

**As Passed by the House**

**134th General Assembly**

**Regular Session**

**2021-2022**

**S. B. No. 13**

**Senator Lang**

**Cosponsors: Senators Cirino, Reineke, Romanchuk, Wilson, Manning, Schuring, Antonio, Blessing, Brenner, Craig, Dolan, Gavarone, Hackett, Hoagland, Hottinger, Huffman, S., Johnson, Kunze, McColley, O'Brien, Peterson, Roegner, Rulli, Schaffer, Sykes, Thomas, Yuko Representatives Hillyer, Galonski, Cutrona, Blackshear, Brown, Callender, Carruthers, Click, Crawley, Crossman, Edwards, Fraizer, Gross, Hall, Hicks-Hudson, Hoops, Jarrells, John, Johnson, Jones, Kick, Lampton, Lanese, LaRe, Leland, Lepore-Hagan, Manning, McClain, Merrin, Miller, A., Miller, J., Miranda, Oelslager, Ray, Riedel, Roemer, Russo, Schmidt, Seitz, Sobecki, Stewart, Weinstein, West, White, Young, B., Young, T.**

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**A BILL**

To amend sections 2305.03, 2305.06, 2305.07, and 1  
2305.11 and to enact section 2305.117 of the 2  
Revised Code to shorten the period of 3  
limitations for actions upon a contract; to make 4  
changes to the borrowing statute pertaining to 5  
applicable periods of limitations; and to 6  
establish a statute of repose for a legal 7  
malpractice action. 8

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

**Section 1.** That sections 2305.03, 2305.06, 2305.07, and 9  
2305.11 be amended and section 2305.117 of the Revised Code be 10  
enacted to read as follows: 11

**Sec. 2305.03.** (A) Except as provided in division (B) of 12

this section and unless a different limitation is prescribed by 13  
statute, a civil action may be commenced only within the period 14  
prescribed in sections 2305.04 to 2305.22 of the Revised Code. 15  
If interposed by proper plea by a party to an action mentioned 16  
in any of those sections, lapse of time shall be a bar to the 17  
action. 18

(B) No civil-tort action, as defined in section 2305.236 19  
of the Revised Code, that is based upon a cause of action that 20  
accrued in any other state, territory, district, or foreign 21  
jurisdiction may be commenced and maintained in this state if 22  
the period of limitation that applies to that action under the 23  
laws of that other state, territory, district, or foreign 24  
jurisdiction has expired or the period of limitation that 25  
applies to that action under the laws of this state has expired. 26

(C) No action upon a specialty or an agreement, contract, 27  
or promise in writing, other than an action described in 28  
division (C) of section 2305.07 of the Revised Code, that seeks 29  
post-default interest at a rate governed by or provided in the 30  
substantive laws of any other state, territory, district, or 31  
foreign jurisdiction, and in excess of the rate of interest 32  
provided by section 5703.47 of the Revised Code, may be 33  
commenced and maintained in this state if the period of 34  
limitation that applies to that action under the laws of that 35  
other state, territory, district, or foreign jurisdiction has 36  
expired or the period of limitation that applies to that action 37  
under the laws of this state has expired. 38

(D) No action described in division (C) of section 2305.07 39  
of the Revised Code that seeks post charge-off interest at a 40  
rate governed by or provided in the substantive laws of any 41  
other state, territory, district, or foreign jurisdiction, and 42

in excess of the rate of interest provided by section 5703.47 of 43  
the Revised Code, may be commenced and maintained in this state 44  
if the period of limitation that applies to that action under 45  
the laws of that other state, territory, district, or foreign 46  
jurisdiction has expired or the period of limitation that 47  
applies to that action under the laws of this state has expired. 48

**Sec. 2305.06.** Except as provided in sections 126.301 ~~and,~~ 49  
1302.98, 1303.16, 1345.10, and 2305.04 of the Revised Code, an 50  
action upon a specialty or an agreement, contract, or promise in 51  
writing shall be brought within ~~eight~~ six years after the cause 52  
of action accrued. 53

**Sec. 2305.07.** (A) Except as provided in sections 126.301 54  
and 1302.98 of the Revised Code, an action upon a contract not 55  
in writing, express or implied, ~~or shall be brought within four~~ 56  
years after the cause of action accrued. 57

(B) An action upon a liability created by statute other 58  
than a forfeiture or penalty, shall be brought within six years 59  
after the cause thereof of action accrued. 60

(C) Except as provided in sections 1303.16, 1345.10, and 61  
2305.04 of the Revised Code, and notwithstanding divisions (A) 62  
and (B) of this section, section 1302.98, and division (B) of 63  
section 2305.03 of the Revised Code, an action arising out of a 64  
consumer transaction incurred primarily for personal, family, or 65  
household purposes, based upon any contract, agreement, 66  
obligation, liability, or promise, express or implied, including 67  
an account stated, whether or not reduced to writing or signed 68  
by the party to be charged by that transaction, shall be 69  
commenced within six years after the cause of action accrued. 70  
For purposes of this division, a cause of action accrues thirty 71  
calendar days after the date of the last charge or payment by, 72

or on behalf of, the consumer, whichever is later. 73

**Sec. 2305.11.** (A) An action for libel, slander, malicious 74  
prosecution, or false imprisonment, an action for malpractice 75  
other than an action upon a medical, dental, optometric, or 76  
chiropractic claim, an action for legal malpractice against an 77  
attorney or a law firm or legal professional association, or an 78  
action upon a statute for a penalty or forfeiture shall be 79  
commenced within one year after the cause of action accrued, 80  
provided that an action by an employee for the payment of unpaid 81  
minimum wages, unpaid overtime compensation, or liquidated 82  
damages by reason of the nonpayment of minimum wages or overtime 83  
compensation shall be commenced within two years after the cause 84  
of action accrued. 85

(B) A civil action for unlawful abortion pursuant to 86  
section 2919.12 of the Revised Code, a civil action authorized 87  
by division (H) of section 2317.56 of the Revised Code, a civil 88  
action pursuant to division (B) of section 2307.52 of the 89  
Revised Code for terminating or attempting to terminate a human 90  
pregnancy after viability in violation of division (A) of 91  
section 2919.17 of the Revised Code, and a civil action for 92  
terminating or attempting to terminate a human pregnancy of a 93  
pain-capable unborn child in violation of division (E) of 94  
section 2919.201 of the Revised Code shall be commenced within 95  
one year after the performance or inducement of the abortion or 96  
within one year after the attempt to perform or induce the 97  
abortion in violation of division (A) of section 2919.17 of the 98  
Revised Code or division (E) of section 2919.201 of the Revised 99  
Code. 100

(C) As used in this section, "medical claim," "dental 101  
claim," "optometric claim," and "chiropractic claim" have the 102

same meanings as in section 2305.113 of the Revised Code. 103

Sec. 2305.117. (A) Except as otherwise provided in this 104  
section, an action upon a legal malpractice claim against an 105  
attorney or a law firm or legal professional association shall 106  
be commenced within one year after the cause of action accrued. 107

(B) Except as to persons within the age of minority or of 108  
unsound mind as provided by section 2305.16 of the Revised Code, 109  
and except as provided in division (C) of this section, both of 110  
the following apply: 111

(1) No action upon a legal malpractice claim against an 112  
attorney or a law firm or legal professional association shall 113  
be commenced more than four years after the occurrence of the 114  
act or omission constituting the alleged basis of the legal 115  
malpractice claim. 116

(2) If an action upon a legal malpractice claim against an 117  
attorney or a law firm or legal professional association is not 118  
commenced within four years after the occurrence of the act or 119  
omission constituting the alleged basis of the claim, then, any 120  
action upon that claim is barred. 121

(C) (1) If a person making a legal malpractice claim 122  
against an attorney or a law firm or legal professional 123  
association, in the exercise of reasonable care and diligence, 124  
could not have discovered the injury resulting from the act or 125  
omission constituting the alleged basis of the claim within 126  
three years after the occurrence of the act or omission, but, in 127  
the exercise of reasonable care and diligence, discovers the 128  
injury resulting from that act or omission before the expiration 129  
of the four-year period specified in division (B) (1) of this 130  
section, the person may commence an action upon the claim not 131

later than one year after the person discovers the injury 132  
resulting from that act or omission. 133

(2) A person who commences an action upon a legal 134  
malpractice claim under the circumstances described in division 135  
(C) (1) of this section has the affirmative burden of proving, by 136  
clear and convincing evidence, that the person, with reasonable 137  
care and diligence, could not have discovered the injury 138  
resulting from the act or omission constituting the alleged 139  
basis of the claim within the three-year period described in 140  
that division. 141

**Section 2.** That existing sections 2305.03, 2305.06, 142  
2305.07, and 2305.11 of the Revised Code are hereby repealed. 143

**Section 3.** (A) Subject to Sections 4 and 5 of this act, 144  
sections 2305.06 and 2305.07 of the Revised Code, as amended by 145  
this act, apply to an action in which the cause of action 146  
accrues on or after the effective date of this act. 147

(B) Division (B) of section 2305.03 of the Revised Code, 148  
as amended by this act, applies retroactively to April 7, 2005, 149  
the effective date of S.B. 80 of the 125th General Assembly. 150

**Section 4.** For causes of action that are governed by 151  
section 2305.06 of the Revised Code and that accrued prior to 152  
the effective date of this act, the period of limitations shall 153  
be six years from the effective date of this act or the 154  
expiration of the period of limitations in effect prior to the 155  
effective date of this act, whichever occurs first. 156

**Section 5.** (A) For causes of action that are governed by 157  
division (A) of section 2305.07 of the Revised Code that accrued 158  
prior to the effective date of this act, the period of 159  
limitations shall be four years from the effective date of this 160

act or the expiration of the period of limitations in effect 161  
prior to the effective date of this act, whichever occurs first. 162

(B) For causes of action that are governed by division (C) 163  
of section 2305.07 of the Revised Code that accrued prior to the 164  
effective date of this act, the period of limitations shall be 165  
six years from the effective date of this act or the expiration 166  
of the period of limitations in effect prior to the effective 167  
date of this act, whichever occurs first. 168