

As Passed by the Senate

133rd General Assembly

Regular Session

2019-2020

Am. 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

Senator Eklund

A BILL

To amend sections 2305.06, 2305.07, and 2305.11 and 1
to enact section 2305.117 of the Revised Code 2
and to amend Section 22 of H.B. 197 of the 133rd 3
General Assembly to shorten the period of 4
limitations for actions upon a contract or upon 5
a liability created by statute other than a 6
forfeiture or penalty; to establish a statute of 7
repose for a legal malpractice action; to modify 8
the tolling of criminal, civil, administrative, 9
and other time limitations; and to declare an 10
emergency. 11

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

Section 1. That sections 2305.06, 2305.07, and 2305.11 be 12
amended and section 2305.117 of the Revised Code be enacted to 13
read as follows: 14

Sec. 2305.06. Except as provided in sections 126.301 ~~and,~~ 15

1302.98, 1303.16, 1345.10, and 2305.04 of the Revised Code, an 16
action upon a specialty or an agreement, contract, or promise in 17
writing shall be brought within ~~eight~~six years after the cause 18
of action accrued. 19

Sec. 2305.07. Except as provided in sections 126.301 and 20
1302.98 of the Revised Code, an action upon a contract not in 21
writing, express or implied, or upon a liability created by 22
statute other than a forfeiture or penalty, shall be brought 23
within ~~six~~four years after the cause ~~thereof~~of action accrued. 24

Sec. 2305.11. (A) An action for libel, slander, malicious 25
prosecution, or false imprisonment, an action for malpractice 26
other than an action upon a medical, dental, optometric, or 27
chiropractic claim, an action for legal malpractice against an 28
attorney or a law firm or legal professional association, or an 29
action upon a statute for a penalty or forfeiture shall be 30
commenced within one year after the cause of action accrued, 31
provided that an action by an employee for the payment of unpaid 32
minimum wages, unpaid overtime compensation, or liquidated 33
damages by reason of the nonpayment of minimum wages or overtime 34
compensation shall be commenced within two years after the cause 35
of action accrued. 36

(B) A civil action for unlawful abortion pursuant to 37
section 2919.12 of the Revised Code, a civil action authorized 38
by division (H) of section 2317.56 of the Revised Code, a civil 39
action pursuant to division (B) of section 2307.52 of the 40
Revised Code for terminating or attempting to terminate a human 41
pregnancy after viability in violation of division (A) of 42
section 2919.17 of the Revised Code, and a civil action for 43
terminating or attempting to terminate a human pregnancy of a 44
pain-capable unborn child in violation of division (E) of 45

section 2919.201 of the Revised Code shall be commenced within 46
one year after the performance or inducement of the abortion or 47
within one year after the attempt to perform or induce the 48
abortion in violation of division (A) of section 2919.17 of the 49
Revised Code or division (E) of section 2919.201 of the Revised 50
Code. 51

(C) As used in this section, "medical claim," "dental 52
claim," "optometric claim," and "chiropractic claim" have the 53
same meanings as in section 2305.113 of the Revised Code. 54

Sec. 2305.117. (A) Except as otherwise provided in this 55
section, an action upon a legal malpractice claim against an 56
attorney or a law firm or legal professional association shall 57
be commenced within one year after the cause of action accrued. 58

(B) Except as to persons within the age of minority or of 59
unsound mind as provided by section 2305.16 of the Revised Code, 60
and except as provided in division (C) of this section, both of 61
the following apply: 62

(1) No action upon a legal malpractice claim against an 63
attorney or a law firm or legal professional association shall 64
be commenced more than four years after the occurrence of the 65
act or omission constituting the alleged basis of the legal 66
malpractice claim. 67

(2) If an action upon a legal malpractice claim against an 68
attorney or a law firm or legal professional association is not 69
commenced within four years after the occurrence of the act or 70
omission constituting the alleged basis of the claim, then, any 71
action upon that claim is barred. 72

(C) (1) If a person making a legal malpractice claim 73
against an attorney or a law firm or legal professional 74

association, in the exercise of reasonable care and diligence, 75
could not have discovered the injury resulting from the act or 76
omission constituting the alleged basis of the claim within 77
three years after the occurrence of the act or omission, but, in 78
the exercise of reasonable care and diligence, discovers the 79
injury resulting from that act or omission before the expiration 80
of the four-year period specified in division (B)(1) of this 81
section, the person may commence an action upon the claim not 82
later than one year after the person discovers the injury 83
resulting from that act or omission. 84

(2) A person who commences an action upon a legal 85
malpractice claim under the circumstances described in division 86
(C)(1) of this section has the affirmative burden of proving, by 87
clear and convincing evidence, that the person, with reasonable 88
care and diligence, could not have discovered the injury 89
resulting from the act or omission constituting the alleged 90
basis of the claim within the three-year period described in 91
that division. 92

Section 2. That existing sections 2305.06, 2305.07, and 93
2305.11 of the Revised Code are hereby repealed. 94

Section 3. Subject to Sections 4 and 5 of this act, 95
sections 2305.06 and 2305.07 of the Revised Code, as amended by 96
this act, apply to an action in which the cause of action 97
accrues on or after the effective date of this act. 98

Section 4. For causes of action that are governed by 99
section 2305.06 of the Revised Code and that accrued prior to 100
the effective date of this act, the period of limitations shall 101
be six years from the effective date of this act or the 102
expiration of the period of limitations in effect prior to the 103
effective date of this act, whichever occurs first. 104

Section 5. For causes of action that are governed by 105
section 2305.07 of the Revised Code that accrued prior to the 106
effective date of this act, the period of limitations shall be 107
four years from the effective date of this act or the expiration 108
of the period of limitations in effect prior to the effective 109
date of this act, whichever occurs first. 110

Section 6. That Section 22 of H.B. 197 of the 133rd 111
General Assembly be amended to read as follows: 112

Sec. 22. (A) The following that are set to expire between 113
March 9, 2020, and July 30, 2020, shall be tolled: 114

(1) A statute of limitation, as follows: 115

(a) For any criminal offense, notwithstanding any other 116
provision of law to the contrary, the applicable period of 117
limitation set forth in section 2901.13 of the Revised Code for 118
the criminal offense; 119

(b) When a civil cause of action accrues against a person, 120
notwithstanding any other provision of law to the contrary, the 121
period of limitation for commencement of the action as provided 122
under any section in Chapter 2305. of the Revised Code, or under 123
any other provision of the Revised Code that applies to the 124
cause of action; 125

(c) For any administrative action or proceeding, the 126
period of limitation for the action or proceeding as provided 127
under the Revised Code or the Administrative Code, if 128
applicable. 129

(2) The time within which a bill of indictment or an 130
accusation must be returned or the time within which a matter 131
must be brought before a grand jury; 132

(3) The time within which an accused person must be brought to trial or, in the case of a felony, to a preliminary hearing and trial;	133 134 135
(4) Time deadlines and other schedule requirements regarding a juvenile, including detaining a juvenile;	136 137
(5) The time within which a commitment hearing must be held;	138 139
(6) The time by which a warrant must be issued;	140
(7) The time within which discovery or any aspect of discovery must be completed;	141 142
(8) The time within which a party must be served;	143
(9) The time within which an appearance regarding a dissolution of marriage must occur pursuant to section 3105.64 of the Revised Code;	144 145 146
(10) Any other criminal, civil, or administrative time limitation under the Revised Code.	147 148
(B) This section applies retroactively to the date of the emergency declared by Executive Order 2020-01D, issued on March 9, 2020.	149 150 151
(C) Division (A) of this section expires on the date the period of emergency ends or July 30, 2020, whichever is sooner.	152 153
<u>(D) The time period from March 9, 2020, to July 30, 2020, shall not be computed as part of the periods of limitation and time limitations described in division (A) of this section.</u>	154 155 156
Section 7. That existing Section 22 of H.B. 197 of the 133rd General Assembly is hereby repealed.	157 158
Section 8. The amendments to Section 22 of H.B. 197 of the	159

133rd General Assembly are hereby declared to be an emergency 160
measure necessary for the immediate preservation of the public 161
peace, health, and safety. The reason for such necessity is to 162
ensure that the tolling of the criminal, civil, and 163
administrative statutes of limitations and other time 164
limitations runs until July 30, 2020. Therefore, those 165
provisions of this act shall go into immediate effect. 166