

(P. 694) 3-16-94 Senate Judiciary
(P. 826) 3-24-94 Do Pass

FEB 24 1994
Place On Calendar

HOUSE FILE 2286
BY COMMITTEE ON JUDICIARY
AND LAW ENFORCEMENT

(SUCCESSOR TO HF 228)

Passed House, (P. 586) Date 3-14-94 Passed Senate, (P. 1106) Date 4-8-94
Vote: Ayes 98 Nays 0 Vote: Ayes 49 Nays 0

Approved April 26, 1994
Passed 4/16/94
Vote 96-0 (P. 1553)

A BILL FOR

1 An Act increasing the jurisdictional amount for small claims.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 2286

1 Section 1. Section 631.1, Code 1993, is amended to read as
2 follows:

3 631.1 SMALL CLAIMS.

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

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

10 2. The district court sitting in small claims shall have
11 concurrent jurisdiction of an action for forcible entry and
12 detainer which is based on those grounds set forth in section
13 648.1, subsections 1, 2, 3 and 5. When commenced under this
14 chapter, the action shall be a small claim for the purposes of
15 this chapter.

16 3. The district court sitting in small claims has
17 concurrent jurisdiction of an action of replevin if the value
18 of the property claimed is ~~two~~ four thousand dollars or less.
19 When commenced under this chapter, the action is a small claim
20 for the purposes of this chapter.

21 4. The district court sitting in small claims has
22 concurrent jurisdiction of motions and orders relating to
23 executions against personal property, including garnishments,
24 where the value of the property or garnisheed money involved
25 is ~~two~~ four thousand dollars or less.

26 Sec. 2. JURISDICTIONAL AMOUNT REVERSION. The
27 jurisdictional amount in section 1 of this Act shall revert to
28 two thousand dollars if a court of competent jurisdiction
29 declares the four thousand dollar amount unconstitutional.

30 EXPLANATION

31 This bill increases the jurisdictional limit in small
32 claims from \$2,000 to \$4,000. The bill also provides that the
33 limit will return to \$2,000 if a court of competent
34 jurisdiction declares the \$4,000 amount unconstitutional.

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HOUSE FILE 2286

S-5516

- 1 Amend House File 2286, as passed by the House, as
2 follows:
- 3 1. Page 1, line 8, by inserting after the word
4 "two" the following: "three thousand dollars or less
5 for actions commenced on or after July 1, 1994, and
6 before July 1, 1995, and".
- 7 2. Page 1, line 8, by inserting after the word
8 "less" the following: "for actions commenced on or
9 after July 1, 1995".
- 10 3. Page 1, line 18, by inserting after the word
11 "two" the following: "three thousand dollars or less
12 for actions commenced on or after July 1, 1994, and
13 before July 1, 1995, and".
- 14 4. Page 1, line 18, by inserting after the word
15 "less" the following: "for actions commenced on or
16 after July 1, 1995".
- 17 5. Page 1, line 25, by inserting after the word
18 "two" the following: "three thousand dollars or less
19 for actions commenced on or after July 1, 1994, and
20 before July 1, 1995, and".
- 21 6. Page 1, line 25, by inserting after the word
22 "less" the following: "for actions commenced on or
23 after July 1, 1995".
- 24 7. Page 1, line 29, by inserting after the word
25 "the" the following: "three or".

By TOM VILSACK

S-5516 FILED APRIL 7, 1994

*Adapted 4-8-94**(P.1106)*

SENATE AMENDMENT TO HOUSE FILE 2286

H-6059

1 Amend House File 2286, as passed by the House, as
2 follows:

3 1. Page 1, line 8, by inserting after the word
4 "two" the following: "three thousand dollars or less
5 for actions commenced on or after July 1, 1994, and
6 before July 1, 1995, and".

7 2. Page 1, line 8, by inserting after the word
8 "less" the following: "for actions commenced on or
9 after July 1, 1995".

10 3. Page 1, line 18, by inserting after the word
11 "two" the following: "three thousand dollars or less
12 for actions commenced on or after July 1, 1994, and
13 before July 1, 1995, and".

14 4. Page 1, line 18, by inserting after the word
15 "less" the following: "for actions commenced on or
16 after July 1, 1995".

17 5. Page 1, line 25, by inserting after the word
18 "two" the following: "three thousand dollars or less
19 for actions commenced on or after July 1, 1994, and
20 before July 1, 1995, and".

21 6. Page 1, line 25, by inserting after the word
22 "less" the following: "for actions commenced on or
23 after July 1, 1995".

24 7. Page 1, line 29, by inserting after the word
25 "the" the following: "three or".

RECEIVED FROM THE SENATE

H-6059 FILED APRIL 8, 1994

House Concurred
4-14-94
(P. 1533)

HOUSE FILE 2286
FISCAL NOTE

A fiscal note for House File 2286 is hereby submitted pursuant to Joint Rule 17. Data used in developing this fiscal note is available from the Legislative Fiscal Bureau to members of the Legislature upon request.

House File 2286 increases the jurisdictional limit for Small Claims from \$2,000 to \$4,000. The Bill also provides that the limit will return to \$2,000 if the Iowa Supreme Court declares the \$4,000 excessive for a court which does not provide a jury trial.

Assumptions:

1. It is estimated that 68,873 Small Claims and 68,857 Regular Civil filings will be filed in 1993.
2. Approximately 5.0% of Regular Civil filings currently in the Court System will be transferred to Magistrates from District Associate Judges and District Judges based upon historical trends.
3. Adoption of this Bill will have no significant fiscal effect on the Clerks of the District Court operation.

Fiscal Impact:

House File 2286 is estimated to have minimal fiscal impact on the General Fund.

It is anticipated that the number of Small Claims reviewed by Magistrates will increase by approximately 3,443 cases the first year. The increase will be attributed to the transfer of Regular Civil filings from District Associate Judges and District Judges to Magistrates.

The estimated cost per hour for a Small Claims Case to be reviewed by a District Associate Judge (including costs for Court Reporter and Attendant) is \$76.84, whereas, the estimated cost per hour for a Magistrate to review a Small Claim is \$18.00. Transferring cases of \$2,000 but less than \$4,000, to a Magistrate will lower the cost per case for Small Claims and will permit District Judges and District Associate Judges to devote more time toward other matters of the Court. The net effect on the Court's overall operation will be minimal.

Sources: Judicial Department

(LSB 1632hv, LAM)

FILED MARCH 4, 1994

BY DENNIS PROUTY, FISCAL DIRECTOR

HOUSE FILE 2286

AN ACT
INCREASING THE JURISDICTIONAL AMOUNT FOR SMALL CLAIMS.

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

Section 1. Section 631.1, Code 1993, is amended to read as follows:

631.1 SMALL CLAIMS.

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 two three thousand dollars or less for actions commenced on or after July 1, 1994, and before July 1, 1995, and four thousand dollars or less for actions commenced on or after July 1, 1995, exclusive of interest and costs.

2. The district court sitting in small claims shall have concurrent jurisdiction of an action for forcible entry and detainer which is based on those grounds set forth in section 648.1, subsections 1, 2, 3 and 5. When commenced under this chapter, the action shall be a small claim for the purposes of this chapter.

3. The district court sitting in small claims has concurrent jurisdiction of an action of replevin if the value of the property claimed is two three thousand dollars or less for actions commenced on or after July 1, 1994, and before July 1, 1995, and four thousand dollars or less for actions commenced on or after July 1, 1995. When commenced under this chapter, the action is a small claim for the purposes of this chapter.

4. The district court sitting in small claims has concurrent jurisdiction of motions and orders relating to executions against personal property, including garnishments,

where the value of the property or garnished money involved is two three thousand dollars or less for actions commenced on or after July 1, 1994, and before July 1, 1995, and four thousand dollars or less for actions commenced on or after July 1, 1995.

Sec. 2. JURISDICTIONAL AMOUNT REVERSION. The jurisdictional amount in section 1 of this Act shall revert to two thousand dollars if a court of competent jurisdiction declares the three or four thousand dollar amount unconstitutional.

HAROLD VAN HAANEN
Speaker of the House

LEONARD L. BOSWELL
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2286, Seventy-fifth General Assembly.

ELIZABETH ISAACSON
Chief Clerk of the House

Approved *April 26*, 1994

TERRY E. BRANSTAD
Governor