

**As Passed by the House**

**131st General Assembly**

**Regular Session**

**2015-2016**

**H. B. No. 387**

**Representatives Terhar, Dever**

**Cosponsors: Representatives Becker, Boose, Burkley, Butler, Fedor, Hackett, Hambley, Henne, Perales, Rezabek, Ruhl, Rogers, Conditt, Amstutz, Anielski, Antani, Antonio, Arndt, Baker, Blessing, Boggs, Brown, Buchy, Celebrezze, Dovilla, Duffey, Hayes, Huffman, Johnson, G., Leland, Maag, Manning, McClain, O'Brien, M., Reineke, Retherford, Romanchuk, Ryan, Schuring, Slaby, Strahorn, Sweeney, Thompson, Young**

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**A BILL**

To amend sections 1925.02 and 1925.10 of the Revised Code to raise the maximum allowable limit of the monetary jurisdiction of small claims divisions of municipal courts.

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

**Section 1.** That sections 1925.02 and 1925.10 of the Revised Code be amended to read as follows:

**Sec. 1925.02.** (A) (1) Except as provided in division (A) (2) of this section, a small claims division established under section 1925.01 of the Revised Code has jurisdiction in civil actions for the recovery of taxes and money only, for amounts not exceeding ~~three~~six thousand dollars, exclusive of interest and costs.

(2) (a) A small claims division does not have jurisdiction in any of the following:

(i) Libel, slander, replevin, malicious prosecution, and 15  
abuse of process actions; 16

(ii) Actions on any claim brought by an assignee or agent, 17  
except a claim to recover taxes that is filed by any authorized 18  
employee of a political subdivision or any authorized officer or 19  
employee of the state or a claim filed by a person designated 20  
under section 1925.18 of the Revised Code to act as the 21  
representative of a prosecuting attorney; 22

(iii) Actions for the recovery of punitive or exemplary 23  
damages. 24

(b) Division (A) (2) (a) of this section does not exclude 25  
actions for the recovery of damages specifically authorized by 26  
division (B) of either section 1345.09 or 1345.48 of the Revised 27  
Code from the jurisdiction of a small claims division. 28

(3) The territorial jurisdiction and venue of a small 29  
claims division are concurrent with that of the respective court 30  
under its procedures in ordinary civil actions. Jurisdiction 31  
over the person of a defendant may not be obtained by any form 32  
of published or substituted service or warrant of attorney. 33

(B) A counterclaim or cross-claim of ~~three~~six thousand 34  
dollars or less does not affect the jurisdiction of a small 35  
claims division. If a counterclaim or cross-claim exceeds ~~three~~ 36  
six thousand dollars and if the case is transferred to the 37  
regular docket of the court, the court, if it finds that the 38  
counterclaim or cross-claim was without substantial grounds, may 39  
award reasonable attorney's fees by special order to the party 40  
against whom the counterclaim or cross-claim is instituted, if 41  
that party prevails in the action on that claim. 42

(C) Any person who files a counterclaim or cross-claim 43

shall file it with the small claims division and serve it on all 44  
other parties at least seven days prior to the date of the trial 45  
of the plaintiff's claim in the original action. 46

(D) As used in this section: 47

(1) "Person" has the same meaning as in division (C) of 48  
section 1.59 of the Revised Code and also includes governmental 49  
entities. 50

(2) "Political subdivision" and "employee" of a political 51  
subdivision have the same meanings as in section 2744.01 of the 52  
Revised Code. 53

(3) "State" has the same meaning as in section 109.36 of 54  
the Revised Code. 55

(4) "Officer or employee of the state" means any person 56  
who is serving in an elected or appointed office or position 57  
with the state or is employed by the state. "Officer or employee 58  
of the state" does not include any person elected, appointed, or 59  
employed by any political subdivision. 60

**Sec. 1925.10.** (A) A civil action that is duly entered on 61  
the docket of the small claims division shall be transferred to 62  
the regular docket of the court upon the motion of the court 63  
made at any stage of the civil action or by the filing of a 64  
counterclaim or cross-claim for more than ~~three~~six thousand 65  
dollars. 66

(B) In the discretion of the court, a case duly entered on 67  
the docket of the small claims division may be transferred to 68  
the regular docket of the court upon the motion of a party 69  
against whom a claim, counterclaim, or cross-claim is instituted 70  
or upon the motion of a third-party defendant. A motion filed 71  
under this division shall be accompanied by an affidavit stating 72

that a good defense to the claim exists, setting forth the 73  
grounds of the defense, and setting forth the compliance of the 74  
party or third-party defendant with any terms fixed by the 75  
court. The failure to file a motion under this division to 76  
transfer a case to the regular docket of the court constitutes a 77  
waiver by the party or third-party defendant of any right to a 78  
trial by jury. 79

**Section 2.** That existing sections 1925.02 and 1925.10 of 80  
the Revised Code are hereby repealed. 81