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# OHIO LEGISLATIVE SERVICE COMMISSION

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## Synopsis of Senate Committee Amendments

(This synopsis does not address amendments that may have been adopted on the Senate Floor.)

### Sub. H.B. 251 of the 133<sup>rd</sup> General Assembly

#### Senate Judiciary

Lisa Sandberg, Attorney

#### **Statutes of limitation and repose for legal malpractice action**

Provides that a legal malpractice action against an attorney or a law firm or legal professional association must be commenced within one year after the action accrues.

Generally provides that a legal malpractice action against an attorney or a law firm or legal professional association cannot be commenced more than four years after the occurrence of the act or omission constituting the alleged basis of the legal malpractice claim.

Provides that any action upon a legal malpractice claim is barred if the action is not commenced within four years after the occurrence of the act or omission constituting the alleged basis of the claim.

Allows a person making a legal malpractice claim to commence an action upon the claim not later than one year after the person discovers the injury resulting from an act or omission if certain requirements are met.

#### **Consumer transactions**

Removes the provision that notwithstanding, in regard to the period of limitation of an action arising out of a consumer transaction, the six-year or four-year limitation period, as applicable, of an action, if payment has been made upon a demand founded on a contract, or a promise to pay it has been made and signed by the party to be charged, after such payment or promise.

Removes the provision that specifies that, for the purposes of a consumer transaction incurred primarily for personal, family, or household purposes, a cause of action accrues after the consumer's account is closed, settled to a single liability, and following the last pertinent entry of the account.

## **Statute of limitations for written contracts and consumer transactions**

Provides that the six-year statute of limitation for written contracts and consumer transactions does not apply to violations of the Consumer Sales Practices Act.

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

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 Am. Sub. 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.

Specifies that the tolling expires on July 30, 2020, rather than when the period of emergency ends or July 30, 2020, whichever is sooner.

Declares an emergency.