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133rd General Assembly

Regular Session

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Sub. H. B. No. 251

Representatives Lang, Hillyer

Cosponsors: Representatives Lipps, Riedel, Sheehy, Romanchuk, Becker, Reineke, Hambley, Butler, Brown, Crossman, Denson, Fraizer, Ginter, Green, Greenspan, Holmes, A., Hoops, Kick, Lanese, Leland, Manning, G., Merrin, Miranda, Oelslager, Patton, Perales, Roemer, Rogers, Scherer, Seitz, Smith, T., Sobecki, Swearingen, Wiggam, Wilkin

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 16
accrued in any other state, territory, district, or foreign 17
jurisdiction may be commenced and maintained in this state if 18
the period of limitation that applies to that action under the 19
laws of that other state, territory, district, or foreign 20
jurisdiction has expired or the period of limitation that 21
applies to that action under the laws of this state has expired. 22

(C) No action upon a specialty or an agreement, contract, 23
or promise in writing, other than an action described in 24
division (C) of section 2305.07 of the Revised Code, that seeks 25
post-default interest at a rate governed by or provided in the 26
substantive laws of any other state, territory, district, or 27
foreign jurisdiction, and in excess of the rate of interest 28
provided by section 5703.47 of the Revised Code, may be 29
commenced and maintained in this state if the period of 30
limitation that applies to that action under the laws of that 31
other state, territory, district, or foreign jurisdiction has 32
expired or the period of limitation that applies to that action 33
under the laws of this state has expired. 34

(D) No action described in division (C) of section 2305.07 35
of the Revised Code that seeks post charge-off interest at a 36
rate governed by or provided in the substantive laws of any 37
other state, territory, district, or foreign jurisdiction, and 38
in excess of the rate of interest provided by section 5703.47 of 39
the Revised Code, may be commenced and maintained in this state 40
if the period of limitation that applies to that action under 41
the laws of that other state, territory, district, or foreign 42
jurisdiction has expired or the period of limitation that 43
applies to that action under the laws of this state has expired. 44

Sec. 2305.06. Except as provided in sections 126.301~~and,~~ 45

1302.98, 1303.16, and 2305.04 of the Revised Code, an action 46
upon a specialty or an agreement, contract, or promise in 47
writing shall be brought within ~~eight~~ six years after the cause 48
of action accrued. 49

Sec. 2305.07. (A) Except as provided in sections 126.301 50
and 1302.98 of the Revised Code, an action upon a contract not 51
in writing, express or implied, ~~or shall be brought within four~~ 52
years after the cause of action accrued. 53

(B) An action upon a liability created by statute other 54
than a forfeiture or penalty, shall be brought within six years 55
after the cause ~~thereof~~ of action accrued. 56

(C) Except as provided in sections 1303.16 and 2305.04 of 57
the Revised Code, and notwithstanding divisions (A) and (B) of 58
this section, sections 1302.98 and 2305.08, and division (B) of 59
section 2305.03 of the Revised Code, an action arising out of a 60
consumer transaction incurred primarily for personal, family, or 61
household purposes, based upon any contract, agreement, 62
obligation, liability, or promise, express or implied, including 63
an account stated, whether or not reduced to writing or signed 64
by the party to be charged by that transaction, shall be 65
commenced within six years after the cause of action accrued. 66
For purposes of this division, a cause of action accrues after 67
the consumer's account is closed, settled to a single liability, 68
and following the last pertinent entry of the account. 69

Section 2. That existing sections 2305.03, 2305.06, and 70
2305.07 of the Revised Code are hereby repealed. 71

Section 3. (A) Subject to Sections 4 and 5 of this act, 72
sections 2305.06 and 2305.07 of the Revised Code, as amended by 73
this act, apply to an action in which the cause of action 74

accrues on or after the effective date of this act. 75

(B) Division (B) of section 2305.03 of the Revised Code, 76
as amended by this act, applies retroactively to April 7, 2005, 77
the effective date of S.B. 80 of the 125th General Assembly. 78

Section 4. For causes of action that are governed by 79
section 2305.06 of the Revised Code and that accrued prior to 80
the effective date of this act, the period of limitations shall 81
be six years from the effective date of this act or the 82
expiration of the period of limitations in effect prior to the 83
effective date of this act, whichever occurs first. 84

Section 5. (A) For causes of action that are governed by 85
division (A) of section 2305.07 of the Revised Code that accrued 86
prior to the effective date of this act, the period of 87
limitations shall be four years from the effective date of this 88
act or the expiration of the period of limitations in effect 89
prior to the effective date of this act, whichever occurs first. 90

(B) For causes of action that are governed by division (C) 91
of section 2305.07 of the Revised Code that accrued prior to the 92
effective date of this act, the period of limitations shall be 93
six years from the effective date of this act or the expiration 94
of the period of limitations in effect prior to the effective 95
date of this act, whichever occurs first. 96