
HOUSE BILL No. 1292

DIGEST OF INTRODUCED BILL

Citations Affected: IC 33-11.6-4-14.

Synopsis: Marion County small claims courts. Requires all appeals from judgments of the Marion County small claims court to be taken to the circuit or superior court of Marion County. Requires an appellant who files a request for an appeal to: (1) post a surety bond or cash deposit payable to the appellee in an amount sufficient to secure certain costs and penalties; and (2) pay all applicable filing fees; not more than ten days after the date the appellant files the request for an appeal. Specifies that, in an appeal from a judgment of a small claims court, the circuit court or superior court: (1) must presume the judgment of the small claims court is correct; and (2) may reverse the judgment of the small claims court only if the appellant shows by clear and convincing evidence that the judgment is in error.

Effective: July 1, 2000.

Young M

January 11, 2000, read first time and referred to Committee on Judiciary.

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Second Regular Session 111th General Assembly (2000)

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 1999 General Assembly.

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HOUSE BILL No. 1292



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 33-11.6-4-14 IS AMENDED TO READ AS
- 2 FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 14. (a) All appeals
- 3 from judgments of the small claims court shall be taken to the **circuit**
- 4 **court or** superior court of the county ~~and tried de novo. Rules of~~
- 5 ~~procedure for appeals shall be in accordance with the rules established~~
- 6 ~~by the superior court. The appellant shall pay all costs necessary for the~~
- 7 ~~filing of the case in the superior court, as if the appeal were a case that~~
- 8 ~~had been filed initially in that court. not more than thirty (30) days~~
- 9 ~~after the date a judgment is rendered.~~
- 10 (b) In a request for an appeal under this section, the appellant
- 11 must specifically and succinctly set forth the factual and legal
- 12 reasons why the appellant believes the judgment of the small
- 13 claims court is in error.
- 14 (c) An appellant who files a request for an appeal under this
- 15 section must:
- 16 (1) post with the clerk of the small claims court a surety bond
- 17 or cash deposit payable to the appellee in an amount sufficient



- 1 **to secure:**
2 **(A) the appellee's:**
3 **(i) claims, interest, and court costs; and**
4 **(ii) costs of undertaking the litigation of the appeal to a**
5 **final judgment; and**
6 **(B) the payment of any judgment entered against the**
7 **appellant; and**
8 **(2) pay all applicable filing fees;**
9 **not more than ten (10) days after the date the appellant files the**
10 **request for an appeal. If an appellant fails to post a surety bond or**
11 **cash deposit or pay applicable fees as required under this**
12 **subsection not more than ten (10) days after the date the appellant**
13 **files the request for an appeal, the appellant shall be considered to**
14 **have withdrawn the appellant's request for an appeal.**
15 **(d) An appeal from a judgment of a small claims court:**
16 **(1) shall be tried by the circuit court or superior court under**
17 **the Indiana Rules of Civil Procedure; and**
18 **(2) is not subject to the small claims court jurisdictional**
19 **limitations established under this article.**
20 **(e) In an appeal from a judgment of a small claims court, the**
21 **circuit court or superior court:**
22 **(1) shall presume the judgment of the small claims court is**
23 **correct; and**
24 **(2) may reverse the judgment of the small claims court only if**
25 **the appellant shows by clear and convincing evidence that the**
26 **judgment is in error.**

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