

As Introduced

125th General Assembly  
Regular Session  
2003-2004

H. B. No. 161

Representative Seitz

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A BILL

To amend section 2305.19 of the Revised Code to  
modify the period within which a plaintiff may  
commence a new action after the reversal of a  
judgment for the plaintiff or the plaintiff's  
failure otherwise than upon the merits.

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

Section 1. That section 2305.19 of the Revised Code be  
amended to read as follows:

Sec. 2305.19. (A) In ~~an~~ any action that is commenced, or  
attempted to be commenced, if in due time a judgment for the  
plaintiff is reversed, or if the plaintiff fails otherwise than  
upon the merits, ~~and the time limited for the commencement of such~~  
~~action at the date of reversal or failure has expired,~~ the  
plaintiff, or, if ~~he~~ the plaintiff dies and the cause of action  
survives, ~~his representatives~~ the plaintiff's representative may  
commence a new action within one year after ~~such~~ the date of the  
reversal of the judgment or the plaintiff's failure otherwise than  
upon the merits or within the period of the original applicable  
statute of limitations, whichever occurs later. This ~~provision~~  
division applies to any claim asserted in any pleading by a  
defendant. ~~if~~

(B) If the defendant in an action described in division (A) 21  
of this section is a foreign or domestic corporation, foreign or 22  
domestic, and whether its charter prescribes the manner ~~and~~ or 23  
place, or either, of service of process ~~thereon~~ on the defendant, 24  
and if it passes into the hands of a receiver before the 25  
expiration of ~~such~~ the one year period or the period of the 26  
original applicable statute of limitations, whichever is 27  
applicable, as described in that division, then service to be made 28  
within ~~the~~ one year following ~~such~~ the original service or attempt 29  
to begin the action may be made upon ~~such that~~ receiver or ~~his~~ the 30  
receiver's cashier, treasurer, secretary, clerk, or managing 31  
agent, or if none of these officers can be found, by a copy left 32  
at the office or the usual place of business of ~~such~~ any of those 33  
agents or officers of the receiver with the person having charge 34  
~~thereof~~ of the office or place of business. If ~~such that~~ 35  
corporation is a railroad company, summons may be served on any 36  
regular ticket or freight agent of the receiver, and if there is 37  
no ~~such~~ regular ticket or freight agent of the receiver, then upon 38  
any conductor of the receiver, in any county in the state in which 39  
the railroad is located. The summons shall be returned as if 40  
served on ~~such that~~ defendant corporation. 41

**Section 2.** That existing section 2305.19 of the Revised Code 42  
is hereby repealed. 43