

**House File 248 - Introduced**

HOUSE FILE 248

BY GARRETT and WORTHAN

**A BILL FOR**

1 An Act relating to jurisdictional changes to small claims court  
2 cases.

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

1 Section 1. Section 631.1, subsection 1, Code 2013, is  
2 amended to read as follows:

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

6 1A. A civil action for a money judgment where the amount  
7 in controversy is ~~four thousand dollars or less for actions~~  
8 ~~commenced before July 1, 2002,~~ and five thousand dollars or  
9 less for actions commenced ~~on or after~~ before July 1, 2002  
10 2013, and ten thousand dollars or less for actions commenced on  
11 or after July 1, 2013, exclusive of interest and costs.

12 Sec. 2. Section 631.1, subsections 3, 4, 5, 7, and 8, Code  
13 2013, are amended to read as follows:

14 3. The district court sitting in small claims has concurrent  
15 jurisdiction of an action of replevin if the value of the  
16 property claimed is ~~four thousand dollars or less for actions~~  
17 ~~commenced before July 1, 2002,~~ and five thousand dollars or  
18 less for actions commenced ~~on or after~~ before July 1, 2002  
19 2013, and ten thousand dollars or less for actions commenced on  
20 or after July 1, 2013. When commenced under this chapter, the  
21 action is a small claim for the purposes of this chapter.

22 4. The district court sitting in small claims has concurrent  
23 jurisdiction of motions and orders relating to executions  
24 against personal property, including garnishments, where the  
25 value of the property or garnisheed money involved is ~~four~~  
26 ~~thousand dollars or less for actions commenced before July 1,~~  
27 ~~2002,~~ and five thousand dollars or less for actions commenced  
28 ~~on or after~~ before July 1, 2002 2013, and ten thousand dollars  
29 or less for actions commenced on or after July 1, 2013.

30 5. The district court sitting in small claims has concurrent  
31 jurisdiction of an action for abandonment of a manufactured or  
32 mobile home or personal property pursuant to section 555B.3, if  
33 no money judgment is sought in excess of ~~four thousand dollars~~  
34 ~~is sought for actions commenced before July 1, 2002,~~ and five  
35 thousand dollars ~~or less~~ for actions commenced ~~on or after~~

1 before July 1, 2002 2013, and ten thousand dollars for actions  
2 commenced on or after July 1, 2013. If commenced under this  
3 chapter, the action is a small claim for the purposes of this  
4 chapter.

5 7. The district court sitting in small claims has concurrent  
6 jurisdiction of an action for the collection of taxes brought  
7 by a county treasurer pursuant to sections 445.3 and 445.4  
8 where the amount in controversy is five thousand dollars or  
9 less for actions commenced ~~on or after~~ before July 1, 2003  
10 2013, and ten thousand dollars or less for actions commenced on  
11 or after July 1, 2013, exclusive of interest and costs.

12 8. The district court sitting in small claims has concurrent  
13 jurisdiction of motions and orders relating to releases of  
14 judgments in whole or in part including motions and orders  
15 under section 624.23, subsection 2, paragraph "c" and section  
16 624.37, where the amount owing on the judgment, including  
17 interests and costs, is five thousand dollars or less for  
18 actions commenced before July 1, 2013, and ten thousand dollars  
19 or less for actions commenced on or after July 1, 2013.

20 Sec. 3. JURISDICTIONAL AMOUNT REVERSION. The  
21 jurisdictional amount in the sections of this Act that amend  
22 section 631.1, shall revert to five thousand dollars if a court  
23 of competent jurisdiction declares the ten thousand dollar  
24 amount unconstitutional.

25 EXPLANATION

26 This bill makes jurisdictional changes to small claims  
27 court cases. The bill provides that a small claims court case  
28 commenced on or after July 1, 2013, shall not involve damages  
29 or value in excess of \$10,000. Under existing law, a small  
30 claims court case shall not involve damages or value in excess  
31 of \$5,000. The bill further provides that the jurisdictional  
32 amount shall revert to \$5,000 if a court finds the \$10,000  
33 amount unconstitutional. By increasing the jurisdictional  
34 amount for small claims court the bill expands the jurisdiction  
35 of a magistrate or district associate judge to hear and

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1 assess judgment on certain actions, including county and city  
2 violations.