

2A:6-43 AND 44

LEGISLATIVE HISTORY CHECKLIST

NJSA 2A:6-43 and 2A:6-44

COPY NO. 2

Laws of 1975 Chapter 72

Bill No. A782

Sponsor(s) Klein

Date Introduced Pre-filed

Committee: Assembly Judiciary

Senate Judiciary

Amended during passage Yes amendments during passage denoted by asterisks

Date of passage: Assembly Jan. 20, 1975

Senate April 7, 1975

Date of approval May 1, 1975

Following statements are attached if available:

Sponsor statement No

Committee Statement: Assembly No

Senate Yes

Fiscal Note No

Veto message No

Message on signing No

Following were printed:

Reports No

Hearings No

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MAY 1977

CHAPTER 72 LAWS OF N. J. 1975

APPROVED 5-1-75

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ASSEMBLY, No. 782

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1974 SESSION

By Assemblyman KLEIN

AN ACT concerning the jurisdiction of the division of small claims in county district courts and amending N. J. S. 2A:6-43 and N. J. S. 2A:6-44.

1 BE IT ENACTED *by the Senate and General Assembly of the State*
2 *of New Jersey:*

1 1. N. J. S. 2A:6-43 is amended to read as follows:

2 2A:6-43. The division of small claims of the county district court
3 shall have jurisdiction of actions in contract and actions for prop-
4 erty damages resulting from negligence in a motor vehicle accident
5 and actions between landlord and tenant where the matter in
6 dispute is the return of all or part of a security deposit, which
7 jurisdiction shall be coextensive with the county district court
8 where the debt, balance, penalty or other contractual or negligence
9 matter in dispute does not exceed, exclusive of costs, the sum of
10 **[\$200.00 or \$500.00 if matter in dispute is a security deposit]**
11 ***[\$400.00]* *\$500.00***. Jurisdiction under this article shall be
12 limited to debts, claims and demands held by the person with whom
13 or for whose benefit such debt, claim or demand arose, and shall
14 not extend to debts, claims or demands held by assignment or
15 transfer; except that, any corporation may transfer or assign any
16 debt, claim or demand held by it to one of its officers for the purpose
17 of bringing action thereon only, and, when so transferred or
18 assigned, shall be within the jurisdiction of the division of small
19 claims of the county district court. All defenses, setoffs and counter-
20 claims available against the corporation may be asserted in any
21 action brought by the corporate officer on any debt, claim or demand
22 so transferred or assigned.

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

1 2. N. J. S. 2A:6-44 is amended to read as follows:

2 2A:6-44. Where the debt, balance or other matter in dispute, or
3 the amount really due or recoverable exceeds, exclusive of costs, the
4 sum or value of **[\$200.00 or \$500.00 if the matter in dispute is a**
5 **security deposit] *[\$400.00] *\$500.00***, either plaintiff or defen-
6 dant may recover in the division of small claims of the county
7 district court a sum not exceeding **[\$200.00 or \$500.00 in the matter**
8 **of a security deposit] *[\$400.00] *\$500.00***, and costs, which
9 recovery shall bar the recovery of the residue of such debt, balance
10 or other matter in dispute in any court whatsoever.

11 The plaintiff in a complaint or the defendant in the counterclaim
12 or third-party complaint may waive the excess over **[\$200.00 or**
13 **\$500.00 in the matter of a security deposit] *[\$400.00] *\$500.00***
14 in order to bring the respective claim within the jurisdiction of the
15 division of small claims of the county district court.

1 3. This act shall take effect immediately.

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4 erty damages resulting from negligence in a motor vehicle accident
5 and actions between landlord and tenant where the matter in
6 dispute is the return of all or part of a security deposit, which
7 jurisdiction shall be coextensive with the county district court
8 where the debt, balance, penalty or other contractual or negligence
9 matter in dispute does not exceed, exclusive of costs, the sum of
10 **[\$200.00 or \$500.00 if matter in dispute is a security deposit]**
11 *\$400.00*. Jurisdiction under this article shall be limited to debts,
12 claims and demands held by the person with whom or for whose
13 benefit such debt, claim or demand arose, and shall not extend to
14 debts, claims or demands held by assignment or transfer; except
15 that, any corporation may transfer or assign any debt, claim or
16 demand held by it to one of its officers for the purpose of bringing
17 action thereon only, and, when so transferred or assigned, shall be
18 within the jurisdiction of the division of small claims of the county
19 district court. All defenses, setoffs and counterclaims available
20 against the corporation may be asserted in any action brought by
21 the corporate officer on any debt, claim or demand so transferred
22 or assigned.

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

1 2. N. J. S. 2A:6-44 is amended to read as follows:

2 2A:6-44. Where the debt, balance or other matter in dispute, or
3 the amount really due or recoverable exceeds, exclusive of costs, the
4 sum or value of ~~[\$200.00 or \$500.00 if the matter in dispute is a~~
5 ~~security deposit]~~ \$400.00, either plaintiff or defendant may recover
6 in the division of small claims of the county district court a sum
7 not exceeding ~~[\$200.00 or \$500.00 in the matter of a security de-~~
8 ~~posit]~~ \$400.00, and costs, which recovery shall bar the recovery of
9 the residue of such debt, balance or other matter in dispute in any
10 court whatsoever.

11 The plaintiff in a complaint or the defendant in the counterclaim
12 or third-party complaint may waive the excess over ~~[\$200.00 or~~
13 ~~\$500.00 in the matter of a security deposit]~~ \$400.00 in order to
14 bring the respective claim within the jurisdiction of the division
15 of small claims of the county district court.

1 3. This act shall take effect immediately.

ASSEMBLY COMMITTEE AMENDMENTS TO
ASSEMBLY, No. 782

STATE OF NEW JERSEY

ADOPTED NOVEMBER 25, 1974

Amend page 1, section 1, line 11, omit "\$400.00", insert "\$500.00".

Amend page 2, section 2, line 5, omit "\$400.00", insert "\$500.00".

Amend page 2, section 2, line 8, omit "\$400.00", insert "\$500.00".

Amend page 2, section 2, line 13, omit "\$400.00", insert "\$500.00".

SENATE JUDICIARY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 782

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STATE OF NEW JERSEY

DATED: FEBRUARY 27, 1975

The present monetary limitations on the jurisdiction of the Small Claims Court is \$200 or \$500 if the dispute concerns a security deposit. This bill would make the limit \$500 for all types of cases.

The provisions for waiver of all amounts over \$200 in order to obtain the jurisdiction of the Small Claims Court and for barring any recovery in Small Claims Court of an amount over \$200 are also amended to \$500.