

FILED

JUDICIARY

SENATE FILE

2018

BY McCOY

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_

Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

Approved \_\_\_\_\_

A BILL FOR

1 An Act relating to the jurisdictional limit in small claims  
2 court.

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

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SF 2018

JUDICIARY

1 Section 1. Section 631.1, subsection 1, unnumbered  
2 paragraph 2, Code Supplement 2003, is amended to read as  
3 follows:

4 A civil action for a money judgment where the amount in  
5 controversy is ~~four-thousand-dollars-or-less-for-actions~~  
6 ~~commenced-before-July-17-2002,-and~~ five thousand dollars or  
7 less for actions commenced ~~on-or-after~~ before July 1, 2002  
8 2004, and ten thousand dollars or less for actions commenced  
9 on or after July 1, 2004, exclusive of interest and costs.

10 Sec. 2. Section 631.1, subsections 3, 4, and 5, Code  
11 Supplement 2003, are amended to read as follows:

12 3. The district court sitting in small claims has  
13 concurrent jurisdiction of an action of replevin if the value  
14 of the property claimed is ~~four-thousand-dollars-or-less-for~~  
15 ~~actions-commenced-before-July-17-2002,-and~~ five thousand  
16 dollars or less for actions commenced ~~on-or-after~~ before July  
17 1, 2002 2004, and ten thousand dollars or less for actions  
18 commenced on or after July 1, 2004. When commenced under this  
19 chapter, the action is a small claim for the purposes of this  
20 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 ~~four-thousand-dollars-or-less-for-actions-commenced-before~~  
26 ~~July-17-2002,-and~~ five thousand dollars or less for actions  
27 commenced ~~on-or-after~~ before July 1, 2002 2004, and ten  
28 thousand dollars or less for actions commenced on or after  
29 July 1, 2004.

30 5. The district court sitting in small claims has  
31 concurrent jurisdiction of an action for abandonment of a  
32 manufactured or mobile home or personal property pursuant to  
33 section 555B.3, if no money judgment in excess of ~~four~~  
34 ~~thousand-dollars-is-sought-for-actions-commenced-before-July~~  
35 ~~17-2002,-and~~ five thousand dollars or less is sought for

1 actions commenced ~~on-or-after~~ before July 1, ~~2002~~ 2004, and  
2 ten thousand dollars or less for actions commenced on or after  
3 July 1, 2004. If commenced under this chapter, the action is  
4 a small claim for the purposes of this chapter.

5 Sec. 3. JURISDICTIONAL AMOUNT REVERSION. The  
6 jurisdictional amount in sections 1 and 2 of this Act, which  
7 amends section 631.1, shall revert to five thousand dollars if  
8 a court of competent jurisdiction declares the ten thousand  
9 dollar amount unconstitutional.

10 EXPLANATION

11 This bill makes jurisdictional changes to small claims  
12 court cases. The bill provides that a small claims court case  
13 commenced on or after July 1, 2004, shall not involve damages  
14 or value in excess of \$10,000. Current law provides that a  
15 small claims court case shall not involve damages or value in  
16 excess of \$5,000. The bill further provides that the  
17 jurisdictional amount shall revert to \$5,000 if a court finds  
18 the \$10,000 limit unconstitutional. By increasing the  
19 jurisdictional amount for small claims court, the bill expands  
20 the jurisdiction of a magistrate or district associate judge  
21 to hear and assess judgment on certain actions, including  
22 county and city violations.

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