

Reprinted 3/10/83

FEB 24 1983

HOUSE FILE 315

Place On Calendar

BY COMMITTEE ON JUDICIARY
AND LAW ENFORCEMENT

(Formerly Study Bill 116)

Passed House, Date 2-7-83 (p. 624) Passed Senate, Date 4-11-83 (p. 1172)
Vote: Ayes 91 Nays 0 Vote: Ayes 41 Nays 5
Approved May 6, 1983

A BILL FOR

- 1 An Act to increase the jurisdictional amount of small claims
- 2 court to two thousand dollars and to increase the small
- 3 claims docket fee.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

HOUSE FILE 315

H-3220

- 1 Amend House File 315 as follows:
- 2 1. Page 1, by inserting after line 23 the
- 3 following:
- 4 "Sec. 4. All small claims docket fees collected
- 5 by the county and remitted to the state prior to the
- 6 effective date of this Act are legalized and declared
- 7 to be valid."

H-3220 FILED MARCH 4, 1983

BY VARN of Johnson

Adopted 3/7/83 (p. 623)

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1 Section 1. Section 631.1, subsection 1, Code 1983, is
2 amended to read as follows:

3 1. The following actions or claims are small claims and
4 shall be commenced, heard and determined as provided in this
5 chapter:

6 A civil action for a money judgment where the amount in
7 controversy is ~~one~~ two thousand dollars or less, exclusive
8 of interest and costs.

9 Sec. 2. Section 631.6, subsection 1, Code 1983, is amended
10 to read as follows:

11 1. The docket fee for a small claims action is ~~eight~~ ten
12 dollars. Other fees imposed for small claims shall be the
13 same as those required in regular actions in district court,
14 four dollars of the fee shall remain in the county treasury
15 for the use of the county and six dollars of the fee shall
16 be paid into the state treasury.

17 Sec. 3. Section 631.6, unnumbered paragraph 6, Code 1983,
18 is amended to read as follows:

19 All fees and costs, other than docket fees, collected in
20 small claims actions shall be remitted to the county treasurer
21 as provided in section ~~606-16~~ 331.705, subsection 4. The
22 fee specified in subsection 4 shall be remitted to the
23 secretary of state.

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EXPLANATION

25 This bill increases the jurisdictional amount of small
26 claims courts from one thousand to two thousand dollars,
27 increases the docket fee, and provides for its distribution.
28 This bill takes effect July 1 following its enactment.

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SEVENTIETH GENERAL ASSEMBLY
1983 REGULAR SESSION

DAILY
HOUSE CLIP SHEET

FRIDAY, MARCH 4, 1983

HOUSE FILE 315
FISCAL NOTE

REQUESTED BY REPRESENTATIVE JAY

In compliance with a written request received February 24, 1983, there is hereby submitted a Fiscal Note for House File 315 pursuant to Joint Rule 17. Background information used in developing this Fiscal Note is available from the Legislative Fiscal Bureau, to members of the Legislature upon request.

House File 315 increases the jurisdictional amount of small claims courts from one thousand to two thousand dollars, increases the docket fee, and provides for its distribution. The current docket fee is eight dollars. Four dollars of this fee remains in the county treasury and four dollars is paid into the state treasury. This bill will increase the docket fee to ten dollars with six dollars of the fee paid to the state treasury.

Approximately 75,000 small claims were filed in 1982. Increasing the jurisdictional amount could generate an average of 3,500 additional claims.

The current fee for claims over \$1,000 is \$25, of which the state receives \$21. Approximately 1,500 claims were filed last year in the \$1,000 to \$2,000 range. Raising the jurisdictional amount would cause a loss to the state of \$17 per claim. (Subtracting the \$4 fee the state currently receives from the \$8 fee.)

Using the 75,000 claims that were filed in 1982 and the estimate of 3,500 additional claims, the following table shows the effect of raising the jurisdictional amount and the docket fee.

	<u># Claims (state share)</u>	<u>Amount Generated</u>
Current Claims Under \$ 1,000	75,000 (4)	\$ 300,000
\$ 1,000-\$2,000	1,500 (21)	31,500
Present Revenue to state		<u>331,500</u>
Revenue generated by \$2 increase	75,000 (2)	150,000
Additional Claims	3,500 (2)	7,000
		<u>488,500</u>
\$17 loss of revenue from claims currently filed in \$1,000-\$2,000 range	1,500 (17)	-25,500
Total Revenue		<u>463,000</u>
Net Gain		\$ <u>131,500</u>

SOURCE: COURT ADMINISTRATOR
FILED MARCH 3, 1983

(1236H, 83-281, KMM)
BY DENNIS PROUTY, FISCAL DIRECTOR

3/14/83

3/14/83 (p. 791)

Small Business & Economic Development
A. Miller Chair
Gratias
Hulse

HOUSE FILE 315

BY COMMITTEE ON JUDICIARY
AND LAW ENFORCEMENT

(As Amended and Passed by the House)

Passed House, Date 4-18-83 (p. 1370) Passed Senate, Date 4-11-83 (p. 1172)

Vote: Ayes 94 Nays 1 Vote: Ayes 41 Nays 5

Approved May 6, 1983 (p. 1914)

A BILL FOR

- 1 An Act to increase the jurisdictional amount of small claims
- 2 court to two thousand dollars and to increase the small
- 3 claims docket fee.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

SENATE AMENDMENT TO HOUSE FILE 315

H-3712

- 1 Amend House File 315 as amended, passed, and
- 2 reprinted by the House as follows:
- 3 1. Page 1, by inserting after line 26 the follow-
- 4 ing:
- 5 "Sec. 5. If a court having proper jurisdiction
- 6 declares section 1 of this Act unconstitutional because
- 7 the dollar amount is excessive for a court which does
- 8 not provide a jury trial, the amount in controversy
- 9 provided in section 1 shall revert to one thousand
- 10 dollars."

H-3712 FILED APRIL 13, 1983

RECEIVED FROM THE SENATE

House concurred 4/18/83 (p. 1370)

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1 Section 1. Section 631.1, subsection 1, Code 1983, is
2 amended to read as follows:

3 1. The following actions or claims are small claims and
4 shall be commenced, heard and determined as provided in this
5 chapter:

6 A civil action for a money judgment where the amount in
7 controversy is ~~one~~ two thousand dollars or less, exclusive
8 of interest and costs.

9 Sec. 2. Section 631.6, subsection 1, Code 1983, is amended
10 to read as follows:

11 1. The docket fee for a small claims action is ~~eight~~ ten
12 dollars. Other fees imposed for small claims shall be the
13 same as those required in regular actions in district court,
14 four dollars of the fee shall remain in the county treasury
15 for the use of the county and six dollars of the fee shall
16 be paid into the state treasury.

17 Sec. 3. Section 631.6, unnumbered paragraph 6, Code 1983,
18 is amended to read as follows:

19 All fees and costs, other than docket fees, collected in
20 small claims actions shall be remitted to the county treasurer
21 as provided in section ~~606-16~~ 331.705, subsection 4. The
22 fee specified in subsection 4 shall be remitted to the
23 secretary of state.

24 Sec. 4. All small claims docket fees collected by the
25 county and remitted to the state prior to the effective date
26 of this Act are legalized and declared to be valid.

31-437

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HOUSE FILE 315

S-3243

1 Amend House File 315 as amended, passed, and
2 reprinted by the House as follows:
3 1. Page 1, by inserting after line 26 the follow-
4 ing:
5 "Sec. 5. If a court having proper jurisdiction
6 declares section 1 of this Act unconstitutional because
7 the dollar amount of two thousand dollars is excessive
8 for a court which does not provide a jury trial, the
9 amount in controversy provided in section 1 shall
10 revert to one thousand dollars."

S-3243 FILED BY COMMITTEE ON SMALL BUSINESS
MARCH 16, 1983 AND ECONOMIC DEVELOPMENT

Adopted as amended by 3355
4/11/83 (p. 1171) EMIL HUSAK, CHAIR

HOUSE FILE 315

S-3344

1 Amend House File 315 as amended, passed and reprint-
2 ed by the House as follows:
3 1. Page 1, line 7, by striking the words "one
4 two" and inserting in lieu thereof the word "one".
5 2. Page 1, line 7, by inserting after the word
6 "thousand" the words "five hundred".
7 3. Title page, line 2, by striking the words "two
8 thousand" and inserting in lieu thereof the words
9 "one thousand five hundred".

S-3344 FILED BY DONALD V. DOYLE
MARCH 24, 1983 TOM MANN

Last 4/11 (p. 1172)

HOUSE FILE 315

S-3355

1 Amend the committee amendment, S-3243, to House
2 File 315 as amended, passed, and reprinted by the
3 House, as follows:
4 1. Page 1, line 7, by striking the words "of two
5 thousand dollars".

S-3355 FILED BY ALVIN MILLER
MARCH 28, 1983

Adopted 4/11 (p. 1171)



HOUSE FILE 315

AN ACT

TO INCREASE THE JURISDICTIONAL AMOUNT OF SMALL CLAIMS COURT TO TWO THOUSAND DOLLARS AND TO INCREASE THE SMALL CLAIMS DOCKET FEE.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 631.1, subsection 1, Code 1983, is amended to read as follows:

1. The following actions or claims are small claims and shall be commenced, heard and determined as provided in this chapter:

A civil action for a money judgment where the amount in controversy is one two thousand dollars or less, exclusive of interest and costs.

Sec. 2. Section 631.6, subsection 1, Code 1983, is amended to read as follows:

1. The docket fee for a small claims action is eight ~~ten~~ dollars. Other fees imposed for small claims shall be the same as those required in regular actions in district court. four dollars of the fee shall remain in the county treasury for the use of the county and six dollars of the fee shall be paid into the state treasury.

Sec. 3. Section 631.6, unnumbered paragraph 6, Code 1983, is amended to read as follows:

All fees and costs, other than docket fees, collected in small claims actions shall be remitted to the county treasurer as provided in section ~~696-16~~ 331.705, subsection 4. The fee specified in subsection 4 shall be remitted to the secretary of state.

Sec. 4. All small claims docket fees collected by the county and remitted to the state prior to the effective date of this Act are legalized and declared to be valid.

Sec. 5. If a court having proper jurisdiction declares section 1 of this Act unconstitutional because the dollar amount is excessive for a court which does not provide a jury trial, the amount in controversy provided in section 1 shall revert to one thousand dollars.

DONALD D. AVENSON
Speaker of the House

ROBERT T. ANDERSON
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 315, Seventieth General Assembly.

JOSEPH O'HERN
Chief Clerk of the House

Approved May 6, 1983

TERRY E. BRANSTAD
Governor