

As Passed by the House

**125th General Assembly
Regular Session
2003-2004**

H. B. No. 161

**Representatives Seitz, Willamowski, Widowfield, Grendell, Oelslager,
Harwood, DePiero, Driehaus, Allen, Barrett, Beatty, Boccieri, Book, Buehrer,
Cates, Cirelli, Clancy, Daniels, DeBose, Distel, Domenick, C. Evans, Faber,
Gilb, Hartnett, Hughes, Jerse, Key, Mason, Niehaus, T. Patton, Price, Raga,
Raussen, Schmidt, Schneider, Sferra, Skindell, G. Smith, D. Stewart,
J. Stewart, Strahorn, Yates**

A B I L L

To amend section 2305.19 of the Revised Code to 1
modify the period within which a plaintiff may 2
commence a new action after the reversal of a 3
judgment for the plaintiff or the plaintiff's 4
failure otherwise than upon the merits. 5

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

Section 1. That section 2305.19 of the Revised Code be 6
amended to read as follows: 7

Sec. 2305.19. (A) In ~~an~~ any action that is commenced, or 8
attempted to be commenced, if in due time a judgment for the 9
plaintiff is reversed, or if the plaintiff fails otherwise than 10
upon the merits, ~~and the time limited for the commencement of such~~ 11
~~action at the date of reversal or failure has expired,~~ the 12
plaintiff, or, if ~~he~~ the plaintiff dies and the cause of action 13
survives, ~~his representatives~~ the plaintiff's representative may 14
commence a new action within one year after ~~such~~ the date of the 15

reversal of the judgment or the plaintiff's failure otherwise than 16
upon the merits or within the period of the original applicable 17
statute of limitations, whichever occurs later. This ~~provision~~ 18
division applies to any claim asserted in any pleading by a 19
defendant. ~~If~~ 20

(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