

As Passed by the Senate

125th General Assembly

Regular Session

2003-2004

Sub. H. B. No. 212

Representatives Seitz, McGregor, Setzer, Cates, C. Evans, Wagner, Schmidt,
Gilb, Husted, Williams, Blasdel, Wolpert, Schneider, Faber, Driehaus,
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Hughes, Jolivette, Key, Niehaus, Otterman, Perry, Price, Schlichter, S. Smith,
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Senators Spada, Austria, Nein

A B I L L

To amend sections 1343.03, 2325.18, and 5703.47 and	1
to enact sections 319.19, 1901.313, 1907.202,	2
2303.25, and 2323.57 of the Revised Code to change	3
the rate of interest on money due under certain	4
contracts and on judgments, to provide trial	5
courts notification of the rate of interest, to	6
specify that the rate of interest is that in	7
effect on the date of the judgment in a civil	8
action and remains in effect until the judgment is	9
satisfied, to change the computation of the period	10
for which prejudgment interest is due in certain	11
civil actions, to preclude prejudgment interest on	12
future damages, to require that the finder of fact	13
in certain tort actions in which future damages	14
are claimed specify the amount of past and future	15
damages awarded, to modify the period of	16
limitations for revivor of judgments, and to	17

preclude the accrual of interest from the date a 18
judgment becomes dormant to the date the judgment 19
is revived. 20

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

Section 1. That sections 1343.03, 2325.18, and 5703.47 be 21
amended and sections 319.19, 1901.313, 1907.202, 2303.25, and 22
2323.57 of the Revised Code be enacted to read as follows: 23

Sec. 319.19. Within ten days after receiving the notification 24
from the tax commissioner under section 5703.47 of the Revised 25
Code of the interest rate per annum determined under that section, 26
the auditor shall notify in writing the clerk of the court of 27
common pleas and the clerk of each municipal court and county 28
court in the county of that interest rate. 29

Sec. 1343.03. (A) In cases other than those provided for in 30
sections 1343.01 and 1343.02 of the Revised Code, when money 31
becomes due and payable upon any bond, bill, note, or other 32
instrument of writing, upon any book account, upon any settlement 33
between parties, upon all verbal contracts entered into, and upon 34
all judgments, decrees, and orders of any judicial tribunal for 35
the payment of money arising out of tortious conduct or a contract 36
or other transaction, the creditor is entitled to interest at the 37
rate of ~~ten per cent~~ per annum, ~~and no more~~ determined pursuant to 38
section 5703.47 of the Revised Code, unless a written contract 39
provides a different rate of interest in relation to the money 40
that becomes due and payable, in which case the creditor is 41
entitled to interest at the rate provided in that contract. 42
Notification of the interest rate per annum shall be provided 43
pursuant to sections 319.19, 1901.313, 1907.202, 2303.25, and 44
5703.47 of the Revised Code. 45

(B) Except as provided in divisions (C) and (D) of this section and subject to section 2325.18 of the Revised Code, interest on a judgment, decree, or order for the payment of money rendered in a civil action based on tortious conduct or a contract or other transaction, including, but not limited to a civil action based on tortious conduct or a contract or other transaction that has been settled by agreement of the parties, shall be computed from the date the judgment, decree, or order is rendered to the date on which the money is paid and shall be at the rate determined pursuant to section 5703.47 of the Revised Code that is in effect on the date the judgment, decree, or order is rendered. That rate shall remain in effect until the judgment, decree, or order is satisfied.

~~(C) Interest on a judgment, decree, or order for the payment of money rendered in a civil action based on tortious conduct and not settled by agreement of the parties, shall be computed from the date the cause of action accrued to the date on which the money is paid if~~ (1) If, upon motion of any party to the a civil action that is based on tortious conduct, that has not been settled by agreement of the parties, and in which the court has rendered a judgment, decree, or order for the payment of money, the court determines at a hearing held subsequent to the verdict or decision in the action that the party required to pay the money failed to make a good faith effort to settle the case and that the party to whom the money is to be paid did not fail to make a good faith effort to settle the case, interest on the judgment, decree, or order shall be computed as follows:

(a) In an action in which the party required to pay the money has admitted liability in a pleading, from the date the cause of action accrued to the date on which the order, judgment, or decree was rendered;

(b) In an action in which the party required to pay the money

engaged in the conduct resulting in liability with the deliberate 78
purpose of causing harm to the party to whom the money is to be 79
paid, from the date the cause of action accrued to the date on 80
which the order, judgment, or decree was rendered; 81

(c) In all other actions, for the longer of the following 82
periods: 83

(i) From the date on which the party to whom the money is to 84
be paid gave the first notice described in division (C)(1)(c)(i) 85
of this section to the date on which the judgment, order, or 86
decree was rendered. The period described in division (C)(1)(c)(i) 87
of this section shall apply only if the party to whom the money is 88
to be paid made a reasonable attempt to determine if the party 89
required to pay had insurance coverage for liability for the 90
tortious conduct and gave to the party required to pay and to any 91
identified insurer, as nearly simultaneously as practicable, 92
written notice in person or by certified mail that the cause of 93
action had accrued. 94

(ii) From the date on which the party to whom the money is to 95
be paid filed the pleading on which the judgment, decree, or order 96
was based to the date on which the judgment, decree, or order was 97
rendered. 98

(2) No court shall award interest under division (C)(1) of 99
this section on future damages, as defined in section 2323.56 of 100
the Revised Code, that are found by the trier of fact. 101

(D) ~~Divisions~~ Division (B) of this section does not apply to 102
a judgment, decree, or order rendered in a civil action based on 103
tortious conduct or a contract or other transaction, and division 104
(C) of this section ~~de~~ does not apply to a judgment, decree, or 105
order rendered in a civil action based on tortious conduct, if a 106
different period for computing interest on it is specified by law, 107
or if it is rendered in an action against the state in the court 108

of claims, or in an action under Chapter 4123. of the Revised 109
Code. 110

Sec. 1901.313. Upon receiving the notification of the 111
interest rate per annum from the county auditor pursuant to 112
section 319.19 of the Revised Code, the clerk of a municipal court 113
shall post or cause to be posted notice of that interest rate per 114
annum in a conspicuous and public location in or near the office 115
of the clerk of the court in the courthouse or building in which 116
the municipal court is located. 117

Sec. 1907.202. Upon receiving the notification of the 118
interest rate per annum from the county auditor pursuant to 119
section 319.19 of the Revised Code, the clerk of a county court 120
shall post or cause to be posted notice of that interest rate per 121
annum in a conspicuous and public location in or near the office 122
of the clerk of the court in the courthouse or building in which 123
the county court is located. 124

Sec. 2303.25. Upon receiving the notification of the interest 125
rate per annum from the county auditor pursuant to section 319.19 126
of the Revised Code, the clerk of the court of common pleas shall 127
post or cause to be posted notice of that interest rate per annum 128
in a conspicuous and public location in or near the office of the 129
clerk of the court in the courthouse or building in which the 130
court of common pleas is located. 131

Sec. 2323.57. In any tort action to which section 2323.55 or 132
2323.56 of the Revised Code does not apply, if a plaintiff makes a 133
good faith claim against a defendant for future damages, the trier 134
of fact shall return a general verdict and, if that verdict is in 135
favor of the plaintiff, answers to interrogatories or findings of 136
fact that specify both of the following: 137

(A) The past damages recoverable by that plaintiff; 138

(B) The future damages recoverable by that plaintiff. 139

Sec. 2325.18. (A) An action to revive a judgment can only be 140
brought within ~~twenty-one~~ ten years from the time it became 141
dormant, unless the party entitled to bring ~~such~~ that action, at 142
the time the judgment became dormant, was within the age of 143
minority, of unsound mind, or imprisoned, in which cases the 144
action may be brought within ~~fifteen~~ ten years after ~~such~~ the 145
disability is removed. 146

(B) For the purpose of calculating interest due on a revived 147
judgment, interest shall not accrue and shall not be computed from 148
the date the judgment became dormant to the date the judgment is 149
revived. 150

Sec. 5703.47. (A) As used in this section, "federal 151
short-term rate" means the rate of the average market yield on 152
outstanding marketable obligations of the United States with 153
remaining periods to maturity of three years or less, as 154
determined under section 1274 of the "Internal Revenue Code of 155
1986," 100 Stat. 2085, 26 U.S.C.A. 1274, for July of the current 156
year. 157

(B) On the fifteenth day of October of each year, the tax 158
commissioner shall determine the federal short-term rate. For 159
purposes of any section of the Revised Code requiring interest to 160
be computed at the rate per annum required by this section, the 161
rate determined by the commissioner under this section, rounded to 162
the nearest whole number per cent, plus three per cent shall be 163
the interest rate per annum used in making the computation for 164
interest that accrues during the following calendar year. 165

(C) Within ten days after the interest rate per annum is 166
determined under this section, the tax commissioner shall notify 167

the auditor of each county in writing of that rate of interest. 168

Section 2. That existing sections 1343.03, 2325.18, and 169
5703.47 of the Revised Code are hereby repealed. 170

Section 3. The interest rate provided for in division (A) of 171
section 1343.03 of the Revised Code, as amended by this act, 172
applies to actions pending on the effective date of this act. In 173
the calculation of interest due under section 1343.03 of the 174
Revised Code, in actions pending on the effective date of this 175
act, the interest rate provided for in section 1343.03 of the 176
Revised Code prior to the amendment of that section by this act 177
shall apply up to the effective date of this act, and the interest 178
rate provided for in section 1343.03 of the Revised Code as 179
amended by this act shall apply on and after that effective date. 180