

CS FOR HOUSE BILL NO. 227(JUD)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-THIRD LEGISLATURE - SECOND SESSION

BY THE HOUSE JUDICIARY COMMITTEE

Offered: 2/12/04

Referred: Finance

Sponsor(s): HOUSE JUDICIARY COMMITTEE

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 \$100,000; expanding the jurisdiction of district courts; limiting
4 magistrates from hearing certain small claims cases; and amending Rule 11(a)(4),
5 Alaska District Court Rules of Civil Procedure, relating to service of process for small
6 claims."

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

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

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

12 (1) for the recovery of money or damages when the amount claimed
13 exclusive of costs, interest, and attorney fees does not exceed \$100,000 [\$50,000] for

1 each defendant;

2 (2) for the recovery of specific personal property, when the value of
3 the property claimed and the damages for the detention do not exceed **\$100,000**
4 **[\$50,000]**;

5 (3) for the recovery of a penalty or forfeiture, whether given by statute
6 or arising out of contract, not exceeding **\$100,000** **[\$50,000]**;

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

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

12 (6) for the recovery of the possession of premises in the manner
13 provided under AS 09.45.070 - 09.45.160 when the value of the arrears and damage to
14 the property does not exceed **\$100,000** **[\$50,000]**;

15 (7) for the foreclosure of a lien when the amount in controversy does
16 not exceed **\$100,000** **[\$50,000]**;

17 (8) for the recovery of money or damages in motor vehicle tort cases
18 when the amount claimed exclusive of costs, interest, and attorney fees does not
19 exceed **\$100,000** **[\$50,000]** for each defendant;

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

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

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

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

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

3 * **Sec. 3.** AS 22.15.050 is amended to read:

4 **Sec. 22.15.050. Actions not within civil jurisdiction.** The jurisdiction of the
5 district courts does not extend to

6 (1) an action in which the title to real property is in question;

7 (2) an action [FOR FALSE IMPRISONMENT, LIBEL, SLANDER,
8 MALICIOUS PROSECUTION, OR ACTIONS] of an equitable nature, except as
9 otherwise provided by law.

10 * **Sec. 4.** AS 22.15.120(a) is amended to read:

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

13 (1) for the recovery of money or damages only when the amount
14 claimed, exclusive of costs, interest, and attorney fees, does not exceed **\$10,000**
15 ~~[\$7,500]~~;

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

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

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

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

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

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

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

31 (9) to provide post-conviction relief under the Alaska Rules of

1 Criminal Procedure for any of the cases specified in (5), (6), or (7) of this subsection if
2 the conviction occurred in the district court; or

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

6 * **Sec. 5.** AS 22.15.120 is amended by adding a new subsection to read:

7 (c) A magistrate may not preside in small claims cases under AS 22.15.040
8 when service is made on a defendant outside the state under Rule 11(a)(4)(C), District
9 Court Rules of Civil Procedure.

10 * **Sec. 6.** The uncodified law of the State of Alaska is amended by adding a new section to
11 read:

12 DIRECT COURT RULE AMENDMENT. Rule 11(a), District Court Rules of
13 Civil Procedure, is amended to read:

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

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

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

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

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

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

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

26 (C) as otherwise permitted under Civil Rule 4.

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

29 * **Sec. 7.** The uncodified law of the State of Alaska is amended by adding a new section to
30 read:

31 CONDITIONAL EFFECT. Sections 5 and 6 of this Act take effect only if sec. 6 of

- 1 this Act receives the two-thirds majority vote of each house required by art. IV, sec. 15,
- 2 Constitution of the State of Alaska.