

FIRST REGULAR SESSION

HOUSE BILL NO. 895

91ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES NAEGER, REINHART, BEARDEN, DEMPSEY, LEVIN,
GASKILL, NORDWALD (Co-sponsors), GRATZ AND CUNNINGHAM.

Read 1st time February 28, 2001, and 1000 copies ordered printed.

TED WEDEL, Chief Clerk

2071L.011

AN ACT

To repeal section 482.310, RSMo 2000, relating to small claims court procedure, and to enact in lieu thereof one new section relating to the same subject, with penalty provisions.

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

Section A. Section 482.310, RSMo 2000, is repealed and one new section enacted in lieu thereof, to be known as section 482.310, to read as follows:

482.310. 1. In all small claims proceedings:

(1) Parties may prosecute their claims and defenses without the assistance of an attorney. Corporations or unincorporated associations, including labor unions, may enter their appearance and be represented by an officer or authorized employee. Such representation shall not be deemed the unauthorized practice of law.

(2) Except as otherwise provided herein or by rule of the supreme court, the established structure, administration and procedures in the divisions of the circuit court presided over by associate circuit judges in the respective counties in matters heard and determined within the class of cases enumerated in subdivision (1) of subsection (2) of section 478.225, RSMo, shall prevail.

(3) Proceedings shall be conducted in an informal summary manner, and the formal rules of evidence and procedure shall not apply.

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

(5) No discovery shall be permitted.

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

(7) The provisions of sections 482.300 to 482.365 shall be liberally construed and applied to effectuate the purposes of the act.

19 **2.** Judges sitting as a small claims court shall have the power and duty to construe and
20 apply sections 482.300 to 482.365 to further its purposes.

21 **3. If a judgment is assessed against a defendant, the defendant shall provide the**
22 **court with the defendant's current address and place of employment and notify the court**
23 **within ten days of any change in address or employment until the judgment is satisfied.**

24 **4. Any person who violates subsection 3 of this section is guilty of a class C**
25 **misdemeanor.**

26 **5. The court shall, upon request, provide the plaintiff with the defendant's address**
27 **and place of employment until the judgment is satisfied.**