

Senate File 2357 - Introduced

SENATE FILE 2357
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SF 42)

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, subsections 1, 3, 4, 5, 7, and 8,
2 Code 2018, are 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. A civil action for a money judgment where the amount in
7 controversy is ~~four~~ five thousand dollars or less for actions
8 commenced before July 1, ~~2002~~ 2018, exclusive of interest and
9 costs.

10 b. A civil action for a money judgment where the amount in
11 controversy is five seven thousand five hundred dollars or less
12 for actions commenced on or after July 1, ~~2002~~ 2018, exclusive
13 of interest and costs.

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~~ five thousand dollars or less for
17 actions commenced before July 1, ~~2002~~ 2018, and five seven
18 thousand five hundred dollars or less for actions commenced on
19 or after July 1, ~~2002~~ 2018. When commenced under [this chapter](#),
20 the action is a small claim for the purposes of [this chapter](#).

21 4. The district court sitting in small claims has concurrent
22 jurisdiction of motions and orders relating to executions
23 against personal property, including garnishments, where the
24 value of the property or garnisheed money involved is ~~four~~ five
25 thousand dollars or less for actions commenced before July 1,
26 ~~2002~~ 2018, and five seven thousand five hundred dollars or less
27 for actions commenced on or after July 1, ~~2002~~ 2018.

28 5. The district court sitting in small claims has concurrent
29 jurisdiction of an action for abandonment of a manufactured or
30 mobile home or personal property pursuant to [section 555B.3](#),
31 if no money judgment in excess of ~~four~~ five thousand dollars
32 is sought for actions commenced before July 1, ~~2002~~ 2018, and
33 five seven thousand five hundred dollars or less for actions
34 commenced on or after July 1, ~~2002~~ 2018. If commenced under
35 this chapter, the action is a small claim for the purposes of

1 this chapter.

2 7. The district court sitting in small claims has concurrent
3 jurisdiction of an action for the collection of taxes brought
4 by a county treasurer pursuant to [sections 445.3](#) and [445.4](#)
5 where the amount in controversy is five thousand dollars or
6 less for actions commenced ~~on or after~~ before July 1, 2003
7 2018, and seven thousand five hundred dollars or less for
8 actions commenced on or after July 1, 2018, exclusive of
9 interest and costs.

10 8. The district court sitting in small claims has concurrent
11 jurisdiction of motions and orders relating to releases of
12 judgments in whole or in part including motions and orders
13 under [section 624.23, subsection 2](#), paragraph "c" and section
14 624.37, where the amount owing on the judgment, including
15 interests and costs, is five thousand dollars or less for
16 actions commenced before July 1, 2018, and seven thousand five
17 hundred dollars or less for actions commenced on or after July
18 1, 2018.

19 Sec. 2. JURISDICTIONAL AMOUNT REVERSION. The
20 jurisdictional amount in the section of this Act that amends
21 section 631.1 shall revert to five thousand dollars if a court
22 of competent jurisdiction declares the seven thousand five
23 hundred dollar amount unconstitutional.

24 EXPLANATION

25 The inclusion of this explanation does not constitute agreement with
26 the explanation's substance by the members of the general assembly.

27 This bill makes jurisdictional changes to small claims
28 court cases. The bill provides that a small claims court case
29 commenced on or after July 1, 2018, shall not involve damages
30 or value in excess of \$7,500. Under existing law, a small
31 claims court case shall not involve damages or value in excess
32 of \$5,000. The bill further provides that the jurisdictional
33 amount shall revert to \$5,000 if a court finds the \$7,500
34 amount unconstitutional. By increasing the jurisdictional
35 amount for small claims court the bill expands the jurisdiction

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1 of a magistrate or district associate judge to hear and
2 assess judgment on certain actions, including county and city
3 violations.