

SECOND REGULAR SESSION

# HOUSE BILL NO. 1454

## 95TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES BRANDOM (Sponsor), COOPER, FUNDERBURK,  
RUESTMAN, GUEST, WELLS, SCHAAF, HOSKINS (121) AND DAVIS (Co-sponsors).

4004L.011

D. ADAM CRUMBLISS, Chief Clerk

### AN ACT

To repeal sections 482.305 and 482.340, RSMo, and to enact in lieu thereof two new sections relating to landlord/tenant actions in small claims court.

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

Section A. Sections 482.305 and 482.340, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 482.305 and 482.340, to read as follows:

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

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	Case number .....
..... Plaintiff)	Amount claimed .....
vs	Return date .....
..... Defendant)	

#### 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.**

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.

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

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

23 .....  
24 (Plaintiff)

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

27 **SUMMONS TO EACH OF THE ABOVE NAMED DEFENDANTS:**  
28 **YOU ARE SUMMONED AND REQUIRED TO APPEAR IN PERSON IN ROOM ...**  
29 **OF THE ..... BUILDING LOCATED AT ..... ON ....., 20..., AT THE HOUR OF ..... .**  
30 **IF YOU FAIL TO APPEAR, A JUDGMENT MAY BE ENTERED AGAINST YOU**  
31 **FOR THE AMOUNT ASKED IN THE PETITION, IF ANY, BUT NOT TO EXCEED \$1,000**  
32 **PLUS INTEREST AND COSTS. THIS ACTION HAS BEEN FILED UNDER THE SMALL**  
33 **CLAIMS COURT ACT. RULES OF EVIDENCE DO NOT APPLY AND YOU MAY**  
34 **DEFEND THIS ACTION WITH OR WITHOUT THE ASSISTANCE OF AN ATTORNEY.**

35 .....  
36 .....  
37 (Clerk of the Court)

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

40 **INSTRUCTIONS TO DEFENDANT**  
41 1. If you do not wish to oppose plaintiff's claim you may:  
42 (1) Contact plaintiff and make an out-of-court settlement with the plaintiff before the  
43 hearing date and file with the clerk of the court a dismissal of the case signed by the  
44 plaintiff, or  
45 (2) Make no appearance at the hearing. In that case the plaintiff may be given a default  
46 judgment against you.  
47 2. If you wish to oppose the claim:  
48 (1) You must appear on the date and at the time set for hearing.

- 49           (2) You should bring with you all books, papers, witnesses, and evidence you have to  
50           establish your defense.
- 51           (3) At your request the clerk will issue a subpoena for any witness you may need (you  
52           must order the subpoena as soon as possible and before the hearing date).
- 53           3. If you have a claim against the plaintiff, it is a counterclaim. If you desire to file a  
54           counterclaim, then:
- 55           (1) You must file your counterclaim with the court within ten days after you receive this  
56           summons.
- 57           (2) To do this you must personally appear before the clerk of the court.
- 58           (3) The clerk will assist you in preparing the counterclaim.
- 59           4. If you are a member of the armed services of the United States, please advise the  
60           court immediately upon receipt of this summons.
- 61           5. Rules of evidence do not apply and you may defend this action with or without the  
62           assistance of an attorney.
- 63           6. A pamphlet explaining the small claims court is enclosed.
- 64           4. Copies of all forms and procedures applicable to small claims shall be available to any  
65           person from the clerk of the small claims court without charge.

✓