

As Reported by the Senate Civil Justice Committee

131st General Assembly

Regular Session

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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

Senators Obhof, Coley, Bacon

A BILL

To amend sections 1925.02 and 1925.10 of the 1
Revised Code to raise the maximum allowable 2
limit of the monetary jurisdiction of small 3
claims divisions of municipal courts. 4

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

Section 1. That sections 1925.02 and 1925.10 of the 5
Revised Code be 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 ~~three~~six thousand dollars, exclusive of interest 11
and 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 abuse of process actions;	15 16
(ii) Actions on any claim brought by an assignee or agent, except a claim to recover taxes that is filed by any authorized employee of a political subdivision or any authorized officer or employee of the state or a claim filed by a person designated under section 1925.18 of the Revised Code to act as the representative of a prosecuting attorney;	17 18 19 20 21 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 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.	25 26 27 28
(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.	29 30 31 32 33
(B) A counterclaim or cross-claim of three-six thousand dollars or less does not affect the jurisdiction of a small claims division. If a counterclaim or cross-claim exceeds three- <u>six</u> 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.	34 35 36 37 38 39 40 41 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