

Fiscal Note & Local Impact Statement

123rd General Assembly of Ohio

BILL: **S.B. 36**

DATE: **October 12, 1999**

STATUS: **As Introduced**

SPONSOR: **Sen. Latell**

LOCAL IMPACT STATEMENT REQUIRED: **No — No local cost**

CONTENTS: **Establishes a discovery rule for the period of limitations for wrongful death actions**

State Fiscal Highlights

- No direct fiscal effect on the state.

Local Fiscal Highlights

- No direct fiscal effect on political subdivisions.
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Detailed Fiscal Analysis

Normally, a cause of action may begin and the statute of limitations begins to run at the time a wrongful act was committed. However, under the discovery rule, which is an exception to the general rule, a cause of action may begin when the plaintiff discovers, or by the exercise of reasonable diligence should have discovered, the identity of the defendant whose wrongful conduct injured the plaintiff. In 1998, the Ohio Supreme Court ruled in *Collins v. Sotka* that the discovery rule applies to wrongful death actions. In that particular case, the wrongful death action stemmed from a murder. This decision has the effect of suspending the two-year statute of limitations established for wrongful death actions in O.R.C. section 2125.02(D).

This bill codifies this recent case law in regards to both wrongful death actions and wrongful death actions involving a product liability claim. Codification of existing case law does not produce any substantive changes that create direct fiscal effects. As such, this bill has no direct fiscal effect on either political subdivisions or the state.

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