

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2025

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A N A C T

RELATING TO COURTS AND CIVIL PROCEDURE-- PROCEDURE IN PARTICULAR
ACTION -- SMALL CLAIMS AND CONSUMER CLAIMS

Introduced By: Senators McKenney, LaMountain, Zurier, and Tikoian

Date Introduced: February 26, 2025

Referred To: Senate Judiciary

(Judiciary)

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 10-16-4, 10-16-9 and 10-16-14 of the General Laws in Chapter 10-
2 16 entitled "Small Claims and Consumer Claims" are hereby amended to read as follows:

3 **10-16-4. Filing fee — Waiver of appeal.**

4 (a) The plaintiff shall pay into the court an entry fee of ~~fifty five dollars (\$55.00)~~ seventy-
5 five dollars (\$75.00), inclusive of a civil case processing fee and a technology surcharge assessed
6 in accordance with § 8-15-11, and of which twenty dollars (\$20.00) shall be placed in a “small
7 claims mediation restricted-receipt account” ~~together with an amount equal to the then prevailing~~
8 ~~postal rate, for mailing notices in the case, which shall be deemed the beginning of the action.~~ The
9 “small claims mediation restricted-receipt account” shall be established under the control of the
10 state court director of finance; the chief judge of the district court shall be authorized to pay for the
11 services of qualified mediators and other related expenses from the “small claims mediation
12 restricted-receipt account.” ~~In addition to the entry fee, the court shall apply a technology surcharge~~
13 ~~in accordance with § 8-15-11.~~

14 (b) The plaintiff shall also file with ~~his or her~~ any claim a written waiver of right of appeal.

15 (c) The defendant shall file with any compulsory counterclaim a written waiver of the right
16 to appeal the counterclaim only.

17 **10-16-9. Filing of defense — Counterclaim.**

18 Prior to or upon the date set for answering the defendant shall in writing file in court his or

1 her answer or defense to the plaintiff's claim and may claim any compulsory counterclaim he or
2 she may have against the plaintiff's claim, as he or she might plead the claim in an action begun by
3 complaint and summons, and shall file a statement in writing of his or her compulsory counterclaim
4 with the court, and the court shall determine which of the parties is entitled to decision against the
5 other, and in what amount, and enter decision accordingly, but not exceeding the sum of ~~two~~
6 ~~thousand five hundred dollars (\$2,500)~~ five thousand dollars (\$5,000). If the defendant's
7 counterclaim shall exceed the sum of ~~two thousand five hundred dollars (\$2,500)~~ five thousand
8 dollars (\$5,000), and in the opinion of the court there shall be due the defendant thereon an amount
9 greater than ~~two thousand five hundred dollars (\$2,500)~~ five thousand dollars (\$5,000), the court
10 shall enter decision against the plaintiff as in case of nonsuit, and for the defendant for his or her
11 costs only, and shall not further adjudicate upon the claim of the defendant, whose right to sue for
12 the claim shall remain in the same manner as before the commencement of the action. The court
13 may continue the hearing from time to time as may be necessary.

14 **10-16-14. Appeals by defendant Appeals.**

15 (a) The defendant, if aggrieved by the decision of the district court in a cause brought under
16 the provisions of this chapter, shall have the same right of appeal, and under the same terms and
17 conditions, as are provided under the practice in ordinary civil actions in district courts. The
18 defendant shall, at the time of claiming the appeal, pay a seventy-five dollar (\$75.00) filing fee,
19 inclusive of a civil case processing fee and technology surcharge, if applicable, assessed in
20 accordance with § 8-15-11.

21 (b) If the plaintiff is filing a claim of appeal on a counterclaim, the plaintiff shall pay an
22 appeal filing fee of seventy-five dollars (\$75.00), inclusive of a civil case processing fee and
23 technology surcharge, if applicable, assessed in accordance with § 8-15-11.

24 (c) Notwithstanding the foregoing, in cases in which the plaintiff is the purchaser of a
25 consumer product seeking to recover damages against the seller and/or manufacturer of that
26 product, if the defendant is defaulted for failure to answer and defend the claim, the judgment of
27 the district court shall be final. In such event, the defendant shall be deemed to have forfeited all
28 rights to appeal and shall not be entitled to a trial de novo in superior court.

29 SECTION 2. This act shall take effect on January 1, 2026.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

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1 This act would simplify the assessment of filing fees required to appeal from small claims
2 and consumer matters adjudicated by the district court, and would increase the amount of a
3 compulsory counterclaim to be consistent with the jurisdictional amount of all small claims and
4 consumer claims.

5 This act would take effect on January 1, 2026.

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