendant. **A small claims judgment may be**  
13 **enforced as provided under the Alaska Rules of Civil Procedure.** The supreme

1 court shall prescribe the procedural rules and standard forms to assure simplicity and  
2 the expeditious handling of small claims.

3 \* **Sec. 2.** AS 22.15.120(a) is amended to read:

4 (a) A magistrate shall preside only in cases and proceedings under  
5 AS 22.15.040, 22.15.100, and 22.15.110, and as follows:

6 (1) for the recovery of money or damages only when the amount  
7 claimed, exclusive of costs, interest, and attorney fees, does not exceed **\$10,000**  
8 ~~[\$5,000]~~;

9 (2) for the recovery of specific personal property when the value of the  
10 property claimed and the damages for the detention do not exceed **\$10,000** ~~[\$5,000]~~;

11 (3) for the recovery of a penalty or forfeiture, whether given by statute  
12 or arising out of contract, not exceeding **\$10,000** ~~[\$5,000]~~;

13 (4) to give judgment without action upon the confession of the  
14 defendant for any of the cases specified in this section, except for a penalty or  
15 forfeiture imposed by statute;

16 (5) to give judgment of conviction upon a plea of guilty or no contest  
17 by the defendant in a criminal proceeding within the jurisdiction of the district court;

18 (6) to hear, try, and enter judgments in all cases involving  
19 misdemeanors that are not minor offenses if the defendant consents in writing that the  
20 magistrate may try the case;

21 (7) to hear, try, and enter judgments in all cases involving minor  
22 offenses and violations of ordinances of political subdivisions;

23 (8) for the extradition of fugitives as authorized under AS 12.70;

24 (9) to provide post-conviction relief under the Alaska Rules of Criminal  
25 Procedure for any of the cases specified in (5), (6), or (7) of this section if the  
26 conviction occurred in the district court;

27 (10) for establishing the fact of death of any person in the manner  
28 prescribed in AS 09.55.020 - 09.55.060.

29 \* **Sec. 3.** AS 22.20.040(a) is amended to read:

30 (a) An action or proceeding may be prosecuted or defended by a party in  
31 person or by attorney. However,

1 (1) the United States shall appear by an attorney in all cases; and  
2 (2) a corporation, either public or private, shall appear by an attorney  
3 in all cases unless the amount in controversy, exclusive of costs, interest, or  
4 attorney fees, is \$10,000 or less or an exception to the corporation's appearance by  
5 an attorney has been explicitly made by law.

6 \* **Sec. 4.** Rule 15(c), Alaska District Court Civil Rules, is amended to read:

7 (c) Any party, except an attorney at law, asserting a claim **that is greater than**  
8 **\$10,000** as an assignee thereof, whether for collection, fee, or value, shall be  
9 represented at all stages of an action upon the claim by an attorney at law, or a legal  
10 intern. On application of a party or on its own motion, the court shall dismiss without  
11 prejudice any action filed or proceeded with in violation of this rule.

12 \* **Sec. 5.** Rule 17(b), Alaska District Court Civil Rules, is amended to read:

13 (b) Judgment on the **pleadings and summary judgment** [PLEADING] may  
14 be entered **after motion by a party and as otherwise allowed under** [PURSUANT  
15 TO] Rules 13(b) and 10(d).

16 \* **Sec. 6.** Rule 11(a)(4), Alaska District Court Civil Rules, is repealed.

17 \* **Sec. 7.** This Act takes effect immediately under AS 01.10.070(c).