

**As Passed by the House**

**133rd General Assembly**

**Regular Session**

**2019-2020**

**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**

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**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~~ 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