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# OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research  
and Drafting

Legislative Budget  
Office

H.B. 251  
133<sup>rd</sup> General Assembly

## Fiscal Note & Local Impact Statement

[Click here for H.B. 251's Bill Analysis](#)

**Version:** As Reported by Senate Judiciary

**Primary Sponsors:** Reps. Lang and Hillyer

**Local Impact Statement Procedure Required:** No

Robert Meeker, Budget Analyst

### Highlights

- The bill may reduce the number of cases filed in municipal, county, and common pleas courts with subject matter jurisdiction over civil actions. The potential savings effect on a court's annual operating costs is not readily measurable in terms of dollars and cents.

### Detailed Analysis

#### Statutes of limitations

The bill:

- Shortens the period of limitations for commencing a civil action on a contract in writing generally from eight to six years and on a contract not in writing generally from six to four years;
- Requires an action arising out of a consumer transaction be commenced within six years after the cause of action accrues;<sup>1</sup>
- Prohibits certain actions based upon a cause of action that accrued in another state or foreign jurisdiction from being commenced in Ohio if the limitation period under either the other jurisdiction's law or Ohio law has expired; and
- Requires a legal malpractice action against an attorney or a law firm or legal professional association to be commenced within one year after the action accrues or

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<sup>1</sup> The limitation periods under Ohio's Commercial Paper Law of an action to recover title to or possession of real property, or violations of the Consumer Sales Practices Act, are excluded.

not later than one year after the person discovers the injury resulting from an act or omission if certain requirements are met, and prohibits a legal malpractice action from being commenced more than four years after the occurrence.

To the extent these statutes of limitations provisions create any fiscal effect, it would involve the volume of actions before the common pleas, municipal, and county courts with jurisdiction over civil actions. By reducing the period in which action must be brought, it is possible that some cases may not be filed, or if filed dismissed, because the plaintiff(s) allowed the period of limitations to expire. Such outcomes create a savings effect on court operations, the magnitude of which is not readily measurable in terms of dollars and cents.

### **Tolling of statutes of limitations and time limitations**

The bill: (1) specifies that the time period between March 9, 2020, and July 30, 2020, cannot be computed as part of the periods of limitation and time limitations that are tolled under H.B. 197 of the 133<sup>rd</sup> General Assembly as a result of the emergency declared by Executive Order 2020-01D, issued on March 9, 2020, (2) specifies that the tolling expires on July 30, 2020, rather than when the period of emergency ends or July 30, 2020, whichever is sooner, and (3) includes an emergency clause so that these provisions go into immediate effect. These provisions have no readily apparent direct fiscal effect on the state or political subdivisions.