



1 *Senate* BILL NO. *214*  
 2 INTRODUCED BY *Dove*  
 3

4 A BILL FOR AN ACT ENTITLED: "AN ACT INCREASING THE DOLLAR  
 5 AMOUNTS SUBJECT TO CIVIL JURISDICTION IN JUSTICES' COURTS  
 6 AND IN THE SMALL CLAIMS DIVISION OF JUSTICES' COURTS; AND  
 7 AMENDING SECTIONS 3-10-301 AND 3-10-1004, MCA."

8  
 9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

10 **Section 1.** Section 3-10-301, MCA, is amended to read:

11 "3-10-301. Civil jurisdiction. (1) Except as provided  
 12 in subsection (2) and in 3-11-103, the justices' courts have  
 13 jurisdiction:

14 (a) in actions arising on contract for the recovery of  
 15 money only if the sum claimed does not exceed ~~33,500~~ 5,000,  
 16 exclusive of court costs;

17 (b) in actions for damages not exceeding ~~33,500~~ 5,000,  
 18 exclusive of court costs, for taking, detaining, or injuring  
 19 personal property or for injury to real property when no  
 20 issue is raised by the verified answer of the defendant  
 21 involving the title to or possession of the real property;

22 (c) in actions for damages not exceeding ~~33,500~~ 5,000,  
 23 exclusive of court costs, for injury to the person, except  
 24 that, in actions for false imprisonment, libel, slander,  
 25 criminal conversation, seduction, malicious prosecution,

1 determination of paternity, and abduction, the justice of  
 2 the peace does not have jurisdiction;

3 (d) in actions to recover the possession of personal  
 4 property if the value of the property does not exceed ~~33,500~~  
 5 5,000;

6 (e) in actions for a fine, penalty, or forfeiture not  
 7 exceeding ~~33,500~~ 5,000, imposed by a statute or an  
 8 ordinance of an incorporated city or town when no issue is  
 9 raised by the answer involving the legality of any tax,  
 10 impost, assessment, toll, or municipal fine;

11 (f) in actions upon bonds or undertakings conditioned  
 12 for the payment of money when the sum claimed does not  
 13 exceed ~~33,500~~ 5,000, though the penalty may exceed that  
 14 sum;

15 (g) to take and enter judgment for the recovery of  
 16 money on the confession of a defendant when the amount  
 17 confessed does not exceed ~~33,500~~ 5,000, exclusive of court  
 18 costs;

19 (h) to issue temporary restraining orders as provided  
 20 in 40-4-121(3).

21 (2) Justices' courts do not have jurisdiction in civil  
 22 actions that might result in a judgment against the state  
 23 for the payment of money."

24 **Section 2.** Section 3-10-1004, MCA, is amended to read:

25 "3-10-1004. Jurisdiction -- removal from district



1 court. (1) The small claims court has jurisdiction over all  
2 actions for the recovery of money or specific personal  
3 property when the amount claimed does not exceed ~~\$2,500~~  
4 \$3,000, exclusive of costs, and the defendant can be served  
5 within the county where the action is commenced.

6 (2) A district court judge may require any action filed  
7 in district court to be removed to the small claims court if  
8 the amount in controversy does not exceed ~~\$2,500~~ \$3,000. The  
9 small claims court shall hear any action so removed from the  
10 district court."

-End-

1 SENATE BILL NO. 214

2 INTRODUCED BY TOWE

3  
4 A BILL FOR AN ACT ENTITLED: "AN ACT INCREASING THE DOLLAR  
5 AMOUNTS SUBJECT TO CIVIL JURISDICTION IN JUSTICES' COURTS,  
6 ~~AND IN THE SMALL CLAIMS DIVISION OF JUSTICES' COURTS,~~ AND  
7 CITY COURTS; AND AMENDING SECTIONS 3-10-301 ~~AND~~, 3-10-1004,  
8 AND 3-11-103, MCA."

9  
10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

11 **Section 1.** Section 3-10-301, MCA, is amended to read:

12 **\*3-10-301. Civil jurisdiction.** (1) Except as provided  
13 in subsection (2) and in 3-11-103, the justices' courts have  
14 jurisdiction:

15 (a) in actions arising on contract for the recovery of  
16 money only if the sum claimed does not exceed ~~\$3,500~~ \$5,000,  
17 exclusive of court costs;

18 (b) in actions for damages not exceeding ~~\$3,500~~ \$5,000,  
19 exclusive of court costs, for taking, detaining, or injuring  
20 personal property or for injury to real property when no  
21 issue is raised by the verified answer of the defendant  
22 involving the title to or possession of the real property;

23 (c) in actions for damages not exceeding ~~\$3,500~~ \$5,000,  
24 exclusive of court costs, for injury to the person, except  
25 that, in actions for false imprisonment, libel, slander,

1 criminal conversation, seduction, malicious prosecution,  
2 determination of paternity, and abduction, the justice of  
3 the peace does not have jurisdiction;

4 (d) in actions to recover the possession of personal  
5 property if the value of the property does not exceed ~~\$3,500~~  
6 \$5,000;

7 (e) in actions for a fine, penalty, or forfeiture not  
8 exceeding ~~\$3,500~~ \$5,000, imposed by a statute or an  
9 ordinance of an incorporated city or town when no issue is  
10 raised by the answer involving the legality of any tax,  
11 impost, assessment, toll, or municipal fine;

12 (f) in actions upon bonds or undertakings conditioned  
13 for the payment of money when the sum claimed does not  
14 exceed ~~\$3,500~~ \$5,000, though the penalty may exceed that  
15 sum;

16 (g) to take and enter judgment for the recovery of  
17 money on the confession of a defendant when the amount  
18 confessed does not exceed ~~\$3,500~~ \$5,000, exclusive of court  
19 costs;

20 (h) to issue temporary restraining orders as provided  
21 in 40-4-121(3).

22 (2) Justices' courts do not have jurisdiction in civil  
23 actions that might result in a judgment against the state  
24 for the payment of money."

25 **Section 2.** Section 3-10-1004, MCA, is amended to read:

**SECOND READING**



1       **"3-10-1004. Jurisdiction -- removal from district**  
 2 **court.** (1) The small claims court has jurisdiction over all  
 3 actions for the recovery of money or specific personal  
 4 property when the amount claimed does not exceed ~~\$2,500~~  
 5 \$3,000, exclusive of costs, and the defendant can be served  
 6 within the county where the action is commenced.

7       (2) A district court judge may require any action filed  
 8 in district court to be removed to the small claims court if  
 9 the amount in controversy does not exceed ~~\$2,500~~ \$3,000. The  
 10 small claims court shall hear any action so removed from the  
 11 district court."

12       **SECTION 3. SECTION 3-11-103, MCA, IS AMENDED TO READ:**

13       **"3-11-103. Exclusive jurisdiction.** Except as provided  
 14 in 3-11-104, the city court has exclusive jurisdiction of:

15       (1) proceedings for the violation of an ordinance of  
 16 the city or town, both civil and criminal;

17       (2) when the amount of the taxes or assessments sought  
 18 does not exceed ~~\$2,500~~ \$5,000, actions for the collection of  
 19 taxes or assessments levied for any of the following  
 20 purposes, except that no lien on the property taxed or  
 21 assessed for the nonpayment of the taxes or assessments may  
 22 be foreclosed in any such action:

23       (a) city or town purposes;

24       (b) the erection or improvement of public buildings;

25       (c) the laying out, opening, or improving of a public

1 street, sidewalk, alley, or bridge;

2       (d) the acquisition or improvement of any public  
 3 grounds; and

4       (e) public improvements made or ordered by the city or  
 5 town within its limits;

6       (3) actions for the collection of money due to the city  
 7 or town or from the city or town to any person when the  
 8 amount sought, exclusive of interest and costs, does not  
 9 exceed ~~\$2,500~~ \$5,000;

10       (4) when the amount claimed, exclusive of costs, does  
 11 not exceed ~~\$2,500~~ \$5,000, actions for:

12       (a) the breach of an official bond given by a city or  
 13 town officer;

14       (b) the breach of any contract when the city or town is  
 15 a party or is in any way interested;

16       (c) damages when the city or town is a party or is in  
 17 any way interested;

18       (d) the enforcement of forfeited recognizances given  
 19 to, for the benefit of, or on behalf of the city or town;  
 20 and

21       (e) collection on bonds given upon an appeal taken from  
 22 the judgment of the court in any action mentioned in  
 23 subsections (4)(a) through (4)(d);

24       (5) actions for the recovery of personal property  
 25 belonging to the city or town when the value of the

SB 0214/02

1 property, exclusive of the damages for the taking or  
2 detention, does not exceed ~~92,500~~ 5,000; and

3 (6) actions for the collection of a license fee  
4 required by an ordinance of the city or town."

-End-

## 1 SENATE BILL NO. 214

2 INTRODUCED BY TOWE

3  
4 A BILL FOR AN ACT ENTITLED: "AN ACT INCREASING THE DOLLAR  
5 AMOUNTS SUBJECT TO CIVIL JURISDICTION IN JUSTICES' COURTS,  
6 ~~AND IN THE SMALL CLAIMS DIVISION OF JUSTICES' COURTS, AND~~  
7 CITY COURTS; AND AMENDING SECTIONS 3-10-301 ~~AND~~, 3-10-1004,  
8 AND 3-11-103, MCA."

9  
10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:11 **Section 1.** Section 3-10-301, MCA, is amended to read:12 "3-10-301. Civil jurisdiction. (1) Except as provided  
13 in subsection (2) and in 3-11-103, the justices' courts have  
14 jurisdiction:15 (a) in actions arising on contract for the recovery of  
16 money only if the sum claimed does not exceed ~~\$3,500~~ \$5,000,  
17 exclusive of court costs;18 (b) in actions for damages not exceeding ~~\$3,500~~ \$5,000,  
19 exclusive of court costs, for taking, detaining, or injuring  
20 personal property or for injury to real property when no  
21 issue is raised by the verified answer of the defendant  
22 involving the title to or possession of the real property;23 (c) in actions for damages not exceeding ~~\$3,500~~ \$5,000,  
24 exclusive of court costs, for injury to the person, except  
25 that, in actions for false imprisonment, libel, slander,1 criminal conversation, seduction, malicious prosecution,  
2 determination of paternity, and abduction, the justice of  
3 the peace does not have jurisdiction;4 (d) in actions to recover the possession of personal  
5 property if the value of the property does not exceed ~~\$3,500~~  
6 \$5,000;7 (e) in actions for a fine, penalty, or forfeiture not  
8 exceeding ~~\$3,500~~ \$5,000, imposed by a statute or an  
9 ordinance of an incorporated city or town when no issue is  
10 raised by the answer involving the legality of any tax,  
11 impost, assessment, toll, or municipal fine;12 (f) in actions upon bonds or undertakings conditioned  
13 for the payment of money when the sum claimed does not  
14 exceed ~~\$3,500~~ \$5,000, though the penalty may exceed that  
15 sum;16 (g) to take and enter judgment for the recovery of  
17 money on the confession of a defendant when the amount  
18 confessed does not exceed ~~\$3,500~~ \$5,000, exclusive of court  
19 costs;20 (h) to issue temporary restraining orders as provided  
21 in 40-4-121(3).22 (2) Justices' courts do not have jurisdiction in civil  
23 actions that might result in a judgment against the state  
24 for the payment of money."25 **Section 2.** Section 3-10-1004, MCA, is amended to read:

THIRD READING

"3-10-1004. Jurisdiction -- removal from district court. (1) The small claims court has jurisdiction over all actions for the recovery of money or specific personal property when the amount claimed does not exceed ~~\$2,500~~ \$3,000, exclusive of costs, and the defendant can be served within the county where the action is commenced.

(2) A district court judge may require any action filed in district court to be removed to the small claims court if the amount in controversy does not exceed ~~\$2,500~~ \$3,000. The small claims court shall hear any action so removed from the district court."

**SECTION 3. SECTION 3-11-103, MCA, IS AMENDED TO READ:**

"3-11-103. Exclusive jurisdiction. Except as provided in 3-11-104, the city court has exclusive jurisdiction of:

(1) proceedings for the violation of an ordinance of the city or town, both civil and criminal;

(2) when the amount of the taxes or assessments sought does not exceed ~~\$2,500~~ \$5,000, actions for the collection of taxes or assessments levied for any of the following purposes, except that no lien on the property taxed or assessed for the nonpayment of the taxes or assessments may be foreclosed in any such action:

- (a) city or town purposes;
- (b) the erection or improvement of public buildings;
- (c) the laying out, opening, or improving of a public

street, sidewalk, alley, or bridge;

(d) the acquisition or improvement of any public grounds; and

(e) public improvements made or ordered by the city or town within its limits;

(3) actions for the collection of money due to the city or town or from the city or town to any person when the amount sought, exclusive of interest and costs, does not exceed ~~\$2,500~~ \$5,000;

(4) when the amount claimed, exclusive of costs, does not exceed ~~\$2,500~~ \$5,000, actions for:

(a) the breach of an official bond given by a city or town officer;

(b) the breach of any contract when the city or town is a party or is in any way interested;

(c) damages when the city or town is a party or is in any way interested;

(d) the enforcement of forfeited recognizances given to, for the benefit of, or on behalf of the city or town; and

(e) collection on bonds given upon an appeal taken from the judgment of the court in any action mentioned in subsections (4)(a) through (4)(d);

(5) actions for the recovery of personal property belonging to the city or town when the value of the



SB 0214/02

1 property, exclusive of the damages for the taking or  
2 detention, does not exceed ~~\$27,500~~ \$5,000; and  
3 (6) actions for the collection of a license fee  
4 required by an ordinance of the city or town."

-End-

SENATE BILL NO. 214  
INTRODUCED BY TOWE

A BILL FOR AN ACT ENTITLED: "AN ACT INCREASING THE DOLLAR AMOUNTS SUBJECT TO CIVIL JURISDICTION IN JUSTICES' COURTS, AND IN THE SMALL CLAIMS DIVISION OF JUSTICES' COURTS, AND CITY COURTS; AND AMENDING SECTIONS 3-10-301 AND, 3-10-1004, AND 3-11-103, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 3-10-301, MCA, is amended to read:

"3-10-301. Civil jurisdiction. (1) Except as provided in subsection (2) and in 3-11-103, the justices' courts have jurisdiction:

(a) in actions arising on contract for the recovery of money only if the sum claimed does not exceed \$3,7500 \$5,000, exclusive of court costs;

(b) in actions for damages not exceeding \$3,7500 \$5,000, exclusive of court costs, for taking, detaining, or injuring personal property or for injury to real property when no issue is raised by the verified answer of the defendant involving the title to or possession of the real property;

(c) in actions for damages not exceeding \$3,7500 \$5,000, exclusive of court costs, for injury to the person, except that, in actions for false imprisonment, libel, slander,

criminal conversation, seduction, malicious prosecution, determination of paternity, and abduction, the justice of the peace does not have jurisdiction;

(d) in actions to recover the possession of personal property if the value of the property does not exceed \$3,7500 \$5,000;

(e) in actions for a fine, penalty, or forfeiture not exceeding \$3,7500 \$5,000, imposed by a statute or an ordinance of an incorporated city or town when no issue is raised by the answer involving the legality of any tax, impost, assessment, toll, or municipal fine;

(f) in actions upon bonds or undertakings conditioned for the payment of money when the sum claimed does not exceed \$3,7500 \$5,000, though the penalty may exceed that sum;

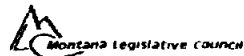
(g) to take and enter judgment for the recovery of money on the confession of a defendant when the amount confessed does not exceed \$3,7500 \$5,000, exclusive of court costs;

(h) to issue temporary restraining orders as provided in 40-4-121(3).

(2) Justices' courts do not have jurisdiction in civil actions that might result in a judgment against the state for the payment of money."

Section 2. Section 3-10-1004, MCA, is amended to read:

REFERENCE BILL  
SB 214



1       "3-10-1004. Jurisdiction -- removal from district  
2 court. (1) The small claims court has jurisdiction over all  
3 actions for the recovery of money or specific personal  
4 property when the amount claimed does not exceed \$2,500  
5 \$3,000, exclusive of costs, and the defendant can be served  
6 within the county where the action is commenced.

7       (2) A district court judge may require any action filed  
8 in district court to be removed to the small claims court if  
9 the amount in controversy does not exceed \$2,500 \$3,000. The  
10 small claims court shall hear any action so removed from the  
11 district court."

12       **SECTION 3. SECTION 3-11-103, MCA, IS AMENDED TO READ:**

13       "3-11-103. Exclusive jurisdiction. Except as provided  
14 in 3-11-104, the city court has exclusive jurisdiction of:

15       (1) proceedings for the violation of an ordinance of  
16 the city or town, both civil and criminal;

17       (2) when the amount of the taxes or assessments sought  
18 does not exceed \$2,500 \$5,000, actions for the collection of  
19 taxes or assessments levied for any of the following  
20 purposes, except that no lien on the property taxed or  
21 assessed for the nonpayment of the taxes or assessments may  
22 be foreclosed in any such action:

23       (a) city or town purposes;

24       (b) the erection or improvement of public buildings;

25       (c) the laying out, opening, or improving of a public

1 street, sidewalk, alley, or bridge;

2       (d) the acquisition or improvement of any public  
3 grounds; and

4       (e) public improvements made or ordered by the city or  
5 town within its limits;

6       (3) actions for the collection of money due to the city  
7 or town or from the city or town to any person when the  
8 amount sought, exclusive of interest and costs, does not  
9 exceed \$2,500 \$5,000;

10       (4) when the amount claimed, exclusive of costs, does  
11 not exceed \$2,500 \$5,000, actions for:

12       (a) the breach of an official bond given by a city or  
13 town officer;

14       (b) the breach of any contract when the city or town is  
15 a party or is in any way interested;

16       (c) damages when the city or town is a party or is in  
17 any way interested;

18       (d) the enforcement of forfeited recognizances given  
19 to, for the benefit of, or on behalf of the city or town;  
20 and

21       (e) collection on bonds given upon an appeal taken from  
22 the judgment of the court in any action mentioned in  
23 subsections (4)(a) through (4)(d);

24       (5) actions for the recovery of personal property  
25 belonging to the city or town when the value of the

SB 0214/02

1 property, exclusive of the damages for the taking or  
2 detention, does not exceed ~~\$2,500~~ \$5,000; and

3 (6) actions for the collection of a license fee  
4 required by an ordinance of the city or town."

-End-