

# HOUSE BILL No. 1199

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 33-29-2; IC 33-34-3.

**Synopsis:** Small claims courts. Increases the small claims jurisdictional amount to \$30,000. Provides that the court shall endeavor to bring cases filed on the small claims docket to trial within 90 days.

**Effective:** July 1, 2017.

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January 10, 2017, read first time and referred to Committee on Courts and Criminal Code.

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First Regular Session of the 120th General Assembly (2017)

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 2016 Regular Session of the General Assembly.

## HOUSE BILL No. 1199

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 33-29-2-4 IS AMENDED TO READ AS  
 2 FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 4. ~~(a) This section~~  
 3 ~~applies after June 30, 2005.~~  
 4 ~~(b)~~ The small claims docket has jurisdiction over the following:  
 5 (1) Civil actions in which the amount sought or value of the  
 6 property sought to be recovered is not more than ~~six thousand~~  
 7 ~~dollars (\$6,000).~~ **thirty thousand dollars (\$30,000)**. The plaintiff  
 8 in a statement of claim or the defendant in a counterclaim may  
 9 waive the excess of any claim that exceeds ~~six thousand dollars~~  
 10 ~~(\$6,000)~~ **thirty thousand dollars (\$30,000)** in order to bring it  
 11 within the jurisdiction of the small claims docket.  
 12 (2) Possessory actions between landlord and tenant in which the  
 13 rent due at the time the action is filed does not exceed ~~six~~  
 14 ~~thousand dollars (\$6,000).~~ **thirty thousand dollars (\$30,000)**.  
 15 (3) Emergency possessory actions between a landlord and tenant  
 16 under IC 32-31-6.  
 17 SECTION 2. IC 33-29-2-5 IS AMENDED TO READ AS



1 FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 5. (a) The exceptions  
 2 provided in this section to formal practice and procedure apply to all  
 3 cases on the small claims docket.

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

9 (c) If, at the trial of the cause, the court determines:

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

12 (2) that the plaintiff is surprised by a defense or compulsory  
 13 counterclaim raised by the defendant that the plaintiff could not  
 14 reasonably have anticipated;

15 the court shall grant a continuance.

16 (d) The trial shall be conducted informally, with the sole objective  
 17 of dispensing speedy justice between the parties according to the rules  
 18 of substantive law. The trial is not bound by the statutes or rules  
 19 governing practice, procedure, pleadings, or evidence except for  
 20 provisions relating to privileged communications and offers of  
 21 compromise.

22 **(e) The court shall endeavor to bring all cases to trial within**  
 23 **ninety (90) days of the claim being filed, unless the court finds that**  
 24 **a party reasonably requires a longer time.**

25 SECTION 3. IC 33-34-3-2, AS AMENDED BY P.L.170-2015,  
 26 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 27 JULY 1, 2017]: Sec. 2. The court has original and concurrent  
 28 jurisdiction with the circuit and superior courts in all civil cases  
 29 founded on contract or tort in which the debt or damage claimed does  
 30 not exceed ~~eight thousand dollars (\$8,000)~~; **thirty thousand dollars**  
 31 **(\$30,000)**, not including interest or attorney's fees.

32 SECTION 4. IC 33-34-3-3, AS AMENDED BY P.L.170-2015,  
 33 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 34 JULY 1, 2017]: Sec. 3. The court has original and concurrent  
 35 jurisdiction with the circuit and superior courts in possessory actions  
 36 between landlord and tenant in which the past due rent at the time of  
 37 filing does not exceed ~~eight thousand dollars (\$8,000)~~; **thirty thousand**  
 38 **dollars (\$30,000)**. The court also has original and concurrent  
 39 jurisdiction with the circuit and superior courts in actions for the  
 40 possession of property where the value of the property sought to be  
 41 recovered does not exceed ~~eight thousand dollars (\$8,000)~~; **thirty**  
 42 **thousand dollars (\$30,000)**. These jurisdictional limitations are not



1 affected by interest and attorney's fees.

