

FIRST REGULAR SESSION  
HOUSE COMMITTEE SUBSTITUTE FOR  
**HOUSE BILL NO. 403**  
**96TH GENERAL ASSEMBLY**

0303L.02C

D. ADAM CRUMBLISS, Chief Clerk

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**AN ACT**

To repeal sections 482.305, 482.315, and 482.340, RSMo, and to enact in lieu thereof seven new sections relating to small claims actions.

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

Section A. Sections 482.305, 482.315, and 482.340, RSMo, are repealed and seven new  
2 sections enacted in lieu thereof, to be known as sections 441.715, 482.305, 482.315, 482.340,  
3 524.045, 534.025, and 535.025, to read as follows:

**441.715. For claims filed in small claims court in an amount of five hundred dollars  
2 or less, parties may prosecute their claims and defenses without the assistance of an  
3 attorney. Corporations or unincorporated associations may enter their appearance and  
4 be represented by a president or vice-president. Such representation shall not be deemed  
5 the unauthorized practice of law.**

482.305. When sitting as a small claims court, the judge shall have original jurisdiction  
2 of all civil cases, whether tort or contract, where the amount in controversy does not exceed  
3 [three] **five** thousand dollars, exclusive of interest or costs, or as provided in this chapter, **or for  
4 a claim by a landlord for ejection of a tenant for the purpose of obtaining possession of  
5 a premises.**

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

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

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

482.340. 1. An action on a small claim may be commenced by filing with the clerk of the small claims court a form substantially similar to the petition form provided in this section. Petition forms shall be provided by the clerk of the small claims court free of charge to any person:

SMALL CLAIMS COURT

In the Circuit Court of ....., Missouri

..... Plaintiff)

Case number .....

vs

Amount claimed .....

..... Defendant)

Return date .....

PETITION

The plaintiff states that he **or she** has a claim against the defendant in the amount of \$..... **or for the ejection of a tenant for the purpose of obtaining possession of a premises.**

The claim arose on or about ....., 20...., as a result of the following events: Defendant can be found at ....., Telephone No. .... . Plaintiff can be found at ....., Telephone No. .... .

The plaintiff states that the allegations of this complaint are true and correct to the best of his **or her** knowledge, that [he] **the plaintiff** is not an assignee of this claim and that [he] **the plaintiff** has not filed more than three other claims in the Missouri small claims courts during the current calendar year. Plaintiff understands that should he **or she** be successful in this action and obtain a judgment, and if defendant does not appeal and this judgment becomes final, the plaintiff is barred from commencing another action involving the same parties and issues. PLAINTIFF UNDERSTANDS THAT HE **OR SHE** IS HEREBY WAIVING HIS **OR HER** RIGHT TO JURY TRIAL ON THESE ISSUES IN THE SMALL CLAIMS COURT.

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(Plaintiff)

2. The summons in a small claims action shall be made in a form substantially similar to the form below:

SUMMONS TO EACH OF THE ABOVE NAMED DEFENDANTS:

YOU ARE SUMMONED AND REQUIRED TO APPEAR IN PERSON IN ROOM ... OF THE ..... BUILDING LOCATED AT ..... ON ....., 20..., AT THE HOUR OF .....

IF YOU FAIL TO APPEAR, A JUDGMENT MAY BE ENTERED AGAINST YOU FOR THE AMOUNT ASKED IN THE PETITION, **IF ANY**, BUT NOT TO EXCEED \$1,000 PLUS INTEREST AND COSTS. THIS ACTION HAS BEEN FILED UNDER THE SMALL CLAIMS COURT ACT. RULES OF EVIDENCE DO NOT APPLY AND YOU MAY DEFEND THIS ACTION WITH OR WITHOUT THE ASSISTANCE OF AN ATTORNEY.

.....

(Clerk of the Court)

37 3. A copy of the petition shall be attached to the summons. Instructions to the defendant  
38 in substantially the following form shall accompany the summons.

39 INSTRUCTIONS TO DEFENDANT

40 1. If you do not wish to oppose plaintiff's claim you may:

41 (1) Contact plaintiff and make an out-of-court settlement with the plaintiff before the  
42 hearing date and file with the clerk of the court a dismissal of the case signed by the  
43 plaintiff, or

44 (2) Make no appearance at the hearing. In that case the plaintiff may be given a default  
45 judgment against you.

46 2. If you wish to oppose the claim:

47 (1) You must appear on the date and at the time set for hearing.

48 (2) You should bring with you all books, papers, witnesses, and evidence you have to  
49 establish your defense.

50 (3) At your request the clerk will issue a subpoena for any witness you may need (you  
51 must order the subpoena as soon as possible and before the hearing date).

52 3. If you have a claim against the plaintiff, it is a counterclaim. If you desire to file a  
53 counterclaim, then:

54 (1) You must file your counterclaim with the court within ten days after you receive this  
55 summons.

56 (2) To do this you must personally appear before the clerk of the court.

57 (3) The clerk will assist you in preparing the counterclaim.

58 4. If you are a member of the armed services of the United States, please advise the court  
59 immediately upon receipt of this summons.

60 5. Rules of evidence do not apply and you may defend this action with or without the  
61 assistance of an attorney.

62 6. A pamphlet explaining the small claims court is enclosed.

63 4. Copies of all forms and procedures applicable to small claims shall be available to any  
64 person from the clerk of the small claims court without charge.

**524.045. For claims filed in small claims court in an amount of five hundred dollars  
2 or less, parties may prosecute their claims and defenses without the assistance of an  
3 attorney. Corporations or unincorporated associations may enter their appearance and  
4 be represented by a president or vice-president. Such representation shall not be deemed  
5 the unauthorized practice of law.**

**534.025. For claims filed in small claims court in an amount of five hundred dollars  
2 or less, parties may prosecute their claims and defenses without the assistance of an  
3 attorney. Corporations or unincorporated associations may enter their appearance and**

4 be represented by a president or vice-president. Such representation shall not be deemed  
5 the unauthorized practice of law.

535.025. For claims filed in small claims court in an amount of five hundred dollars  
2 or less, parties may prosecute their claims and defenses without the assistance of an  
3 attorney. Corporations or unincorporated associations may enter their appearance and  
4 be represented by a president or vice-president. Such representation shall not be deemed  
5 the unauthorized practice of law.

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