

Breach of a Written Contract: Ohio's Statute of Limitations Reduced from Fifteen Years to Eight Years

Effective September 28, 2012, Ohio Senate Bill 224 reduces the statute of limitations for filing a lawsuit for breach of a written contract from 15 years to 8 years after the cause of action accrued. For causes of action that accrued prior to September 28, 2012, the statute of limitations will be 8 years from September 28, 2012 or the expiration of the 15 year statute of limitations previously in effect, whichever occurs first. Certain causes of action are excluded from the 8 year statute of limitations including actions against certain state agencies for failing to make distributions or other payments (5 year statute of limitations), and actions based on a written contract for the sale of goods under the Uniform Commercial Code (4 year statute of limitations).

Prior to Senate Bill 224, only Ohio and Kentucky allowed contracting parties up to 15 years to file suit for breach of a written contract. A majority of states, including Michigan, currently require that actions for breach of a written contract be filed within 6 years of the date the cause of action accrued.

For written contracts governed by Ohio law, the shortened statute of limitations will reduce the period of uncertainty for contracting parties about the possibility of legal action related to breach of contract claims. In addition, contracting parties may consider reducing the time for which records relating to written contracts are maintained.



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