

2019 -- S 0168

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2019

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A N A C T

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

Introduced By: Senators Raptakis, Archambault, McCaffrey, Lombardi, and Conley

Date Introduced: January 24, 2019

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

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

3 **10-16-1. Actions subject to chapter.**

4 In all ex contractu civil actions and in any action to recover the amount of any tax for
5 money only not in excess of ~~two thousand five hundred dollars (\$2,500)~~ five thousand dollars
6 (\$5,000) exclusive of interest and costs, and in all actions or suits to recover damages resulting
7 from a retail sale of tangible personal property to a member of the general public or from services
8 rendered to a member of the general public in which the plaintiff seeks to recover an amount of
9 money only not in excess of ~~two thousand five hundred dollars (\$2,500)~~ five thousand dollars
10 (\$5,000) exclusive of interest and costs, and in all actions or suits based upon a negotiable
11 instrument involving an amount of money only not in excess of ~~two thousand five hundred~~
12 ~~dollars (\$2,500)~~ five thousand dollars (\$5,000) exclusive of interest and costs, the procedure
13 shall, at the plaintiff's election, shown by his or her waiver of appeal, be as provided by this
14 chapter.

15 **10-16-9. Filing of defense -- Counterclaim.**

16 Prior to or upon the date set for answering the defendant shall in writing file in court his
17 or her answer or defense to the plaintiff's claim and may claim any counterclaim he or she may
18 have against the plaintiff's claim, as he or she might plead the claim in an action begun by

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

12 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

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- 1 This act would increase the maximum dollar amount from two thousand five hundred
- 2 dollars (\$2,500) to five thousand dollars (\$5,000) for claims handled in small claims court.
- 3 This act would take effect upon passage.

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