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# OHIO LEGISLATIVE SERVICE COMMISSION

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## Substitute Bill Comparative Synopsis

**Sub. H.B. 159**

**133<sup>rd</sup> General Assembly**

House Civil Justice

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This table summarizes how the latest substitute version of the bill differs from the immediately preceding version. It addresses only the topics on which the two versions differ substantively. It does not list topics on which the two bills are substantively the same.

Previous Version (As Introduced)	Latest Version (I_133_0829-4)
<b>Public improvement contract – Indemnification of public authority by professional design firm</b>	
<p>Authorizes a public authority to include, in a public improvement contract, a requirement that a professional design firm providing professional design services indemnify the public authority and its officers and employees with regard to liability for death or injury to a third party stemming from those services, and extends that authority with regard to subcontractors (R.C. 153.81(A)).</p>	<p>Same authorizations but additionally provides that the indemnification provisions do not prohibit (R.C. 153.81(A)(1) and (3)):</p> <ul style="list-style-type: none"> <li>▪ A public authority from commencing a civil action for damages against a professional design firm for breach of the public improvement contract or of the professional standard of care; or</li> <li>▪ A professional design firm from commencing a civil action for damages against a subcontracted professional design firm for</li> </ul>

Previous Version (As Introduced)	Latest Version (I_133_0829-4)
	breach of the professional design services subcontract or of the professional standard of care.
<b>Definitions</b>	
<p>Specifies the following definitions (<i>R.C. 153.81(E)</i>):</p> <p>Defines <b>injury</b> as:</p> <ul style="list-style-type: none"> <li>▪ Bodily injury to a person;</li> <li>▪ Sickness or disease of a person;</li> <li>▪ Injury to or destruction of tangible property, other than the work itself, of a third party;</li> <li>▪ No provision.</li> </ul> <p>No provision.</p> <p>Defines “<b>liabilities</b>” as claims, damages, or loss, including reasonable costs and expenses.</p>	<p>Specifies the following definitions (<i>R.C. 153.81(E)</i>):</p> <p>Defines <b>injury</b> as:</p> <ul style="list-style-type: none"> <li>▪ Same provision.</li> <li>▪ Same provision.</li> <li>▪ Injury to or destruction of tangible property of a third party to the public improvement;</li> <li>▪ Injury, claims, damages, or loss arising from or related to the infringement of intellectual property.</li> </ul> <p>Defines “<b>Intellectual property</b>” as any invention, discovery, work of authorship, creative work, or architectural work that may be subject to protection under federal or state patent, copyright, trademark, or trade secret laws.</p> <p>Same definition but includes reasonable attorney’s fees.</p>
<b>Waiver of immunity</b>	
<p>Stipulates that exercising the authority granted under the bill is not to be construed as waiving the immunity provided under the Workers’ Compensation Law (<i>R.C. 153.81(D)(1)</i>).</p>	<p>Same provision, but also stipulates that it is not to be construed as waiving the immunity provided under the Political Subdivision Tort Liability Law (<i>R.C. 153.81(D)(1)</i>).</p>