



February 11, 2021

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## HOUSE BILL No. 1110

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DIGEST OF HB 1110 (Updated February 10, 2021 12:51 pm - DI 140)

**Citations Affected:** IC 33-28; IC 33-29; IC 33-31; IC 33-34.

**Synopsis:** Small claims court procedures. Provides that on the small claims docket, if the claim does not exceed \$8,000: (1) all corporate entities, limited liability companies, and limited liability partnerships may appear by a designated full-time employee of the corporate entity; and (2) all trusts may appear by a trustee; in the presentation or defense of a claim arising out of the business.

**Effective:** July 1, 2021.

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### Bartels

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January 7, 2021, read first time and referred to Committee on Courts and Criminal Code.  
February 11, 2021, reported — Do Pass.

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HB 1110—LS 6421/DI 131





February 11, 2021

First Regular Session of the 122nd General Assembly (2021)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2020 Regular Session of the General Assembly.

## HOUSE BILL No. 1110

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A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1 SECTION 1. IC 33-28-3-5 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 5. (a) The exceptions  
3 provided in this section to formal practice and procedure apply to all  
4 cases on the small claims docket.  
5 (b) A defendant is considered to have complied with the statute and  
6 rule requiring the filing of an answer upon entering an appearance  
7 personally or by attorney. The appearance constitutes a general denial  
8 and preserves all defenses and compulsory counterclaims, which may  
9 then be presented at the trial of the case.  
10 **(c) If the claim does not exceed eight thousand dollars (\$8,000):**  
11 **(1) all corporate entities, limited liability companies, and**  
12 **limited liability partnerships may appear by a designated**  
13 **full-time employee of the corporate entity; and**  
14 **(2) all trusts may appear by a trustee;**  
15 **in the presentation or defense of a claim arising out of the business.**  
16 **(e) (d) If, at the trial of the case, the court determines:**  
17 **(1) that the complaint is so vague or ambiguous that the defendant**

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1 was unable to determine the nature of the plaintiff's claim; or  
 2 (2) that the plaintiff is surprised by a defense or compulsory  
 3 counterclaim raised by the defendant that the plaintiff could not  
 4 reasonably have anticipated;  
 5 the court shall grant a continuance.

6 ~~(d)~~ (e) The trial shall be conducted informally, with the objective of  
 7 dispensing speedy justice between the parties according to the rules of  
 8 substantive law. The trial is not bound by the statutes or rules  
 9 governing practice, procedure, pleadings, or evidence except for  
 10 provisions relating to privileged communications and offers of  
 11 compromise.

12 SECTION 2. IC 33-29-2-5 IS AMENDED TO READ AS  
 13 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 5. (a) The exceptions  
 14 provided in this section to formal practice and procedure apply to all  
 15 cases on the small claims docket.

16 (b) A defendant is considered to have complied with the statute and  
 17 rule requiring the filing of an answer upon entering an appearance  
 18 personally or by attorney. The appearance constitutes a general denial  
 19 and preserves all defenses and compulsory counterclaims, which may  
 20 then be presented at the trial of the cause.

21 **(c) If the claim does not exceed eight thousand dollars (\$8,000):**

22 **(1) all corporate entities, limited liability companies, and**  
 23 **limited liability partnerships may appear by a designated**  
 24 **full-time employee of the corporate entity; and**

25 **(2) all trusts may appear by a trustee;**

26 **in the presentation or defense of a claim arising out of the business.**

27 ~~(c)~~ (d) If, at the trial of the cause, the court determines:

28 (1) that the complaint is so vague or ambiguous that the defendant  
 29 was unable to determine the nature of the plaintiff's claim; or

30 (2) that the plaintiff is surprised by a defense or compulsory  
 31 counterclaim raised by the defendant that the plaintiff could not  
 32 reasonably have anticipated;

33 the court shall grant a continuance.

34 ~~(d)~~ (e) The trial shall be conducted informally, with the sole  
 35 objective of dispensing speedy justice between the parties according to  
 36 the rules of substantive law. The trial is not bound by the statutes or  
 37 rules governing practice, procedure, pleadings, or evidence except for  
 38 provisions relating to privileged communications and offers of  
 39 compromise.

40 SECTION 3. IC 33-31-2-4, AS ADDED BY P.L.201-2011,  
 41 SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 42 JULY 1, 2021]: Sec. 4. (a) The exceptions provided in this section to



1 formal practice and procedure apply to all cases on the small claims  
2 docket.

3 (b) A defendant is considered to have complied with the statute and  
4 rule requiring the filing of an answer upon entering an appearance  
5 personally or by attorney. The appearance constitutes a general denial  
6 and preserves all defenses and compulsory counterclaims, which may  
7 then be presented at the trial of the case.

8 **(c) If the claim does not exceed eight thousand dollars (\$8,000):**

9 **(1) all corporate entities, limited liability companies, and**  
10 **limited liability partnerships may appear by a designated**  
11 **full-time employee of the corporate entity; and**

12 **(2) all trusts may appear by a trustee;**

13 **in the presentation or defense of a claim arising out of the business.**

14 ~~(c)~~ **(d)** If, at the trial of the case, the court determines:

15 (1) that the complaint is so vague or ambiguous that the defendant  
16 was unable to determine the nature of the plaintiff's claim; or

17 (2) that the plaintiff is surprised by a defense or compulsory  
18 counterclaim raised by the defendant that the plaintiff could not  
19 reasonably have anticipated;

20 the court shall grant a continuance.

21 ~~(d)~~ **(e)** The trial shall be conducted informally, with the objective of  
22 dispensing speedy justice between the parties according to the rules of  
23 substantive law. The trial is not bound by the statutes or rules  
24 governing practice, procedure, pleadings, or evidence except for  
25 provisions relating to privileged communications and offers of  
26 compromise.

27 SECTION 4. IC 33-34-3-7 IS AMENDED TO READ AS  
28 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 7. **(a)** A simplified  
29 procedure shall be established by rule to enable any person, including  
30 the state, to:

31 (1) file the necessary papers; and

32 (2) present the person's case in court;

33 either to seek or to defend against a small claim without consulting or  
34 being represented by an attorney.

35 **(b) If the claim does not exceed eight thousand dollars (\$8,000):**

36 **(1) all corporate entities, limited liability companies, and**  
37 **limited liability partnerships may appear by a designated**  
38 **full-time employee of the corporate entity; and**

39 **(2) all trusts may appear by a trustee;**

40 **in the presentation or defense of a claim arising out of the business.**



COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred House Bill 1110, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to HB 1110 as introduced.)

MCNAMARA

Committee Vote: Yeas 9, Nays 2

