

HOUSE BILL NO. 227

IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-THIRD LEGISLATURE - FIRST SESSION

BY THE HOUSE JUDICIARY COMMITTEE

Introduced: 3/28/03

Referred: Labor and Commerce, Judiciary

A BILL

FOR AN ACT ENTITLED

1 **"An Act increasing the jurisdictional limit for small claims and for magistrates from**
2 **\$7,500 to \$10,000; increasing the jurisdictional limit of district courts in certain civil**
3 **cases from \$50,000 to \$75,000; and amending Rule 11(a)(4), Alaska District Court Rules**
4 **of Civil Procedure, relating to service of process for small claims."**

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

6 * **Section 1.** AS 22.15.030(a) is amended to read:

7 (a) The district court has jurisdiction of civil cases, including foreign
8 judgments filed under AS 09.30.200 and arbitration proceedings under AS 09.43.170,
9 as follows:

10 (1) for the recovery of money or damages when the amount claimed
11 exclusive of costs, interest, and attorney fees does not exceed **\$75,000** [\$50,000] for
12 each defendant;

13 (2) for the recovery of specific personal property, when the value of
14 the property claimed and the damages for the detention do not exceed **\$75,000**

1 [\$50,000];

2 (3) for the recovery of a penalty or forfeiture, whether given by statute
3 or arising out of contract, not exceeding \$75,000 [\$50,000];

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

7 (5) for establishing the fact of death or cause and manner of death of
8 any person in the manner prescribed in AS 09.55.020 - 09.55.069;

9 (6) for the recovery of the possession of premises in the manner
10 provided under AS 09.45.070 - 09.45.160 when the value of the arrears and damage to
11 the property does not exceed \$75,000 [\$50,000];

12 (7) for the foreclosure of a lien when the amount in controversy does
13 not exceed \$75,000 [\$50,000];

14 (8) for the recovery of money or damages in motor vehicle tort cases
15 when the amount claimed exclusive of costs, interest, and attorney fees does not
16 exceed \$75,000 [\$50,000] for each defendant;

17 (9) over civil actions for taking utility service and for damages to or
18 interference with a utility line filed under AS 42.20.030;

19 (10) over cases involving protective orders for domestic violence
20 under AS 18.66.100 - 18.66.180.

21 * **Sec. 2.** AS 22.15.040(a) is amended to read:

22 (a) Except as otherwise provided in this subsection, when a claim for relief
23 does not exceed \$10,000 [\$7,500], exclusive of costs, interest, and attorney fees, and
24 request is so made, the district judge or magistrate shall hear the action as a small
25 claim unless important or unusual points of law are involved or the state is a
26 defendant. The Department of Labor and Workforce Development may bring an
27 action as a small claim under this subsection for the payment of wages under
28 AS 23.05.220 in an amount not to exceed \$20,000, exclusive of costs, interest, and
29 attorney fees. The supreme court shall prescribe the procedural rules and standard
30 forms to assure simplicity and the expeditious handling of small claims.

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

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

3 (1) for the recovery of money or damages only when the amount
4 claimed, exclusive of costs, interest, and attorney fees, does not exceed **\$10,000**
5 ~~[\$7,500]~~;

6 (2) for the recovery of specific personal property when the value of the
7 property claimed and the damages for the detention do not exceed **\$10,000** ~~[\$7,500]~~;

8 (3) for the recovery of a penalty or forfeiture, whether given by statute
9 or arising out of contract, not exceeding **\$10,000** ~~[\$7,500]~~;

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

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

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

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

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

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

24 (10) to hear, try, and enter judgments in actions for the payment of
25 wages brought by the Department of Labor and Workforce Development as provided
26 in AS 22.15.040(a).

27 * **Sec. 4.** Rule 11(a), District Court Rules of Civil Procedure, is amended to read:

28 (a) The summons shall be issued and the summons and complaint served,
29 according to the procedures of Civil Rule 4, except that:

30 (1) If personal service is used, the clerk shall deliver the summons for
31 service to a peace officer or to a person specially appointed to serve it.

1 (2) If service is by registered or certified mail, the clerk shall mail the
2 summons and a copy of the complaint as provided in Civil Rule 4(h).

3 (3) Service by publication or posting shall not be allowed.

4 (4) Service on a defendant who is outside the state shall be allowed

5 (A) [ONLY] in accordance with the Landlord-Tenant Act,
6 AS 34.03.340;

7 (B) in accordance with [AND] AS 09.05.020, entitled Service
8 of Process on Nonresident Owner or Operator of Motor Vehicle; or

9 (C) when the cause of action is based upon a debt,
10 contractual obligation, personal injury, or property damage incurred or
11 occurring while the defendant was physically present in Alaska.

12 (5) The affidavit required by Civil Rule 4(f) is not required in small
13 claims cases and Civil Rule 4(j) shall not apply.

14 * **Sec. 5.** The uncodified law of the State of Alaska is amended by adding a new section to
15 read:

16 **CONDITIONAL EFFECT.** Section 4 of this Act takes effect only if that section
17 receives the two-thirds majority vote of each house required by art. IV, sec. 15, Constitution
18 of the State of Alaska.