

SENATE FILE NO. SF0110

Small claims procedures.

Sponsored by: Senator(s) Nethercott and Furphy and
Representative(s) Duncan, Greear, MacGuire
and Olsen

A BILL

for

1 AN ACT relating to small claims procedures; amending
2 procedures governing service of summons; authorizing
3 actions to be brought in the county where the cause of
4 action or some part thereof arose; specifying
5 applicability; and providing for an effective date.

6

7 *Be It Enacted by the Legislature of the State of Wyoming:*

8

9 **Section 1.** W.S. 1-5-104 by creating a new subsection
10 (b), 1-21-203 and 1-21-204 are amended to read:

11

12 **1-5-104. Actions to be brought where cause of action**
13 **arose.**

14

1 (b) Actions for small claims proceedings under W.S.
2 1-21-201 through 1-21-205 may be brought in the county
3 where the cause of action or some part thereof arose.

4
5 **1-21-203. Affidavit of claim; service of summons;**
6 **venue jurisdiction.**

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8 (a) The claimant shall prepare the affidavit as set
9 forth. When the affidavit is executed by the claimant the
10 court shall file the same and have summons served on the
11 defendant ~~at any location in the county~~ in the manner
12 provided by law or, if the defendant resides in the ~~county~~
13 ~~state~~, service may be made by the court by certified mail
14 addressed to the defendant at his address within the ~~county~~
15 ~~state~~ with return receipt requested. Upon receipt by the
16 circuit judge of the return receipt signed by the defendant
17 or his agent, service is complete.

18
19 (b) Venue provisions in W.S. 1-5-104(b) and 1-5-105
20 through 1-5-109 apply to actions commenced under this
21 article.

22
23 **1-21-204. Time for appearance.**

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2 The date of appearance of the defendant as provided in the
3 summons shall be not more than ~~twelve (12)~~ twenty (20) days
4 nor less than ~~three (3)~~ twelve (12) days from the date of
5 service of the summons. When the circuit judge has fixed
6 the date for the appearance of the defendant he shall
7 inform the plaintiff of the date and at the same time order
8 the plaintiff to appear with such books, papers and
9 witnesses as necessary to prove his claim.

10

11 **Section 2.** This act shall only apply to small claims
12 actions initially brought on or after the effective date of
13 this act.

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15 **Section 3.** This act is effective July 1, 2021.

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17

(END)