

**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 <del>the date the period of emergency ends or July 30, 2020, whichever is sooner.</del>	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
<b>Section 7.</b> That existing Section 22 of H.B. 197 of the 133rd General Assembly is hereby repealed.	157 158
<b>Section 8.</b> 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