

Senate File 42 - Introduced

SENATE FILE 42

BY ZAUN

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 2017, 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~~ 2017, exclusive of interest and
9 costs.

10 b. A civil action for a money judgment where the amount in
11 controversy is ~~five~~ ten thousand dollars or less for actions
12 commenced on or after July 1, ~~2002~~ 2017, exclusive of interest
13 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~~ 2017, and ~~five~~ ten
18 thousand dollars or less for actions commenced on or after July
19 1, ~~2002~~ 2017. When commenced under [this chapter](#), the action is
20 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~~ 2017, and ~~five~~ ten thousand dollars or less for actions
27 commenced on or after July 1, ~~2002~~ 2017.

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](#), if
31 no money judgment in excess of ~~four~~ five thousand dollars is
32 sought for actions commenced before July 1, ~~2002~~ 2017, and ~~five~~
33 ten thousand dollars or less for actions commenced on or after
34 July 1, ~~2002~~ 2017. If commenced under [this chapter](#), the action
35 is a small claim for the purposes of [this chapter](#).

1 7. The district court sitting in small claims has concurrent
2 jurisdiction of an action for the collection of taxes brought
3 by a county treasurer pursuant to sections 445.3 and 445.4
4 where the amount in controversy is five thousand dollars or
5 less for actions commenced ~~on or after~~ before July 1, 2003
6 2017, and ten thousand dollars or less for actions commenced on
7 or after July 1, 2017, exclusive of interest and costs.

8 8. The district court sitting in small claims has concurrent
9 jurisdiction of motions and orders relating to releases of
10 judgments in whole or in part including motions and orders
11 under section 624.23, subsection 2, paragraph "c" and section
12 624.37, where the amount owing on the judgment, including
13 interests and costs, is five thousand dollars or less for
14 actions commenced before July 1, 2017, and ten thousand dollars
15 or less for actions commenced on or after July 1, 2017.

16 Sec. 2. JURISDICTIONAL AMOUNT REVERSION. The
17 jurisdictional amount in the section of this Act that amends
18 section 631.1 shall revert to five thousand dollars if a court
19 of competent jurisdiction declares the ten thousand dollar
20 amount unconstitutional.

21 EXPLANATION

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

24 This bill makes jurisdictional changes to small claims
25 court cases. The bill provides that a small claims court case
26 commenced on or after July 1, 2017, shall not involve damages
27 or value in excess of \$10,000. Under existing law, a small
28 claims court case shall not involve damages or value in excess
29 of \$5,000. The bill further provides that the jurisdictional
30 amount shall revert to \$5,000 if a court finds the \$10,000
31 amount unconstitutional. By increasing the jurisdictional
32 amount for small claims court the bill expands the jurisdiction
33 of a magistrate or district associate judge to hear and
34 assess judgment on certain actions, including county and city
35 violations.