



## **H.B. 161**

125th General Assembly  
(As Reported by H. Judiciary)

**Reps. Seitz, Willamowski, Widowfield, Grendell, Oelslager, Harwood,  
DePiero, Driehaus**

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### **BILL SUMMARY**

- Modifies the period within which a plaintiff may commence a new action after the reversal of a judgment for the plaintiff or the plaintiff's failure otherwise than upon the merits.

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### **CONTENT AND OPERATION**

#### **Savings statute after a reversal**

##### **Current law**

R.C. 2305.19 provides that in an action commenced, or attempted to be commenced, if in due time a judgment for the plaintiff is reversed, or if the plaintiff fails otherwise than on the merits, and the time limited for the commencement of such action at the date of reversal or failure has expired, the plaintiff, or if the plaintiff dies and the cause of action survives, the plaintiff's representative may commence a new action within one year after such date. This provision applies to any claim asserted in any pleading by a defendant.

If the defendant is a foreign or domestic corporation, and whether its charter prescribes the manner and place, or either, of service of process, and it passes into the hands of a receiver before the expiration of a year, then service to be made within the year following the original service or attempt to begin the action may be made upon the receiver or the receiver's cashier, treasurer, secretary, clerk, or managing agent, or by a copy left at the office or the usual place of business. (R.C. 2305.19.)

##### **Operation of the bill**

Under the bill, the period in which a plaintiff or the plaintiff's representative may commence a new action following a reversal of a judgment for the plaintiff or

the plaintiff's failure other than on the merits is modified. The new action may be commenced within one year after the date of the reversal of the judgment or the plaintiff's failure otherwise than upon the merits or within the period of the original applicable statute of limitations, whichever occurs later. (R.C. 2305.19(A).)

Also, the bill provides that if the defendant is a foreign or domestic corporation, and whether its charter prescribes the manner or place of service of process on the defendant, and if it passes into the hands of a receiver before the expiration of the one-year period or the period of the original applicable statute of limitations, whichever is applicable, then service to be made within one year following the original service or attempt to begin the action may be made upon that receiver or the receiver's cashier, treasurer, secretary, clerk, managing agent, or by a copy left at the office or the usual place of business. (R.C. 2305.19(B).)

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## HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	04-08-03	p. 331
Reported, H. Judiciary	06-19-03	p. 939

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