



House Bill 4776
Sponsor: Rep. Perry Bullard
Committee: Judiciary

Complete to 5-6-91

A SUMMARY OF HOUSE BILL 4776 AS INTRODUCED 5-1-91

The bill would make the following changes to the portion of the Revised Judicature Act that deals with small claims court:

- The small claims court limit would be increased from \$1,500 to \$2,000.
- If a defendant was not present at the time a judgment was entered, or was present but did not immediately pay the full amount due, the judge would order the defendant to pay the full amount within 30 days or to disclose information on employment and bank accounts.
- The state court administrator would have to prepare instruction sheets explaining how a winning plaintiff could ask the court to issue execution, attachment, or garnishment to enforce payment of the judgment. A copy of the instruction sheet would be given to the plaintiff at the same time he or she was given a copy of the judgment. Additional copies, along with forms for writs of garnishment, would be made available at the offices of each clerk and deputy clerk of the district court.
- At present, the affidavit filed to commence a small claims action informs both parties of the right to removal before trial to general civil jurisdiction and of the rights waived if they choose to remain in small claims division. The bill would in addition require the district judge or magistrate to inform both parties, orally or in writing, of these matters prior to commencing a small claims trial.
- Actions under the Consumer Protection Act would explicitly be allowed in small claims court.
- Public Act 272 of 1984 allowed counties, cities, villages, and townships to be parties to small claims actions. The bill would allow a local or intermediate school district to be a party in the same way that a municipality may be.

The bill would take effect July 1, 1991.