
Colorado Statutes

Title 13. COURTS AND COURT PROCEDURE

COURTS OF RECORD

Article 6. County Courts

Part 4. COUNTY COURT - SMALL CLAIMS DIVISION

Current through 2021 Legislative Session

§ 13-6-401. Legislative declaration

The general assembly hereby finds and declares that individuals, partnerships, corporations, and associations frequently do not pursue meritorious small civil claims because of the disproportion between the expense and time of counsel and litigation and the amount of money or property involved; that the law and procedures of civil litigation are technical and frequently unknown to persons who are representing themselves; that procedures for the inexpensive, speedy, and informal resolution of small claims in a forum where the rules of substantive law apply, but the rules of procedure and pleading and the technical rules of evidence do not apply, are desirable; that such procedures should be conducted at times convenient to the persons using them, including evening and Saturday sessions; that the personnel implementing and conducting such procedures should be trained and equipped to assist anyone with a small claim in a friendly, efficient, and courteous manner; and that, therefore, the establishment of a small claims division of the county court as provided in this part 4 is in the public interest.

Cite as (Casemaker) C.R.S. § 13-6-401

History. L. 76: Entire part added, p. 517, § 1, effective October 1. L. 77: Entire section amended, p. 789, § 1, effective June 19. L. 2001: Entire section amended, p. 1512, § 1, effective September 1.

Case Notes:

ANNOTATION

The rules of substantive law apply in small claims actions. *Hamilton v. Thompson*, [23 P.3d 114](#) (Colo. 2001).

§ 13-6-402. Establishment of small claims division

There is hereby established in each county court a division designated as the small claims court.

Cite as (Casemaker) C.R.S. § 13-6-402

History. L. 76: Entire part added, p. 517, § 1, effective October 1.

§ 13-6-403. Jurisdiction of small claims court - limitations

- (1) On and after January 1, 1996, the small claims court shall have concurrent original jurisdiction with the county and district courts in all civil actions in which the debt, damage, or value of the personal property claimed by either the plaintiff or the defendant, exclusive of interest and cost, does not exceed seven thousand five hundred dollars, including such civil penalties as may be provided by law. By way of further example, and not limitation, the small claims court shall have jurisdiction to hear and determine actions in tort and assess damages therein not to exceed seven thousand five hundred dollars. The small claims court division shall also have concurrent original jurisdiction with the county and district courts in actions where a party seeks to enforce a restrictive covenant on residential property and the amount required to comply with the covenant does not exceed seven thousand five hundred dollars, exclusive of interest and costs, in actions where a party seeks replevin if the value of the property sought does not exceed seven thousand five hundred dollars, and in actions where a party seeks to enforce a contract

by specific performance or to disaffirm, avoid, or rescind a contract and the amount at issue does not exceed seven thousand five hundred dollars.

(2) The small claims court shall have no jurisdiction except that specifically conferred upon it by law. In particular, it shall have no jurisdiction over the following matters:

(a) Those matters excluded from county court jurisdiction under section [13-6-105\(1\)](#) ;

(b) Actions involving claims of defamation by libel or slander;

(c) Actions of forcible entry, forcible detainer, or unlawful detainer;

(d) (Deleted by amendment, L. 2001, p. 1512, § 2, effective September 1, 2001.)

and

(e)

(f) Actions brought or defended on behalf of a class;

(g) Actions requesting or involving prejudgment remedies;

(h) Actions involving injunctive relief, except as required to:

(I) Enforce restrictive covenants on residential property;

(II) Enforce the provisions of section [6-1-702.5](#), C.R.S.;

(III) Accomplish replevin; and

(IV) Enter judgments in actions where a party seeks to enforce a contract by specific performance or to disaffirm, avoid, or rescind a contract;

(i) Traffic violations and other criminal matters;

(j) Awards of body executions.

Cite as (Casemaker) C.R.S. § 13-6-403

History. L. 76: Entire part added, p. 518, § 1, effective October 1. L. 81: (1) amended, p. 879, § 2, effective July 1. L. 87: (1) amended, p. 544, § 1, effective July 1. L. 88: (1), (2)(e), and (2)(h) amended, p. 601, § 2, effective July 1. L. 90: (1) amended, p. 849, § 4, effective May 31; (1) amended, p. 855, § 4, effective July 1. L. 95: (1) amended, p. 728, § 1, effective January 1, 1996. L. 2000: (2)(h) amended, p. 2034, § 3, effective August 2. L. 2001: Entire section amended, p. 1512, § 2, effective September 1. L. 2008: (2)(h)(II) amended, p. 596, § 5, effective August 5.

Case Notes:

ANNOTATION

Small claims court actions for monetary damages do not bar on the basis of res judicata subsequent [42 U.S.C. § 1983](#) claims for equitable relief in federal court. Ortiz v. Costilla County Bd. of Comm'rs, [11 F. Supp. 2d 1254](#) (D. Colo. 1998).

Cross References:

For the legislative declaration contained in the 1990 act amending subsection (1), see section 1 of chapter 100, Session Laws of Colorado 1990.

§ 13-6-404. Clerk of the small claims court

The clerk of the county court or a deputy designated by said clerk shall act as the clerk of the small claims court. The clerk of the small claims court shall provide such assistance as may be requested by any person regarding the jurisdiction, operations, and procedures of the small claims court; however, the clerk shall not engage in the practice of law. All necessary forms shall be available from the clerk.

Cite as (Casemaker) C.R.S. § 13-6-404

§ 13-6-405. Magistrate in small claims court

- (1) In the following circumstances, a magistrate may hear and decide claims in a small claims court:
 - (a) In Class A counties, as defined in section [13-6-201](#), magistrates for small claims may be appointed by the presiding judge.
 - (b) In Class B counties, as defined in section [13-6-201](#), magistrates for small claims may be appointed, pursuant to section [13-3-105](#), if approved by the chief justice.
- (2) A magistrate shall be a qualified attorney-at-law admitted to practice in the state of Colorado or a nonattorney if the nonattorney is serving as a county judge pursuant to section [13-6-203](#).
- (3) While acting as a magistrate for small claims, a magistrate shall have the same powers as a judge.
- (3.5) A magistrate shall have the power to solemnize marriages pursuant to the procedures in section [14-2-109](#), C.R.S.
- (4) If any party files a timely written objection, pursuant to rule of the supreme court, with the magistrate conducting the hearing, that party's case shall be rereferred to a judge.

Cite as (Casemaker) C.R.S. § 13-6-405

History. L. 76: Entire part added, p. 518, § 1, effective October 1. L. 84: (2) amended, p. 459, § 1, effective April 5. L. 89: (3.5) added, p. 782, § 4, effective April 4. L. 91: Entire section amended, p. 356, § 10, effective April 9. L. 2001: (2) and (4) amended, p. 1513, § 3, effective September 1.

Cross References:

For magistrates in county courts, see part 5 of this article; for magistrates in district courts, see § [13-5-201](#).

§ 13-6-406. Schedule of hearings

The small claims court shall conduct hearings at such times as the judge or magistrate may determine or as the supreme court may order.

Cite as (Casemaker) C.R.S. § 13-6-406

History. L. 76: Entire part added, p. 518, § 1, effective October 1. L. 91: Entire section amended, p. 356, § 11, effective April 9.

§ 13-6-407. Parties - representation

- (1) Any natural person, corporation, partnership, association, or other organization may commence or defend an action in the small claims court, but no assignee or other person not a real party to the transaction which is the subject of the action may commence an action therein, except as a court-appointed personal representative, conservator, or guardian of the real party in interest.
- (2)
 - (a)
 - (i) Notwithstanding the provisions of article [93](#) of this title 13, in the small claims court, an individual shall represent himself or herself; a partnership shall be represented by an active general partner or an authorized full-time employee; a union shall be represented by an

authorized active union member or full-time employee; a for-profit corporation shall be represented by one of its full-time officers or full-time employees; an association shall be represented by one of its active members or by a full-time employee of the association; and any other kind of organization or entity shall be represented by one of its active members or full-time employees or, in the case of a nonprofit corporation, a duly elected nonattorney officer or an employee.

(II) It is the intent of this section that no attorney, except pro se or as an authorized full-time employee or active general partner of a partnership, an authorized active member or full-time employee of a union, a full-time officer or full-time employee of a for-profit corporation, or a full-time employee or active member of an association, which partnership, union, corporation, or association is a party, shall appear or take any part in the filing or prosecution or defense of any matter in the small claims court, except as permitted by supreme court rule.

(b) In actions arising under part 1 of article [12](#) of title [38](#), C.R.S., including, but not limited to, actions involving claims for the recovery of a security deposit or for damage to property arising from a landlord-tenant relationship, a property manager who has received security deposits, rents, or both, or who has signed a lease agreement on behalf of the owner of the real property that is the subject of the small claims action, shall be permitted to represent the owner of the property in such action.

(3) In any action to which the federal "Soldiers' and Sailors' Civil Relief Act of 1940", as amended, 50 App. U.S.C. sec. 521, is applicable, the court may enter a default against a defendant who is in the military without entering judgment, and the court shall appoint an attorney to represent the interests of the defendant prior to the entry of judgment against the defendant.

(4) If an attorney appears, as permitted in subsection (2) or (3) of this section, the other party or parties in the case may be represented by counsel, if such party or parties so choose.

(5) Nothing contained in this section is intended to limit or otherwise interfere with a party's right to assign, or to employ counsel to pursue that party's rights and remedies subsequent to the entry of judgment by a small claims court.

(6) Any small claims court action in which an attorney appears shall be processed and tried pursuant to the statutes and court rules governing small claims court actions.

Cite as (Casemaker) C.R.S. § 13-6-407

History. Amended by [2017 Ch. 192](#), [§5](#), eff. 8/9/2017.

L. 76: Entire part added, p. 519, § 1, effective October 1. L. 88: (2) amended, pp. 602, 1438, §§ 3, 43, effective July 1. L. 2001: Entire section amended, p. 1514, § 4, effective September 1. L. 2007: (3) amended, p. 2024, § 23, effective June 1. L. 2017: (2)(a)(I) amended, (SB 17-227), ch. 192, p. 704, § 5, effective August 9.

Case Notes:

ANNOTATION

Law reviews. For article, "What Is a Lawyer Doing in Small Claims Court?", see 13 Colo. Law. 430 (1984).

This section contains the only exception to the principle that a partnership is an entity separate and apart from its general partners and may be represented in court only by a licensed attorney. E & A Assoc. v. First Nat. Bank of Denver, [899 P.2d 243](#) (Colo. App. 1994).

Cross References:

For representation of closely held corporations before courts or administrative agencies, see § [13-1-127](#).

§ 13-6-408. Counterclaims exceeding jurisdiction of small claims court - procedures - sanctions for improper assertion

Counterclaims exceeding the jurisdiction of the small claims court shall be removed to the county or district court of appropriate jurisdiction pursuant to rule of the supreme court. If a county or district court determines that a plaintiff who originally filed a claim in the small claims court is entitled to judgment and also that a counterclaim against the same plaintiff in the small claims action was filed solely to defeat the jurisdiction of the small claims court and was without merit, the county or district court may also award the plaintiff costs, including reasonable attorney fees, incurred in prosecuting the action in the county or district court.

Cite as (Casemaker) C.R.S. § 13-6-408

History. L. 76: Entire part added, p. 519, § 1, effective October 1. L. 87: Entire section amended, p. 1576, § 14, effective July 10. L. 2001: Entire section amended, p. 1515, § 5, effective September 1.

§ 13-6-409. Trial procedure

The judge or magistrate shall conduct the trial in such manner as to do justice between the parties and shall not be bound by formal rules or statutes of procedure or pleading or the technical rules of evidence, except for rules promulgated by the supreme court controlling the conduct of proceedings in the small claims court.

Cite as (Casemaker) C.R.S. § 13-6-409

History. L. 76: Entire part added, p. 519, § 1, effective October 1. L. 77: Entire section amended, p. 789, § 2, effective June 19. L. 91: Entire section amended, p. 356, § 12, effective April 9.

§ 13-6-410. Appeal of a claim

A record shall be made of all small claims court proceedings, and either the plaintiff or the defendant may appeal pursuant to county court rules. Upon appeal, all provisions of law and rules concerning appeals from the county court shall apply, including right to counsel. A tape recording of the trial proceedings shall satisfy any requirements of a transcript for appeal, upon the payment of a nominal fee by the appellant.

Cite as (Casemaker) C.R.S. § 13-6-410

History. L. 76: Entire part added, p. 519, § 1, effective October 1. L. 93: Entire section amended, p. 1775, § 32, effective June 6. L. 2001: Entire section amended, p. 1515, § 6, effective September 1.

§ 13-6-411. Limitation on number of claims filed

- (1)** No plaintiff may file more than two claims per month, eighteen claims per year, in the small claims court of any county. Each claim filed in any small claims court shall contain a certification by the plaintiff that the plaintiff has not filed any more than two claims during that month and eighteen claims in that year in the small claims court of that county.
- (2)** The limitation imposed by subsection (1) of this section shall not apply to a state-supported institution of higher education which files claims to recover loans or other outstanding obligations due to such institution; except that no such state-supported institution of higher education shall file more than a total of thirty such claims per month in all small claims courts in Colorado.

Cite as (Casemaker) C.R.S. § 13-6-411

History. L. 76: Entire part added, p. 520, § 1, effective October 1. L. 81: Entire section amended, p. 880, § 3, effective July 1. L. 83: Entire section amended, p. 792, § 1, effective June 3. L. 87: (1) amended, p. 544, § 2, effective July 1. L. 92: Entire section amended, p. 289, § 1,

§ 13-6-411.5. Place of trial

- (1) Except as provided in subsection (2) of this section, all actions in the small claims court shall be brought in the county in which any defendant at the time of filing of the claim resides, is regularly employed, is a student at an institution of higher education, or has an office for the transaction of business.
- (2) Actions to enforce restrictive covenants and actions arising under part 1 of article [12](#) of title [38](#), C.R.S., including, but not limited to, actions involving claims for the recovery of a security deposit or for damage to property arising from a landlord-tenant relationship, may be brought in the county in which the defendant's property that is the subject of the action is situated.
- (3) If a defendant appears and defends a small claims action on the merits at trial, such defendant shall be deemed to have waived any objection to the place of trial permitted under this section.

Cite as (Casemaker) C.R.S. § 13-6-411.5

History. L. 90: Entire section added, p. 850, § 5, effective May 31. L. 2001: Entire section amended, p. 1515, § 8, effective September 1.

Cross References:

For the legislative declaration contained in the 1990 act enacting this section, see section 1 of chapter 100, Session Laws of Colorado 1990.

§ 13-6-412. Notice to public

The clerk of the small claims court shall publicize in an appropriate manner the existence of the small claims court, its procedures, and its hours of operation. Such publication shall be made so as to bring the court's existence to the attention of the entire community. The state court administrator shall publish a small claims court handbook outlining the procedures of the court in layman's language.

Cite as (Casemaker) C.R.S. § 13-6-412

History. L. 76: Entire part added, p. 520, § 1, effective October 1.

§ 13-6-413. Supreme court shall promulgate rules

The supreme court shall implement this part 4 by appropriate rules of procedure for the small claims court.

Cite as (Casemaker) C.R.S. § 13-6-413

History. L. 76: Entire part added, p. 520, § 1, effective October 1.

§ 13-6-414. No jury trial

There shall be no right to a trial by jury in the small claims court.

Cite as (Casemaker) C.R.S. § 13-6-414

History. L. 76: Entire part added, p. 520, § 1, effective October 1.

§ 13-6-415. Service of process

Every defendant shall be notified that an action has been filed against that defendant in the small claims court either by certified mail, return receipt requested, or by personal service of process, as provided by the rules of procedure for the small claims court. The clerk of the small claims court shall collect, in advance, the fee provided for in section [13-32-104\(1\)\(i\)](#) for each service of process attempted by certified mail.

Cite as (Casemaker) C.R.S. § 13-6-415

History. L. 76: Entire part added, p. 520, § 1, effective October 1. L. 90: Entire section amended, p. 850, § 7, effective May 31. L. 2001: Entire section amended, p. 1516, § 9, effective September 1.

Cross References:

For the legislative declaration contained in the 1990 act amending this section, see section 1 of chapter 100, Session Laws of Colorado 1990.

§ 13-6-416. Facilities

No county shall be required to furnish new facilities pursuant to this part 4.

Cite as (Casemaker) C.R.S. § 13-6-416

History. L. 76: Entire part added, p. 520, § 3, effective October 1.

§ 13-6-417. Execution and proceedings subsequent to judgment

Execution and proceedings subsequent to judgment entered in the small claims division may be processed in the small claims division and shall be the same as in a civil action in the county court as provided by law.

Cite as (Casemaker) C.R.S. § 13-6-417

History. L. 90: Entire section added, p. 850, § 5, effective May 31.

Cross References:

For the legislative declaration contained in the 1990 act enacting this section, see section 1 of chapter 100, Session Laws of Colorado 1990.