

S. 3/23/01 Judiciary  
S. 3/13/01 Amend/Do Pass  
w/s- 5159

MAR 6 2001  
Place On Calendar

HOUSE FILE 518  
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HF 280)

(p.829) Passed House, Date 3-22-01 Passed Senate, Date 3-19-02  
Vote: Ayes 96 Nays 0 Vote: Ayes 45 Nays 0  
Approved April 8, 2002  
(p.924) Re-passed 3/21/02  
vote 89-0

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:

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HF 518

1 Section 1. Section 631.1, subsection 1, unnumbered  
2 paragraph 2, Code 2001, is amended to read as follows:

3 A civil action for a money judgment where the amount in  
4 controversy is ~~three-thousand-dollars-or-less-for-actions~~  
5 ~~commenced-on-or-after-July-17-1994,-and-before-July-17-1995,~~  
6 and four thousand dollars or less for actions commenced ~~on-or~~  
7 ~~after~~ before July 1, ~~1995~~ 2001, and five thousand dollars or  
8 less for actions commenced on or after July 1, 2001, exclusive  
9 of interest and costs.

10 Sec. 2. Section 631.1, subsections 3, 4, and 5, Code 2001,  
11 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 ~~three-thousand-dollars-or-less-for~~  
15 ~~actions-commenced-on-or-after-July-17-1994,-and-before-July-17~~  
16 ~~1995,-and~~ four thousand dollars or less for actions commenced  
17 ~~on-or-after~~ before July 1, ~~1995~~ 2001, and five thousand  
18 dollars or less for actions commenced on or after July 1,  
19 2001. When commenced under this chapter, the action is a  
20 small claim 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 ~~three-thousand-dollars-or-less-for-actions-commenced-on-or~~  
26 ~~after-July-17-1994,-and-before-July-17-1995,-and~~ four thousand  
27 dollars or less for actions commenced ~~on-or-after~~ before July  
28 1, ~~1995~~ 2001, and five thousand dollars or less for actions  
29 commenced on or after July 1, 2001.

30 5. The district court sitting in small claims has  
31 concurrent jurisdiction of an action for abandonment of a  
32 mobile home or personal property pursuant to section 555B.3,  
33 if no money judgment in excess of four thousand dollars is  
34 sought for actions commenced ~~on-or-after~~ before July 1, ~~1995~~  
35 2001, and five thousand dollars or less for actions commenced

1 on or after July 1, 2001. If commenced under this chapter,  
2 the action is a small claim for the purposes of this chapter.

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

8 EXPLANATION

9 This bill makes jurisdictional changes to small claims  
10 court cases. The bill provides that a small claims court case  
11 commenced on or after July 1, 2001, shall not involve damages  
12 or value in excess of \$5,000. Under existing law, a small  
13 claims court case shall not involve damages or value in excess  
14 of \$4,000. The bill provides that the jurisdictional amount  
15 shall revert to \$4,000 if a court finds the \$5,000 limit  
16 unconstitutional. By increasing the jurisdictional amount for  
17 small claims court the bill expands the jurisdiction of a  
18 magistrate or district associate judge to hear and assess  
19 judgment on certain actions, including county and city  
20 violations.

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**HOUSE FILE 518  
FISCAL NOTE**

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A fiscal note for **House File 518** 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.

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House File 518 makes jurisdictional changes to Small Claims Court cases providing that a Small Claims Court case commenced on or after July 1, 2001, shall not involve damages or value in excess of \$5,000.

**ASSUMPTIONS**

1. Existing law states that a Small Claims Court case shall not involve damages or value in excess of \$4,000.
2. House File 518 provides that the jurisdictional amount shall revert to \$4,000 if a Court finds the \$5,000 limit unconstitutional.
3. House File 518 expands the jurisdiction of a Magistrate or District Associate Judge.
4. Small claims dockets are handled by Magistrates and District Associates Judges.
5. Section 602.6401, Code of Iowa provides the judgeship formula for Magistrates and Section 602.6301 provides the judgeship formula for District Associate Judges.
6. In 1994, the amount of small claims cases increased by \$1,000 and the number of filings increased from 71,771 to 77,506 or by 8%. In 2000, there were 84,478 small claims cases filed in the Court. An 8% increase would result in an additional 6,758 filings for a total of 91,236 filings.
7. Fifty percent of the small claims cases would be disposed of by default judgment which would take 15 minutes of Court time. The remaining 50% of new small claims cases would require an average of three hours of Court time for a total of 10,981 hours.
8. The cost for one new District Associate Judge is \$101,000.
9. The cost for one Court Attendant is \$25,000.
10. The cost for one Court Reporter is \$47,000.
11. The cost for one Magistrate is \$27,000.

**FISCAL IMPACT**

The fiscal impact for House File 518 can not be determined. It is unknown whether counties will assign cases to District Associate Judges or to Magistrates. If counties assign all cases to Magistrates, the cost will be approximately \$135,000. If counties assign all cases to District Associate Judges, the cost will be approximately \$765,000.

**SOURCE**

Judicial Branch

(LSB 2551hv, JDD)

FILED MARCH 22, 2001

BY DENNIS PROUTY, FISCAL DIRECTOR

## HOUSE FILE 518

S-5159

1 Amend House File 518, as passed by the House, as  
2 follows:  
3 1. Page 1, line 2, by inserting after the word  
4 "Code" the following: "Supplement".  
5 2. Page 1, line 7, by striking the figure "2001"  
6 and inserting the following: "2002".  
7 3. Page 1, line 8, by striking the figure "2001"  
8 and inserting the following: "2002".  
9 4. Page 1, line 10, by inserting after the word  
10 "Code" the following: "Supplement".  
11 5. Page 1, line 17, by striking the figure "2001"  
12 and inserting the following: "2002".  
13 6. Page 1, line 19, by striking the figure "2001"  
14 and inserting the following: "2002".  
15 7. Page 1, line 28, by striking the figure "2001"  
16 and inserting the following: "2002".  
17 8. Page 1, line 29, by striking the figure "2001"  
18 and inserting the following: "2002".  
19 9. Page 1, line 32, by inserting before the word  
20 "mobile" the following: "manufactured or".  
21 10. Page 1, line 35, by striking the figure  
22 "2001" and inserting the following: "2002".  
23 11. Page 2, line 1, by striking the figure "2001"  
24 and inserting the following: "2002".

By COMMITTEE ON JUDICIARY  
O. GENE MADDOX, Chairperson

S-5159 FILED MARCH 13, 2002

*Adopted*  
*3-19-02*  
*(p. 700)*

SENATE AMENDMENT TO HOUSE FILE 518

H-8337

- 1 Amend House File 518, as passed by the House, as  
2 follows:
- 3 1. Page 1, line 2, by inserting after the word  
4 "Code" the following: "Supplement".
  - 5 2. Page 1, line 7, by striking the figure "2001"  
6 and inserting the following: "2002".
  - 7 3. Page 1, line 8, by striking the figure "2001"  
8 and inserting the following: "2002".
  - 9 4. Page 1, line 10, by inserting after the word  
10 "Code" the following: "Supplement".
  - 11 5. Page 1, line 17, by striking the figure "2001"  
12 and inserting the following: "2002".
  - 13 6. Page 1, line 19, by striking the figure "2001"  
14 and inserting the following: "2002".
  - 15 7. Page 1, line 28, by striking the figure "2001"  
16 and inserting the following: "2002".
  - 17 8. Page 1, line 29, by striking the figure "2001"  
18 and inserting the following: "2002".
  - 19 9. Page 1, line 32, by inserting before the word  
20 "mobile" the following: "manufactured or".
  - 21 10. Page 1, line 35, by striking the figure  
22 "2001" and inserting the following: "2002".
  - 23 11. Page 2, line 1, by striking the figure "2001"  
24 and inserting the following: "2002".

RECEIVED FROM THE SENATE

H-8337 FILED MARCH 19, 2002

*House Concurred 3-21-02 (P. 924)*

~~after before~~ July 1, ~~1995~~ 2002, and five thousand dollars or less for actions commenced on or after July 1, 2002, exclusive of interest and costs.

Sec. 2. Section 631.1, subsections 3, 4, and 5, Code Supplement 2001, are amended to read as follows:

3. The district court sitting in small claims has concurrent jurisdiction of an action of replevin if the value of the property claimed is ~~three-thousand-dollars-or-less-for actions-commenced-on-or-after-July-17-19947-and-before-July-17-19957-and~~ four thousand dollars or less for actions commenced ~~on-or-after before~~ July 1, ~~1995~~ 2002, and five thousand dollars or less for actions commenced on or after July 1, 2002. 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 garnisheed money involved is ~~three-thousand-dollars-or-less-for-actions-commenced-on-or after-July-17-19947-and-before-July-17-19957-and~~ four thousand dollars or less for actions commenced ~~on-or-after before~~ July 1, ~~1995~~ 2002, and five thousand dollars or less for actions commenced on or after July 1, 2002.

5. The district court sitting in small claims has concurrent jurisdiction of an action for abandonment of a manufactured or mobile home or personal property pursuant to section 555B.3, if no money judgment in excess of four thousand dollars is sought for actions commenced ~~on-or-after before~~ July 1, ~~1995~~ 2002, and five thousand dollars or less for actions commenced on or after July 1, 2002. If commenced under this chapter, the action is a small claim for the purposes of this chapter.

Sec. 3. JURISDICTIONAL AMOUNT REVERSION. The jurisdictional amount in sections 1 and 2 of this Act, which amends section 631.1, shall revert to four thousand dollars if

HOUSE FILE 518

AN ACT

RELATING TO JURISDICTIONAL CHANGES TO SMALL CLAIMS COURT CASES.

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

Section 1. Section 631.1, subsection 1, unnumbered paragraph 2, Code Supplement 2001, is amended to read as follows:

A civil action for a money judgment where the amount in controversy is ~~three-thousand-dollars-or-less-for-actions commenced-on-or-after-July-17-19947-and-before-July-17-19957 and~~ four thousand dollars or less for actions commenced ~~on-or~~

a court of competent jurisdiction declares the five thousand dollar amount unconstitutional.

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BRENT SIEGRIST  
Speaker of the House

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MARY E. KRAMER  
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 518, Seventy-ninth General Assembly.

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MARGARET THOMSON  
Chief Clerk of the House

Approved 4/8, 2002

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THOMAS J. VILSACK  
Governor