2A: 6-43 and 44

May 7, 1971

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LEGISLATIVE HISTORY OF R.S. 2A:6-43
2A:6-44

(Provides that small claims court shall have jurisdiction over a $500 security deposit dispute between tenant and landlord)

Similar bills introduced (1965-1970):

1969 - A294 (Haelig and others).

L. 1970, Chapter 188 - A71
Pre-filed by Haelig, Garibaldi, Macrae and others.
Not amended during passage.
No statement.

The following comment was found:

974.905 N.J. Assn. of Realtor Boards.
R286 New Jersey Realtor, vol. 12, no. 2, Feb. 1970, p. 3.

NO ACTION
NJARB urges the Legislature to take NO ACTION on these bills until the Commission studying the relationship between landlord and tenants issues it interim report.

No clippings located: V.F. - Landlord and tenant.
NJLJ - Landlord and tenant.
V.F. - N.J. - Courts - 1970.

For background see:

974.90 N.J. Landlord-Tenant Relationship Study Commission.
H842 Public hearing. 2v.
1969

974.90 N.J. Landlord-Tenant Relationship Study Commission.
H842 Interim report.
1970

RSL/PC

CHAPTER 188 LAWS OF N. J. 1970
APPROVED 8/19/70

ASSEMBLY, No. 71

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1970 SESSION

By Assemblymen HAELIG, GARIBALDI, MACRAE and KRAVARIK

AN ACT concerning the jurisdiction of the division of small claims in county district courts and amending sections 2A:6–43 and 2A:6–44 of the New Jersey Statutes.

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

1. Section 2A:6–43 of the New Jersey Statutes is amended to read as follows:

2A:6–43. The division of small claims of the county district court shall have jurisdiction of actions in contract and actions for property damages resulting from negligence in a motor vehicle accident **[only]** *and actions between landlord and tenant where the matter in dispute is the return of all or part of a security deposit,* which jurisdiction shall be co-extensive with the county district court where the debt, balance, penalty or other contractual or negligence matter in dispute does not exceed, exclusive of costs, the sum of $200.00 *or $500.00 if matter in dispute is a security deposit.* Jurisdiction under this article shall be limited to debts, claims and demands held by the person with whom or for whose benefit such debt, claim or demand arose, and shall not extend to debts, claims or demands held by assignment or transfer; except that, any corporation may transfer or assign any debt, claim or demand held by it to one of its officers for the purpose of bringing action thereon only, and, when so transferred or assigned, shall be within the jurisdiction of the division of small claims of the county district court. All defenses, setoffs and counterclaims available against the corporation may be asserted in any action brought by the corporate officer on any debt, claim or demand 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.

2. Section 2A:6–44 of the New Jersey Statutes is amended to read as follows:

2A:6–44. Where the debt, balance or other matter in dispute, or the amount really due or recoverable exceeds, exclusive of costs, the sum or value of $200.00 *or $500.00 if the matter in dispute is a security deposit*, either plaintiff or defendant may recover in the division of small claims of the county district court a sum not exceeding $200.00 *or $500.00 in the matter of a security deposit,* and costs, which recovery shall bar the recovery of the residue of such debt, balance or other matter in dispute in any court whatsoever.

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

3. This act shall take effect immediately.