



# OHIO LEGISLATIVE SERVICE COMMISSION

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## Bill Analysis

Aida S. Montano

### **Sub. H.B. 419\***

132nd General Assembly  
(As Reported by H. Civil Justice)

**Reps.** Henne, Lang, Riedel, Sprague

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## **BILL SUMMARY**

- Modifies the definition of "emergency call" for purposes of the defense to the liability of a member of a police department for the negligent operation of a motor vehicle in response to an emergency.
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## **CONTENT AND OPERATION**

### **Political subdivision sovereign immunity**

Under continuing law, with certain exceptions, a political subdivision is liable in damages in a civil action for injury, death, or loss to person or property allegedly caused by an act or omission of the political subdivision or of any of its employees in connection with a governmental or proprietary function, as defined.<sup>1</sup>

In regard to the negligent operation of a motor vehicle by employees of a political subdivision when the employees are engaged within the scope of their employment and authority, political subdivisions are generally liable for injury, death, or loss to person or property caused by such negligent operation. One of the full defenses to that liability is that a member of a municipal corporation police department or any other police agency was operating a motor vehicle while responding to an "emergency call" (defined below) and the operation of the vehicle did not constitute willful or wanton misconduct.<sup>2</sup>

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\* This analysis was prepared before the report of the House Civil Justice Committee appeared in the House Journal. Note that the list of co-sponsors and the legislative history may be incomplete.

<sup>1</sup> R.C. 2744.02(B), not in the bill.

<sup>2</sup> R.C. 2744.02(B)(1), not in the bill.

## Definition of "emergency call"

Current law defines "emergency call" as a call to duty, including, but not limited to, communications from citizens, police dispatches, and personal observations by peace officers of inherently dangerous situations that demand an immediate response on the part of a peace officer. The bill defines "emergency call" as a call to duty involving any reported or observed inherently dangerous situations that demand an immediate response on the part of a peace officer.<sup>3</sup>

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## HISTORY

ACTION	DATE
Introduced	11-21-17
Reported, H. Civil Justice	---

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<sup>3</sup> R.C. 2744.01(A).

