

HOUSE CONCURRENT RESOLUTION NO. 3059

Introduced by

Representatives Koppelman, DeKrey, Grande, S. Kelsh, Maragos

Senator Dever

- 1 A concurrent resolution directing the Legislative Council to study small claims court.
- 2 **WHEREAS**, small claims court provides inexpensive access to informal proceedings to
- 3 resolve minor claims for the recovery of money or for the cancellation of an agreement; and
- 4 **WHEREAS**, an election by the plaintiff to proceed in small claims court is irrevocable
- 5 and the plaintiff waives the right of appeal; and
- 6 **WHEREAS**, a defendant who elects not to remove the action from small claims court
- 7 waives the right of appeal; and
- 8 **WHEREAS**, an appeal mechanism has been requested by the legal and business
- 9 communities and by the public; and
- 10 **WHEREAS**, because of the restrictions on the right to appeal, many residents are
- 11 bypassing small claims court because of the uncertainty of a fair judgment and the finality of
- 12 decisions, thereby burdening the resources of district court with minor disputes;
- 13 **NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES**
- 14 **OF NORTH DAKOTA, THE SENATE CONCURRING THEREIN:**
- 15 That the Legislative Council study small claims court; and
- 16 **BE IT FURTHER RESOLVED**, that the Legislative Council report its findings and
- 17 recommendations, together with any legislation required to implement the recommendations, to
- 18 the Fifty-ninth Legislative Assembly.