

# SENATE BILL NO. 677

102ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR TRENT.

2687S.01I

KRISTINA MARTIN, Secretary

## AN ACT

To repeal sections 482.305, 482.310, 482.315, and 533.240, RSMo, and to enact in lieu thereof four new sections relating to the jurisdiction of small claims courts for actions in replevin.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Sections 482.305, 482.310, 482.315, and  
2 533.240, RSMo, are repealed and four new sections enacted in  
3 lieu thereof, to be known as sections 482.305, 482.310, 482.315,  
4 and 533.240, to read as follows:

482.305. When sitting as a small claims court, the  
2 judge shall have original jurisdiction of all civil cases,  
3 whether tort [or], contract, **or replevin**, where the amount  
4 **or value** in controversy does not exceed five thousand  
5 dollars, exclusive of interest or costs, or as provided in  
6 this chapter.

482.310. In all small claims proceedings:

- 2 (1) Parties may prosecute their claims and defenses  
3 without the assistance of an attorney. Corporations or  
4 unincorporated associations, including labor unions, may  
5 enter their appearance and be represented by an officer or  
6 authorized employee. Such representation shall not be  
7 deemed the unauthorized practice of law.
- 8 (2) Except as otherwise provided herein or by rule of  
9 the supreme court, the established structure, administration  
10 and procedures in the divisions of the circuit court

**EXPLANATION-Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

11 presided over by associate circuit judges in the respective  
12 counties in matters heard and determined within the class of  
13 cases enumerated in subdivision (1) of subsection (2) of  
14 section 478.225 shall prevail.

15 (3) Proceedings shall be conducted in an informal  
16 summary manner, and the formal rules of evidence and  
17 procedure shall not apply, **except rule 99 of the Missouri**  
18 **supreme court rules of civil procedure shall apply to**  
19 **actions for replevin brought in a small claims court.**

20 (4) The judge shall assume an affirmative duty to  
21 determine the merits of the claims and defenses of  
22 plaintiffs and defendants and may question parties and  
23 witnesses.

24 (5) No discovery shall be permitted.

25 (6) Trial shall be to the judge sitting without jury.

26 (7) The provisions of sections 482.300 to 482.365  
27 shall be liberally construed and applied to effectuate the  
28 purposes of the act. Judges sitting as a small claims court  
29 shall have the power and duty to construe and apply sections  
30 482.300 to 482.365 to further its purposes.

482.315. 1. If the amount **or value** in controversy in  
2 an action exceeds five thousand dollars, a plaintiff may  
3 file and prosecute a small claims action for recovery of  
4 money, but such plaintiff waives any claim for any sum in  
5 excess of five thousand dollars in that or in any subsequent  
6 proceeding involving the same parties and issues.

7 2. In an action transferred under section 482.325, the  
8 plaintiff or defendant may amend the claim or counterclaim  
9 to a dollar amount not to exceed the jurisdictional limit of  
10 the division of the circuit court to which the action was  
11 transferred.

533.240. Circuit judges may hear and determine all  
2 actions brought for the recovery of specific personal  
3 property. Associate circuit judges may hear and determine  
4 without special assignment or transfer all actions brought  
5 for the recovery of specific personal property when the  
6 value of the property sought to be recovered and the damages  
7 claimed for the taking or detention and for injuries thereto  
8 shall not exceed, in the aggregate, the monetary amount  
9 established by law for those civil cases which an associate  
10 circuit judge may hear and determine without special  
11 assignment or transfer. **When sitting as a small claims  
12 court, an associate judge may hear and determine without  
13 special assignment or transfer all actions brought for the  
14 recovery of specific personal property when the value of the  
15 property sought to be recovered and the damages claimed for  
16 the taking or detention and for injuries thereto shall not  
17 exceed, in the aggregate, the monetary amount established in  
18 section 482.305.** If specially assigned or transferred,  
19 associate circuit judges may hear and determine other cases  
20 for the recovery of specific personal property with the  
21 procedure to be as in cases triable before a circuit judge.

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