

**As Introduced**

**133rd General Assembly**

**Regular Session**

**2019-2020**

**H. B. No. 463**

**Representatives Crossman, Patton**

**Cosponsors: Representatives Hambley, Miller, J., Brown, Miller, A., O'Brien,  
Sobecki, Crawley**

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**A BILL**

To amend sections 1901.17 and 1901.22 of the 1  
Revised Code to increase the monetary 2  
jurisdiction in municipal courts in any action 3  
for the recovery of personal property from 4  
fifteen thousand dollars to thirty thousand 5  
dollars and to require a municipal court to 6  
retain jurisdiction in such an action or 7  
counterclaim if the later appraised value of the 8  
personal property prior to judgment exceeds 9  
thirty thousand dollars. 10

**BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:**

**Section 1.** That sections 1901.17 and 1901.22 of the 11  
Revised Code be amended to read as follows: 12

**Sec. 1901.17.** A municipal court shall have original 13  
jurisdiction only in those cases in which the amount claimed by 14  
any party, or the appraised value of the personal property 15  
sought to be recovered, does not exceed ~~fifteen~~thirty thousand 16  
dollars, except that this limit does not apply to the housing 17  
division or environmental division of a municipal court. 18

Judgment may be rendered in excess of the jurisdictional amount, when the excess consists of interest, damages for the detention of personal property, or costs accrued after the commencement of the action.

This section does not limit the jurisdiction of a municipal court to appoint trustees to receive and distribute earnings in accordance with section 2329.70 of the Revised Code.

**Sec. 1901.22.** Civil actions and proceedings in the municipal court shall be commenced pursuant to the Civil Rules by filing a complaint upon which summons or writ shall be issued by the clerk of the municipal court. A form of summons or writ shall be prescribed by rule of court. The procedure in a civil case in the municipal court shall be in accordance with the following provisions:

(A) The return day shall be fixed by rule of court, and the summons or writ shall, unless accompanied by an order to arrest, be served at least three days before the time of appearance.

(B) In attachment and garnishment proceedings, a true copy of the affidavit shall be served with the summons and order of attachment or garnishment.

(C) In any action in a municipal court for the recovery of personal property, the appraised value of which exceeds the jurisdictional amount as defined in section 1901.17 of the Revised Code, ~~the judge, upon the return of the appraisement prior to judgment, court shall certify the proceedings in the case to the court of common pleas~~ retain jurisdiction in the action.

(D) Whenever any property is seized or sought to be

recovered in any action in a municipal court, the property shall 48  
be at once appraised. The value of such property may be 49  
ascertained by the oath of two disinterested freeholders who are 50  
residents of the territory of the court. 51

(E) In any action in a municipal court in which the amount 52  
claimed by any defendant in any statement of counterclaim 53  
exceeds the jurisdictional amount, the ~~judge court shall certify~~ 54  
~~the proceedings in the case to the court of common pleas, except~~ 55  
~~in the Cleveland municipal court~~retain jurisdiction in the 56  
action. 57

(F) When the amount due either party exceeds the sum for 58  
which a municipal court is authorized to enter judgment, such 59  
party may in writing remit the excess and judgment shall be 60  
entered for the residue. Any party defendant may, at ~~his the~~ 61  
party defendants option, withhold setting up any statement of 62  
counterclaim and make the counterclaim the subject of a separate 63  
action. 64

(G) Upon certification of any proceedings to the court of 65  
common pleas, the clerk of the municipal court shall forthwith 66  
transmit the original papers and pleadings, together with a 67  
certified transcript of the journal entries in the case, to the 68  
clerk of the court of common pleas to be filed. The bailiff 69  
shall turn over the property in ~~his the bailiff's~~ possession to 70  
the sheriff of the county to be held by ~~him the sheriff~~ as in 71  
like cases originating in the court of common pleas. The case 72  
shall then proceed as if it had been commenced originally in the 73  
court of common pleas. 74

**Section 2.** That existing sections 1901.17 and 1901.22 of 75  
the Revised Code are hereby repealed. 76