

_____ moved to amend as follows:

In line _____ of the title, after "_____" insert "1925.02" 1
In line _____ of the title, after "_____" insert "to clarify small 2
claims court jurisdiction" 3
After line _____, insert: 4
"Section 1. That section 1925.02 of the Revised Code be 5
amended to read as follows: 6
Sec. 1925.02. (A) (1) Except as provided in division (A) (2) 7
of this section, a small claims division established under 8
section 1925.01 of the Revised Code has jurisdiction in civil 9
actions for the recovery of taxes and money only, for amounts 10
not exceeding six thousand dollars, exclusive of interest and 11
costs. 12
(2) (a) A small claims division does not have jurisdiction 13
in any of the following: 14
(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 damages.	23 24
(b) Division (A) (2) (a) of this section does not exclude actions <u>either of the following:</u>	25 26
<u>(i) Actions</u> for the recovery of damages specifically authorized by division (B) of either section 1345.09 or 1345.48 of the Revised Code from the jurisdiction of a small claims division;	27 28 29 30
<u>(ii) The filing or defense of an action by the holder of a security agreement or retail installment contract, purchased by the holder for the holder's portfolio of investments, provided that the holder is not an assignee for the purpose of collection.</u>	31 32 33 34 35
(3) The territorial jurisdiction and venue of a small claims division are concurrent with that of the respective court under its procedures in ordinary civil actions. Jurisdiction over the person of a defendant may not be obtained by any form of published or substituted service or warrant of attorney.	36 37 38 39 40
(B) A counterclaim or cross-claim of six thousand dollars or less does not affect the jurisdiction of a small claims division. If a counterclaim or cross-claim exceeds six thousand dollars and if the case is transferred to the regular docket of the court, the court, if it finds that the counterclaim or cross-claim was without substantial grounds, may award reasonable attorney's fees by special order to the party against whom the counterclaim or cross-claim is instituted, if that party prevails in the action on that claim.	41 42 43 44 45 46 47 48 49
(C) Any person who files a counterclaim or cross-claim	50

shall file it with the small claims division and serve it on all 51
other parties at least seven days prior to the date of the trial 52
of the plaintiff's claim in the original action. 53

(D) It is the intent of the general assembly in enacting 54
division (A) (2) (b) (ii) of this section to clarify that the 55
filing of such an action in a small claims division established 56
under section 1925.01 of the Revised Code was not prohibited 57
prior to the effective date of this amendment, and is not 58
prohibited, provided the holder is not an assignee for the 59
purpose of collection. 60

(E) As used in this section: 61

(1) "Person" has the same meaning as in division (C) of 62
section 1.59 of the Revised Code and also includes governmental 63
entities. 64

(2) "Political subdivision" and "employee" of a political 65
subdivision have the same meanings as in section 2744.01 of the 66
Revised Code. 67

(3) "State" has the same meaning as in section 109.36 of 68
the Revised Code. 69

(4) "Officer or employee of the state" means any person 70
who is serving in an elected or appointed office or position 71
with the state or is employed by the state. "Officer or employee 72
of the state" does not include any person elected, appointed, or 73
employed by any political subdivision. 74

(5) "Retail installment contract" and "security agreement" 75
have the same meanings as in section 1317.01 of the Revised 76
Code. 77

Section 2. That existing section 1925.02 of the Revised 78

Code is hereby repealed."

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The motion was _____ agreed to.

SYNOPSIS

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Small claims jurisdiction

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R.C. 1925.02

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Clarifies that the filing or defense of an action in a
small claims division by the holder of a security agreement or
retail installment contract, purchased by the holder for the
holder's portfolio of investments, was not and is not
prohibited, provided that the holder is not an assignee for the
purpose of collection.

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