

House Engrossed

limited jurisdiction courts; judgment assignment

State of Arizona
House of Representatives
Fifty-fifth Legislature
First Regular Session
2021

CHAPTER 172
HOUSE BILL 2579

AN ACT

AMENDING TITLE 22, CHAPTER 2, ARTICLE 3, ARIZONA REVISED STATUTES, BY
ADDING SECTION 22-248; AMENDING SECTION 22-512, ARIZONA REVISED STATUTES;
RELATING TO CIVIL JUDGMENTS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 22, chapter 2, article 3, Arizona Revised
3 Statutes, is amended by adding section 22-248, to read:

4 22-248. Assignment of judgment for collection

5 A. NOTWITHSTANDING ANY OTHER LAW, THE PREVAILING PARTY MAY ASSIGN A
6 MONETARY JUDGMENT TO ANOTHER PERSON THAT IS LICENSED IN THIS STATE TO
7 COLLECT DEBTS AND THAT MAY APPEAR IN THE JUSTICE COURT AS THE PREVAILING
8 PARTY ONLY FOR THE PURPOSE OF ENFORCING THE JUDGMENT.

9 B. A PERSON THAT IS ASSIGNED A JUDGMENT FOR COLLECTION DOES NOT
10 REPRESENT THE PREVAILING PARTY BUT SHALL BE TREATED BY THE JUSTICE COURT
11 AS THE PREVAILING PARTY FOR ALL ACTIONS THAT RELATE TO ENFORCING THE
12 JUDGMENT.

13 Sec. 2. Section 22-512, Arizona Revised Statutes, is amended to
14 read:

15 22-512. Parties; representation

16 A. Any natural person, corporation, partnership, association,
17 marital community or other organization may commence or defend a small
18 claims action, but ~~no~~ AN assignee or other person not a real party to the
19 original transaction giving rise to the action may NOT commence ~~such~~ an
20 action except as a personal representative duly appointed pursuant to a
21 proceeding as provided in title 14.

22 B. In a small claims action:

23 1. An individual shall represent himself.

24 2. Either spouse or both may represent a marital community.

25 3. An active general partner or an authorized full-time employee
26 shall represent a partnership.

27 4. A full-time officer or authorized employee shall represent a
28 corporation.

29 5. An active member or an authorized full-time employee shall
30 represent an association.

31 6. Any other organization or entity shall be represented by one of
32 its active members or authorized full-time employees.

33 7. An attorney-at-law shall not appear or take any part in the
34 filing or prosecution or defense of any matter designated as a small
35 claim.

36 C. For an association as defined in section 33-1202 or 33-1802 that
37 has employees or that is contracted with a corporation, limited liability
38 company, limited liability partnership, sole proprietor or other lawfully
39 formed and operating entity that provides management services to the
40 association, the employees of the association and the management company
41 and its officers and employees may lawfully act on behalf of the
42 association and its board of directors by:

43 1. Recording a notice of lien or notice of claim of lien of the
44 association against an owner's property in a condominium or planned
45 community if all of the following apply:

1 (a) The association employee or the management company is
2 specifically authorized in writing by the association to record notices of
3 lien or notices of claim of lien on behalf of the association and the
4 officer or employee is a certified legal document preparer as prescribed
5 in the Arizona code of judicial administration.

6 (b) The association is the original party to the lien and the lien
7 right is not the result of an assignment of rights.

8 (c) The lien right exists by operation of law pursuant to section
9 33-1256 or 33-1807 and is not the result of obtaining a final judgment in
10 an action to which the association is a party.

11 2. Appearing on behalf of the association in a small claims action
12 if all of the following apply:

13 (a) The employee of the association or the management company is
14 specifically authorized in writing by the association to appear on behalf
15 of the association.

16 (b) The association is an original party to the small claims
17 action.

18 D. Notwithstanding subsection B of this section, at any time before
19 the hearing, the parties may stipulate by written agreement to the
20 participation of attorneys in actions designated as small claims.

21 E. This section is not intended to limit or otherwise interfere
22 with a party's right to assign or to employ counsel to pursue the party's
23 rights and remedies subsequent to the entry of judgment in a small claims
24 action.

25 F. Attorneys-at-law may represent themselves in propria persona.

26 G. THE PREVAILING PARTY IN A SMALL CLAIMS ACTION MAY ASSIGN A
27 MONETARY JUDGMENT TO ANOTHER PERSON THAT IS LICENSED IN THIS STATE TO
28 COLLECT DEBTS AND THAT MAY APPEAR IN THE SMALL CLAIMS COURT AS THE
29 PREVAILING PARTY ONLY FOR THE PURPOSE OF ENFORCING THE JUDGMENT. A PERSON
30 THAT IS ASSIGNED A JUDGMENT FOR COLLECTION DOES NOT REPRESENT THE
31 PREVAILING PARTY BUT SHALL BE TREATED BY THE SMALL CLAIMS COURT AS THE
32 PREVAILING PARTY FOR ALL ACTIONS THAT RELATE TO ENFORCING THE JUDGMENT.

APPROVED BY THE GOVERNOR APRIL 5, 2021.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 5, 2021.