

By Mr. Tarr of Gloucester, petition of Bruce E. Tarr relative to increasing the jurisdictional amount of the small claim courts. The Judiciary.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Ninety-Four.

AN ACT RELATIVE TO INCREASING THE JURISDICTIONAL AMOUNT OF THE SMALL CLAIM COURTS.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Chapter 218 of the General Laws is hereby amended by striking
2 out section 21, as amended by section 135 of chapter 379 of the
3 acts of 1992, and inserting in place thereof the following
4 section: —

5 Section 21. There shall be within the district court department
6 and the Boston municipal court department a simple, informal
7 and inexpensive procedure, hereinafter called the procedure, for
8 the determination, according to the rules of substantive law, of
9 claims in the nature of contract or tort, other than slander and
10 libel, in which the plaintiff does not claim as debt or damages more
11 than three thousand dollars; provided, however, that said dollar
12 limitation shall not apply to an action for property damage caused
13 by a motor vehicle, and for a review of judgments upon such
14 claims when justice so requires. The procedure shall not be
15 exclusive, but shall be alternative to the formal procedure for civil
16 actions begun by summons and complaint.

17 The chief justice for the district court department shall make
18 uniform rules with respect to the procedure applicable to all the
19 courts within said department, and the chief justice for the Boston
20 municipal court department, all such rules being subject to the
21 approval of the supreme judicial court.

22 Actions under this section and sections twenty-two to twenty-
23 five, inclusive, shall be brought, at the option of the plaintiff, in

24 the judicial district where either the plaintiff or the defendant lives
25 or has his usual place of business or employment; provided,
26 however, that actions brought against a landlord or lessor of land
27 or tenements rented for residential purposes, and arising out of
28 such property or rental, may also be brought in the judicial district
29 in which the property is located.

30 Notwithstanding the foregoing, each court within the district
31 court department shall have civil jurisdiction of such actions
32 commenced in such court which should have been brought in some
33 other court, to the extent that the action may be heard and
34 disposed of by the court in which it was begun, if the venue of
35 said action is waived or, if venue requirements are not waived,
36 the court may, on motion of any party, order the action, with all
37 papers relating thereto, transferred for hearing and disposition to
38 the court in which the action should have been commenced. Said
39 action shall thereupon be entered and prosecuted in such court
40 as if it had originally commenced therein, and all prior
41 proceedings otherwise regularly taken shall thereafter be valid. An
42 action may be commenced under this section if the initial amount
43 of damages claimed is three thousand dollars or less or is an action
44 for property damage caused by a motor vehicle regardless of the
45 amount of the claims notwithstanding that the court may award
46 double or treble damages in accordance with the provisions of any
47 general or special law.

48 Actions brought under sections twenty-one to twenty-five,
49 inclusive, may be heard in the first instance by a clerk-magistrate
50 of the district court department or the Boston municipal court
51 department. For the purpose of hearing such property damage
52 claims caused by a motor vehicle the procedure established shall
53 provide for all such claims to be heard on one evening every other
54 week, and on one Saturday on the alternative week, unless
55 otherwise agreed to by all parties in such actions in accordance
56 with the provisions of section thirty-four O of chapter ninety.

57 In the hearing and disposition of any claim for money damages
58 within the jurisdiction of such procedure, the Boston municipal
59 and district court departments shall have all equity powers and
60 jurisdiction conferred by sections one, one A and two, and
61 clause (1) of section three of chapter two hundred and fourteen.