

2023 -- H 5908

LC002414

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2023

A N A C T

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

Introduced By: Representative Susan R. Donovan

Date Introduced: March 01, 2023

Referred To: House 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~~ to the clerk seventy-five dollars and
5 seventy-five cents (\$75.75) which includes a filing fee of fifty-five dollars (\$55.00), of which
6 twenty dollars (\$20.00) shall be placed in a "small claims mediation restricted-receipt account," a
7 civil processing fee of seventeen dollars and fifty cents (\$17.50), and a technology surcharge fee
8 of three dollars and twenty-five cents (\$3.25), together with an amount equal to the then prevailing
9 ~~postal rate, for mailing notices in the case, which shall be deemed the beginning of the action.~~ The
10 "small claims mediation restricted-receipt account" shall be established under the control of the
11 state court director of finance; the chief judge of the district court shall be authorized to pay for the
12 services of qualified mediators and other related expenses from the "small claims mediation
13 restricted-receipt account." In addition to the entry fee, the court shall apply a technology surcharge
14 in accordance with § 8-15-11.

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

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

1 **10-16-9. Filing of defense - Counterclaim.**

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

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

17 (a) The defendant, if aggrieved by the decision of the district court in a cause brought under
18 the provisions of this chapter, shall have the same right of appeal, and under the same terms and
19 conditions, as are provided under the practice in ordinary civil actions in district courts. The
20 defendant shall pay to the clerk an appeal fee of one hundred and forty-five dollars and seventy-
21 five cents (\$145.75) (an appeal fee of twenty-five dollars (\$25.00), a filing fee of fifty-five dollars
22 (\$55.00), a civil case processing fee of seventeen dollars and fifty cents (\$17.50), a technology
23 surcharge of three dollars and twenty-five cents (\$3.25), and a service fee of forty-five dollars
24 \$45.00) which is to be paid by the clerk to the adverse party,

25 (b) If the plaintiff is filing a claim of appeal on a counterclaim, the plaintiff shall pay to the
26 clerk an appeal fee of fifty dollars (\$50.00). The fee of fifty dollars (\$50.00) shall be paid to the
27 adverse party or shall be divided equally when more than one adverse party is involved.

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

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

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

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RELATING TO COURTS AND CIVIL PROCEDURE -- PROCEDURE IN PARTICULAR
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- 1 This act would amend procedures and fees relative to claims of appeal in small claims
- 2 actions.
- 3 This act would take effect upon passage.

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