

## As Introduced

124th General Assembly  
Regular Session  
2001-2002

S. B. No. 105

SENATORS Hottinger, Spada, Wachtmann, Mumper

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### A B I L L

To enact section 3745.31 of the Revised Code to  
establish a five-year statute of limitations for  
civil actions brought under certain environmental  
laws.

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### BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

**Section 1.** That section 3745.31 of the Revised Code be  
enacted to read as follows:

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**Sec. 3745.31.** (A) As used in this section, "environmental  
law" means sections 903.08 and 903.17 and Chapters 3704., 3734.,  
3745., 3750., 3751., 3752., 3753., 6109., and 6111. of the Revised  
Code, any rule adopted under those sections or chapters or adopted  
for the purpose of implementing those sections or chapters, and  
any applicable provisions of Chapter 3767. of the Revised Code  
when an environmentally related nuisance action is brought.

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(B) Any action under any environmental law for civil  
penalties or costs of any kind brought by any agency or department  
of the state or by any other authority charged with enforcing  
environmental laws shall be commenced within five years of the  
time when the agency, department, or authority knew or, in the  
exercise of due diligence, should have known that the occurrence  
that is the basis of the cause of action transpired. However, the

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five-year time period shall be tolled for the period during which  
the identity and location of the person who is allegedly  
responsible for the occurrence that is the basis of the cause of  
action are unknown to the enforcing agency, department, or  
authority, thus preventing proper service of process from being  
given to the person in accordance with the Rules of Civil  
Procedure.

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