



April 2, 2021

ENGROSSED HOUSE BILL No. 1110

DIGEST OF HB 1110 (Updated April 1, 2021 11:53 am - DI 136)

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

Synopsis: Small claims court procedures. Provides that a small claims court has jurisdiction over claims that do not exceed \$10,000.

Effective: July 1, 2021.

**Bartels, Torr, McNamara,
VanNatter**

(SENATE SPONSORS — BALDWIN, GARTEN, MESSMER)

January 7, 2021, read first time and referred to Committee on Courts and Criminal Code.
February 11, 2021, reported — Do Pass.
February 15, 2021, read second time, ordered engrossed. Engrossed.
February 17, 2021, read third time, passed. Yeas 78, nays 19.

SENATE ACTION

February 24, 2021, read first time and referred to Committee on Judiciary.
April 1, 2021, amended, reported favorably — Do Pass.

EH 1110—LS 6421/DI 131



April 2, 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.

ENGROSSED HOUSE BILL No. 1110

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) **A claim may not exceed ten thousand dollars (\$10,000).**
11 ~~(c)~~ (d) If, at the trial of the case, the court determines:
12 (1) that the complaint is so vague or ambiguous that the defendant
13 was unable to determine the nature of the plaintiff's claim; or
14 (2) that the plaintiff is surprised by a defense or compulsory
15 counterclaim raised by the defendant that the plaintiff could not
16 reasonably have anticipated;
17 the court shall grant a continuance.

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

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

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

16 **(c) A claim may not exceed ten thousand dollars (\$10,000).**

17 ~~(e)~~ (d) If, at the trial of the cause, the court determines:

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

20 (2) that the plaintiff is surprised by a defense or compulsory
 21 counterclaim raised by the defendant that the plaintiff could not
 22 reasonably have anticipated;

23 the court shall grant a continuance.

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

30 SECTION 3. IC 33-31-2-4, AS ADDED BY P.L.201-2011,
 31 SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 32 JULY 1, 2021]: Sec. 4. (a) The exceptions provided in this section to
 33 formal practice and procedure apply to all cases on the small claims
 34 docket.

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

40 **(c) A claim may not exceed ten thousand dollars (\$10,000).**

41 ~~(e)~~ (d) If, at the trial of the case, the court determines:

42 (1) that the complaint is so vague or ambiguous that the defendant



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

16 (1) file the necessary papers; and
17 (2) present the person's case in court;
18 either to seek or to defend against a small claim without consulting or
19 being represented by an attorney.

20 (b) A claim may not exceed ten thousand dollars (\$10,000).



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

COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred House Bill No. 1110, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, line 10, delete "If the claim does" and insert "**A claim may**".

Page 1, line 10, delete "eight thousand dollars (\$8,000):" and insert "**ten thousand dollars (\$10,000).**".

Page 1, delete lines 11 through 15.

Page 2, line 21, delete "If the claim does" and insert "**A claim may**".

Page 2, line 21, delete "eight thousand dollars (\$8,000):" and insert "**ten thousand dollars (\$10,000).**".

Page 2, delete lines 22 through 26.

Page 3, line 8, delete "If the claim does" and insert "**A claim may**".

Page 3, line 8, delete "eight thousand dollars (\$8,000):" and insert "**ten thousand dollars (\$10,000).**".

Page 3, delete lines 9 through 13.

Page 3, line 35, delete "If the claim does" and insert "**A claim may**".

Page 3, line 35, delete "eight thousand dollars (\$8,000):" and insert "**ten thousand dollars (\$10,000).**".

Page 3, delete lines 36 through 40.

and when so amended that said bill do pass.

(Reference is to HB 1110 as printed February 11, 2021.)

BROWN L, Chairperson

Committee Vote: Yeas 9, Nays 0.

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