Ohio Legislative Service Commission

Bill Analysis

Aida S. Montano

H.B. 170

129th General Assembly
(As Reported by H. Judiciary and Ethics)

Reps. Mecklenborg, Blessing, J. Adams, Combs, Dovilla, Hackett, Stautberg, McGregor, Brenner, Slaby, Thompson, Hollington, Derickson, Buchy, McKenney, Bubp

BILL SUMMARY

- Generally shortens the period of limitations for actions upon an agreement, contract, or promise in writing from 15 years to six years after the cause of action accrued.

CONTENT AND OPERATION

Statute of limitations for actions upon a contract

The bill generally shortens the period of limitations under current law for an action upon a specialty (an instrument under the seal of the signer[1]) or an agreement, contract, or promise in writing from 15 years to six years after the cause of action accrued.[2] The following exceptions to the 15-year period of limitations under existing law apply to the six-year period of limitations under the bill:[3]

(1) Except for unclaimed funds under R.C. Chapter 169., an action against the state or an agency of the state for failure to make any distribution or other payment must be brought within five years after the cause of action accrued.[4]

(2) An action for breach of any contract for sale under the Uniform Commercial Code must be commenced within four years after the cause of action has accrued. By the original agreement, the parties may reduce the period of limitation to not less than

---

[1] Black's Law Dictionary, 8th Ed., 2004.

[2] R.C. 2305.06.

[3] R.C. 2305.06.

[4] R.C. 126.301.

one year but may not extend it. A cause of action accrues when the breach occurs, regardless of the aggrieved party's lack of knowledge of the breach. If an action commenced within the above period of limitation is so terminated as to leave available a remedy by another action for the same breach, that other action may be commenced after the expiration of the time limit and within six months after the termination of the first action unless the termination resulted from voluntary discontinuance or from dismissal for failure or neglect to prosecute.[5]

The bill states that its provisions apply to actions in which the cause of action accrues on or after the act's effective date.[6]

HISTORY

ACTION	DATE
Introduced	03-22-11
Reported, H. Judiciary & Ethics	06-15-11

h0170-rh-129.docx/ks

[5] R.C. 1302.98.

[6] Section 3.