



February 13, 2015

SENATE BILL No. 523

DIGEST OF SB 523 (Updated February 11, 2015 12:48 pm - DI 106)

Citations Affected: IC 33-34.

Synopsis: Marion County small claims. Provides that the Washington, Decatur, and Franklin township small claims courts have exclusive jurisdiction to hear cases involving a debt. Requires the circuit court judge to establish a rotation system so that judges of other townships will preside over certain debt cases in the township having jurisdiction.

Effective: Upon passage.

Young R Michael

January 14, 2015, read first time and referred to Committee on Judiciary.
February 12, 2015, amended, reported favorably — Do Pass.

SB 523—LS 7327/DI 106



February 13, 2015

First Regular Session 119th General Assembly (2015)

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 2014 Regular Session and 2014 Second Regular Technical Session of the General Assembly.

SENATE BILL No. 523

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 33-34-3-1 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) Except for a
3 claim between landlord and tenant **or an action to collect a debt**, a
4 case within the jurisdiction of a small claims court may be:
5 (1) venued;
6 (2) commenced; and
7 (3) decided;
8 in any township small claims court within the county. However, upon
9 a motion for change of venue filed by the defendant within ten (10)
10 days of service of the summons, the township small claims court shall
11 determine in accordance with subsection (b) whether required venue
12 lies with the court or with another small claims court in the county in
13 which the small claims court action was filed.
14 (b) The venue determination to be made under subsection (a) must
15 be made in the following order:
16 (1) In an action upon a debt or account, venue is ~~in the township~~

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1 where any defendant has consented to venue in a writing signed
 2 by the defendant. **determined under section 2.5 of this chapter.**

3 (2) Venue is in the township where a transaction or occurrence
 4 giving rise to any part of the claim took place.

5 (3) Venue is in the township (in a county of the small claims
 6 court) where the greater percentage of individual defendants
 7 included in the complaint resides, or, if there is not a greater
 8 percentage, the place where any individual named as a defendant:

9 (A) resides;

10 (B) owns real estate; or

11 (C) rents an apartment or real estate or where the principal
 12 office or place of business of any defendant is located.

13 (4) Venue is in the township where the claim was filed if there is
 14 no other township in the county in which the small claims court
 15 sits in which required venue lies.

16 (c) Venue of any claim between landlord and tenant must be in the
 17 township where the real estate is located.

18 (d) If a written motion challenging venue is received by the small
 19 claims court, the court shall rule whether required venue lies in the
 20 township of filing.

21 SECTION 2. IC 33-34-3-2 IS AMENDED TO READ AS
 22 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. **Except as**
 23 **provided in section 2.5 of this chapter**, the court has original and
 24 concurrent jurisdiction with the circuit and superior courts in all civil
 25 cases founded on contract or tort in which the debt or damage claimed
 26 does not exceed six thousand dollars (\$6,000), not including interest or
 27 attorney's fees.

28 SECTION 3. IC 33-34-3-2.5 IS ADDED TO THE INDIANA CODE
 29 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE
 30 UPON PASSAGE]: **Sec. 2.5. (a) For purposes of this section, an**
 31 **action to collect a debt "arises" in a township if:**

32 (1) the defendant resides in the township; or

33 (2) the contract upon which the debt is based occurred in the
 34 township.

35 (b) **Only the following township small claims courts have**
 36 **jurisdiction to hear an action to collect a debt:**

37 (1) **The small claims court of Franklin Township.**

38 (2) **The small claims court of Decatur Township.**

39 (3) **The small claims court of Washington Township.**

40 (c) **The jurisdiction described in subsection (b):**

41 (1) **applies only to an action in which the debt claimed does**
 42 **not exceed six thousand dollars (\$6,000); and**



- 1 (2) is concurrent with the jurisdiction of the circuit and
- 2 superior court.
- 3 (d) Venue for an action to collect a debt is determined as
- 4 follows:
- 5 (1) If the action to collect a debt arises in:
- 6 (A) Pike Township;
- 7 (B) Washington Township; or
- 8 (C) Lawrence Township;
- 9 venue is in Washington Township.
- 10 (2) If the action to collect a debt arises in:
- 11 (A) Wayne Township;
- 12 (B) Center Township; or
- 13 (C) Decatur Township;
- 14 venue is in Decatur Township.
- 15 (3) If the action to collect a debt arises in:
- 16 (A) Perry Township;
- 17 (B) Warren Township; or
- 18 (C) Franklin Township;
- 19 venue is in Franklin Township.
- 20 (e) The judge of the circuit court, assisted by the judges of the
- 21 small claims court, shall adopt a rotation schedule for debt
- 22 collection actions to ensure that:
- 23 (1) with respect to an action to collect a debt that is venued in
- 24 Washington Township:
- 25 (A) one-third (1/3) of the debt collection actions are heard
- 26 by the judge of the Washington Township small claims
- 27 court;
- 28 (B) one-third (1/3) of the debt collection actions are heard
- 29 by the judge of the Pike Township small claims court,
- 30 sitting by designation in Washington Township; and
- 31 (C) one-third (1/3) of the debt collection actions are heard
- 32 by the judge of the Lawrence Township small claims court,
- 33 sitting by designation in Washington Township;
- 34 (2) with respect to an action to collect a debt that is venued in
- 35 Decatur Township:
- 36 (A) one-third (1/3) of the debt collection actions are heard
- 37 by the judge of the Decatur Township small claims court;
- 38 (B) one-third (1/3) of the debt collection actions are heard
- 39 by the judge of the Wayne Township small claims court,
- 40 sitting by designation in Decatur Township; and
- 41 (C) one-third (1/3) of the debt collection actions are heard
- 42 by the judge of the Center Township small claims court,



1 sitting by designation in Decatur Township; and
 2 (3) with respect to an action to collect a debt that is venued in
 3 Franklin Township:
 4 (A) one-third (1/3) of the debt collection actions are heard
 5 by the judge of the Franklin Township small claims court;
 6 (B) one-third (1/3) of the debt collection actions are heard
 7 by the judge of the Warren Township small claims court,
 8 sitting by designation in Franklin Township; and
 9 (C) one-third (1/3) of the debt collection actions are heard
 10 by the judge of the Perry Township small claims court,
 11 sitting by designation in Franklin Township.

12 SECTION 4. IC 33-34-3-5 IS AMENDED TO READ AS
 13 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) The small
 14 claims court has no jurisdiction:

- 15 (1) in actions seeking injunctive relief or involving partition of
- 16 real estate;
- 17 (2) in actions to declare or enforce any lien except as provided in
- 18 section 14 of this chapter;
- 19 (3) in actions in which the appointment of a receiver is asked; or
- 20 (4) in suits for dissolution or annulment of marriage.

21 (b) The small claims courts of:
 22 (1) Pike Township;
 23 (2) Lawrence Township;
 24 (3) Wayne Township;
 25 (4) Center Township;
 26 (5) Warren Township; and
 27 (6) Perry Township;

28 have no jurisdiction in an action to collect a debt.

29 SECTION 5. IC 33-34-5-3 IS AMENDED TO READ AS
 30 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) The judges
 31 of the small claims court may sit in place of each other and perform
 32 each other's duties:

- 33 (1) at the direction of or with the approval of the circuit court
- 34 judge; and
- 35 (2) with the consent of the respective judges.

36 (b) The judges of the small claims court may sit in place of each
 37 other and perform each other's duties in an action to collect a debt
 38 in accordance with IC 33-34-3-2.5.

39 SECTION 6. An emergency is declared for this act.



COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred Senate Bill No. 523, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Delete everything after the enacting clause and insert the following:

(SEE TEXT OF BILL)

and when so amended that said bill do pass.

(Reference is to SB 523 as introduced.)

STEELE, Chairperson

Committee Vote: Yeas 9, Nays 0.

