

2013 -- S 0143

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2013

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A N A C T

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

Introduced By: Senators Walaska, Felag, and Bates

Date Introduced: January 24, 2013

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 10-16-9 of the General Laws in Chapter 10-16 entitled "Small
2 Claims and Consumer Claims" is hereby amended to read as follows:
3 **10-16-9. Filing of defense -- Counterclaim. --** Prior to or upon the date set for
4 answering the defendant shall in writing file in court his or her answer or defense to the plaintiff's
5 claim and may claim any counterclaim he or she may have against the plaintiff's claim, as he or
6 she might plead the claim in an action begun by complaint and summons, and shall file a
7 statement in writing of his or her counterclaim with the court, and the court shall determine which
8 of the parties is entitled to decision against the other, and in what amount, and enter decision
9 accordingly, but not exceeding the sum of ~~one thousand five hundred dollars (\$1,500)~~ two
10 thousand five hundred dollars (\$2,500). If the defendant's counterclaim shall exceed the sum of
11 ~~one thousand five hundred dollars (\$1,500)~~ two thousand five hundred dollars (\$2,500), and in
12 the opinion of the court there shall be due the defendant thereon an amount greater than ~~one~~
13 ~~thousand five hundred dollars (\$1,500)~~ two thousand five hundred dollars (\$2,500), the court
14 shall enter decision against the plaintiff as in case of nonsuit, and for the defendant for his or her
15 costs only, and shall not further adjudicate upon the claim of the defendant, whose right to sue for
16 the claim shall remain in the same manner as before the commencement of the action. The court
17 may continue the hearing from time to time as may be necessary.

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

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

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- 1 This act would increase the jurisdictional limit on counterclaims from one thousand five
- 2 hundred dollars (\$1,500) to two thousand five hundred dollars (\$2,500).
- 3 This act would take effect upon passage.

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