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OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research
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Office

H.B. 421
133rd General Assembly

Fiscal Note & Local Impact Statement

[Click here for H.B. 421's Bill Analysis](#)

Version: As Reported by House Civil Justice

Primary Sponsors: Reps. T. Smith and Blair

Local Impact Statement Procedure Required: No

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Highlights

- The bill may reduce the number of actions brought against certain municipal corporations. It could also result in some savings for local courts if cases are dismissed more quickly or not brought forward at all.

Detailed Analysis

Hospital-related provisions

The bill grants a municipal corporation in which a hospital is located or, if the hospital is located in an unincorporated area of a county, a county immunity from civil or criminal liability in any action brought under Ohio law if all of the following apply: (1) the action arises out of the actions of a duly appointed hospital police officer, (2) the actions of the hospital police officer are directly in the discharge of the person's duties as a police officer for the hospital, and (3) the actions of the hospital police officer occur on the premises of the hospital or its affiliates or subsidiaries that are within the territory of the municipal corporation served by the chief of police or the unincorporated area of the county served by the sheriff who signed the agreement, whichever is applicable, or anywhere else within the territory of that municipal corporation or within the unincorporated area of that county.

The bill specifies that nothing in the above-mentioned provisions is to be construed as granting immunity for actions occurring on a hospital's premises to any of the following: (1) a police officer appointed by the Secretary of State, (2) a hospital that applied for such appointment of a police officer, (3) any other police or security officer providing services to the hospital, or (4) any entity that provides the services of police or security officers to a hospital.

The bill also provides that a court finding of tort liability of any public hospital agency or nonprofit hospital agency for actions of the hospital agency's police officer is not subject to apportionment with the municipal corporation or the county with which the hospital agency

has a written agreement under current law's apportionment of tort liability provisions. This provision appears to eliminate costs that a municipal corporation or county otherwise may have incurred in certain circumstances under current law.

The bill may reduce the filing of actions alleging damages, or if filed, such actions might be more promptly adjudicated than might otherwise have been the case under current law and practice. This could reduce administrative and legal costs for municipal corporations described above. In addition, this may also generate savings for the various involved courts resulting from a decrease in judicial dockets and the related workload of other court personnel.

Motor vehicle operation

The bill also clarifies political subdivision liability for injuries caused by the negligent operation of a motor vehicle by an employee that would have little, if any, fiscal effect. First, the bill adds to continuing law's list of full defenses to that liability by specifying that the full defense applies to injuries caused to a plaintiff by a peace officer's negligent operation of a motor vehicle occurred while the plaintiff was attempting to flee so as to avoid apprehension for a criminal offense. The bill also specifies that compensatory damages recoverable against a political subdivision for an employee's negligent operation of a motor vehicle must be reduced by the percentage of contributory fault attributable to the plaintiff or other parties subject to continuing tort liability law.