As Passed by the House

133rd General Assembly
Regular Session Sub. H. B. No. 251
2019-2020

Representatives Lang, Hillyer

A BILL

To amend sections 2305.03, 2305.06, and 2305.07 of the Revised Code to shorten the period of limitations for actions upon a contract and to make changes to the borrowing statute pertaining to applicable periods of limitations.

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

Section 1. That sections 2305.03, 2305.06, and 2305.07 of the Revised Code be amended to read as follows:

Sec. 2305.03. (A) Except as provided in division (B) of this section and unless a different limitation is prescribed by statute, a civil action may be commenced only within the period prescribed in sections 2305.04 to 2305.22 of the Revised Code. If interposed by proper plea by a party to an action mentioned in any of those sections, lapse of time shall be a bar to the action.

(B) No civil tort action, as defined in section 2305.236
of the Revised Code, that is based upon a cause of action that
accrued in any other state, territory, district, or foreign
jurisdiction may be commenced and maintained in this state if
the period of limitation that applies to that action under the
laws of that other state, territory, district, or foreign
jurisdiction has expired or the period of limitation that
applies to that action under the laws of this state has expired.

(C) No action upon a specialty or an agreement, contract,
or promise in writing, other than an action described in
division (C) of section 2305.07 of the Revised Code, that seeks
post-default interest at a rate governed by or provided in the
substantive laws of any other state, territory, district, or
foreign jurisdiction, and in excess of the rate of interest
provided by section 5703.47 of the Revised Code, may be
commenced and maintained in this state if the period of
limitation that applies to that action under the laws of that
other state, territory, district, or foreign jurisdiction has
expired or the period of limitation that applies to that action
under the laws of this state has expired.

(D) No action described in division (C) of section 2305.07
of the Revised Code that seeks post charge-off interest at a
rate governed by or provided in the substantive laws of any
other state, territory, district, or foreign jurisdiction, and
in excess of the rate of interest provided by section 5703.47 of
the Revised Code, may be commenced and maintained in this state
if the period of limitation that applies to that action under
the laws of that other state, territory, district, or foreign
jurisdiction has expired or the period of limitation that
applies to that action under the laws of this state has expired.

Sec. 2305.06. Except as provided in sections 126.301 and...
1302.98, 1303.16, and 2305.04 of the Revised Code, an action
upon a specialty or an agreement, contract, or promise in
writing shall be brought within eight six years after the cause
of action accrued.

Sec. 2305.07. (A) Except as provided in sections 126.301
and 1302.98 of the Revised Code, an action upon a contract not
in writing, express or implied, or shall be brought within four
years after the cause of action accrued.

(B) An action upon a liability created by statute other
than a forfeiture or penalty shall be brought within six years
after the cause thereof of action accrued.

(C) Except as provided in sections 1303.16 and 2305.04 of
the Revised Code, and notwithstanding divisions (A) and (B) of
this section, sections 1302.98 and 2305.08, and division (B) of
section 2305.03 of the Revised Code, an action arising out of a
consumer transaction incurred primarily for personal, family, or
household purposes, based upon any contract, agreement,
obligation, liability, or promise, express or implied, including
an account stated, whether or not reduced to writing or signed
by the party to be charged by that transaction, shall be
commenced within six years after the cause of action accrued.
For purposes of this division, a cause of action accrues after
the consumer's account is closed, settled to a single liability,
and following the last pertinent entry of the account.

Section 2. That existing sections 2305.03, 2305.06, and
2305.07 of the Revised Code are hereby repealed.

Section 3. (A) Subject to Sections 4 and 5 of this act,
sections 2305.06 and 2305.07 of the Revised Code, as amended by
this act, apply to an action in which the cause of action
accrues on or after the effective date of this act.

(B) Division (B) of section 2305.03 of the Revised Code, as amended by this act, applies retroactively to April 7, 2005, the effective date of S.B. 80 of the 125th General Assembly.

Section 4. For causes of action that are governed by section 2305.06 of the Revised Code and that accrued prior to the effective date of this act, the period of limitations shall be six years from the effective date of this act or the expiration of the period of limitations in effect prior to the effective date of this act, whichever occurs first.

Section 5. (A) For causes of action that are governed by division (A) of section 2305.07 of the Revised Code that accrued prior to the effective date of this act, the period of limitations shall be four years from the effective date of this act or the expiration of the period of limitations in effect prior to the effective date of this act, whichever occurs first.

(B) For causes of action that are governed by division (C) of section 2305.07 of the Revised Code that accrued prior to the effective date of this act, the period of limitations shall be six years from the effective date of this act or the expiration of the period of limitations in effect prior to the effective date of this act, whichever occurs first.