

October 28, 2019

**Re: Memorandum of Support for Substitute House Bill No. 251 (Representatives Lang and Hillyer)**

Dear Chairman Hambley, Vice Chairman Patton, Ranking Member Brown, Majority Floor Leader Seitz and Members of the House Civil Justice Committee,

On behalf of the undersigned association and credit and collections companies that do business in Ohio, the Receivables Management Association International, Unifund CCR, LLC, and Encore Capital Group, Inc., we respectfully submit this letter of support for Substitute House Bill No. 251 (the “substitute bill”). We appreciate the significant work Representatives Lang and Hillyer and Majority Floor Leader Seitz have done to listen to the very real concerns we raised collectively at the October 8, 2019 hearing on HB 251. The substitute bill would create much-needed clarification regarding the application of Ohio’s various statutes of limitations, including the borrowing statute.

The revised section 2305.07(C) addresses existing uncertainty as to when a cause of action accrues on a credit card debt claim. Additionally, Ohio’s borrowing statute was never intended to apply to anything but tort claims. See Amendment to Sections 2305.03(B) in S.B. 80, 125th General Assembly. The substitute bill includes a curative amendment to make that intent clear. The substitute bill also adds Sections 2305.03(C) and (D) to provide a prospective limitation on certain contract and related actions so a plaintiff cannot seek both the benefit of a longer statute of limitations under Ohio law while also seeking a rate of interest under the law of another state higher than what Ohio law allows.

The substitute bill will ensure that litigants have certainty regarding the applicable limitations period for a cause of action, know how to calculate when the cause of action accrues, and understand the application of the borrowing statute. Clarifying these fundamental aspects of the law will create a level playing field for all parties in litigation, and significantly lessen costly litigation over this subject matter that does not benefit Ohio consumers or the companies working with those consumers.

We urge the Committee to adopt Substitute House Bill No. 251.

Very truly yours,

Tamar Yudenfreund, Encore Capital Group  
Trudy Weiss Craig, Unifund CCR Partners  
David Reid, Receivables Management Association International