

1 H.731

2 Introduced by Representative Michelsen of Hardwick

3 Referred to Committee on

4 Date:

5 Subject: Court procedure; small claims

6 Statement of purpose of bill as introduced: This bill proposes to permit a party  
7 to request that a judicial officer other than an assistant judge preside in a small  
8 claims action, and to require that the Vermont Rules of Evidence apply in  
9 small claims actions when such a request is made.

10 An act relating to the presiding judicial officer in small claims actions

11 It is hereby enacted by the General Assembly of the State of Vermont:

12 Sec. 1. 12 V.S.A. § 5540a is amended to read:

13 § 5540a. JURISDICTION OVER SMALL CLAIMS; ASSISTANT JUDGES

14 (a)(1) Subject to the limitations in this section and notwithstanding any  
15 provision of law to the contrary, assistant judges of Essex, Caledonia, Rutland,  
16 and Bennington Counties sitting alone shall hear and decide small claims  
17 actions filed under this chapter with the Essex, Caledonia, Rutland, and  
18 Bennington ~~superior courts~~ Superior Courts. This subdivision shall apply only  
19 to assistant judges holding office on July 1, 2010.

20 (2) [Repealed.]

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(f)(1) A party shall have the right to request that a specially assigned  
judicial officer hear a small claims action rather than an assistant judge.

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(2) When a request for a specially assigned judicial officer is made  
pursuant to this subsection:

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(A) a Superior judge or a member of the Vermont Bar appointed  
pursuant to 4 V.S.A. § 22(b) shall be assigned to hear the action; and

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(B) the Vermont Rules of Evidence shall apply to the action.

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Sec. 2. EFFECTIVE DATE

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This act shall take effect on passage.