

As Passed by the Senate

124th General Assembly
Regular Session
2001-2002

Sub. S. B. No. 105

SENATORS Hottinger, Spada, Wachtmann, Mumper

A BILL

To enact section 3745.31 of the Revised Code to 1
establish a five-year statute of limitations for 2
actions for civil or administrative penalties 3
brought under certain environmental laws. 4

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

Section 1. That section 3745.31 of the Revised Code be 5
enacted to read as follows: 6

Sec. 3745.31. (A) As used in this section, "environmental 7
law" means sections 903.08, 903.17, and 3737.87 to 3737.882 and 8
Chapters 3704., 3734., 3745., 3750., 3751., 3752., 3753., 6109., 9
and 6111. of the Revised Code; any rule adopted under those 10
sections or chapters or adopted for the purpose of implementing 11
those sections or chapters; and any applicable provisions of 12
Chapter 3767. of the Revised Code when an environmentally related 13
nuisance action is brought. 14

(B)(1) Except as provided in division (B)(2) of this section, 15
any action under any environmental law for civil or administrative 16
penalties of any kind brought by any agency or department of the 17
state or by any other governmental authority charged with 18
enforcing environmental laws shall be commenced within five years 19
of the time when the agency, department, or governmental authority 20
actually knew or was informed of the occurrence, omission, or 21

facts on which the cause of action is based.

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(2)(a) Except as provided in division (B)(2)(b) of this section, if an agency, department, or governmental authority actually knew or was informed of an occurrence, omission, or facts on which a cause of action is based three or more years prior to the effective date of this section, the cause of action for civil or administrative penalties of any kind for the alleged violation shall be commenced not later than two years after the effective date of this section.

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(b) In case of an alleged violation of sections 3737.87 to 3737.882 of the Revised Code, if the office of the fire marshal in the department of commerce actually knew or was informed of an occurrence, omission, or facts on which a cause of action is based prior to the effective date of this section, the cause of action for civil or administrative penalties of any kind for the alleged violation shall be commenced not later than five years after the effective date of this section.

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(C) Division (B) of this section applies only if, during the time periods established in that division, proper service of process can be given in accordance with the Rules of Civil Procedure and jurisdiction of a court in this state can be obtained.

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(D) The time periods established in division (B) of this section may be tolled by mutual agreement between the enforcing agency, department, or authority and the person who is subject to a civil or administrative penalty of any kind under an environmental law.

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(E) When an action seeks injunctive relief or another remedy in addition to a remedy of civil or administrative penalties of any kind under an environmental law, division (B) of this section applies only to the remedy of civil or administrative penalties of

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any kind.