Ohio to Toll Statute of Limitations During Coronavirus Pandemic

Mar 27, 2020

Categories:

Coronavirus Response Team

Authors:

Maureen A. Bickley
William M. Harter
Frank S. Carson

Ohio House Bill 197, which Governor Mike DeWine is expected to sign today, will toll all criminal, civil, and administrative statute of limitations that are set to expire between March 9, 2020 and July 30, 2020. The tolling provision is retroactive to March 9, 2020, the date of Governor DeWine's Executive Order declaring a state of emergency. H.B. 197 further provides that the tolling provision will expire once Governor DeWine lifts his emergency declaration if he does so prior to July 30, 2020.

H.B. 197 will also toll any aspect of discovery and any other criminal, civil or administrative time limitation or deadline under the Revised Code under the same time period of March 9, 2020 through July 30, 2020.

What is a Statute of Limitation?

Statutes of limitations are laws that limit a time period the parties involved in a dispute may bring suit or assert a claim. In Ohio, as in most states, the statutes of limitations vary greatly depending on whether the matter is civil, criminal, or administrative and the type of dispute at issue. The purpose of a statute of limitation is to require diligent prosecution of claims, which provides finality and predictability in legal affairs and ensures that claims will be resolved while evidence is still available to the parties.

What Does it Mean?

H.B. 197 only tolls statutes of limitations that were set to expire between March 9, 2020 and July 30, 2020. The tolling provision does not "pause" all current statute of limitations. If a party essentially runs out of time to file a claim related to a dispute during the tolling period, H.B. 197 provides a party until July 30, 2020 to bring its claim. However, the time period appears subject to change: the tolling provision can expire once Governor DeWine lifts the emergency declaration, which could occur prior to July 30,

2020. Ultimately, if that happens, the courts may be left to decide whether to equitably toll a statute of limitation that expired after the Governor lifted the emergency declaration, but prior to July 30, 2020.

In addition, it is important to note that H.B. 197 does not impact any federal deadlines or rules. For example, H.B. 197 does not toll the deadline for removing a case filed and served in state court. Removal is governed by federal statute, which remains unaffected by state law.

For more information, please contact Maureen Bickley, Bill Harter, Frank Carson, or any attorney in Frost Brown Todd's Litigation Practice Group.

To provide guidance and support to clients as this global public-health crisis unfolds, Frost Brown Todd has created a Coronavirus Response Team. Our attorneys are on hand to answer your questions and provide guidance on how to proactively prepare for and manage any coronavirus-related threats to your business operations and workforce.