

**As Reported by the House Local Government and Townships
Committee**

**124th General Assembly
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Sub. S. B. No. 106

**SENATORS Hottinger, Wachtmann, Nein, Johnson
REPRESENTATIVES Roman, Flowers, Schmidt, Wolpert, Carano, Sferra,
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A B I L L

To amend sections 723.01, 2744.01, 2744.02, 2744.03,	1
2744.04, 2744.05, 2744.06, 2744.07, 3313.815,	2
4582.27, 5511.01, 5591.36, and 5591.37 of the	3
Revised Code to include as governmental functions	4
under the Political Subdivision Sovereign Immunity	5
Law the design, construction, reconstruction,	6
renovation, repair, maintenance, and operation of	7
any school athletic facility, school auditorium, or	8
gymnasium and the designation, establishment,	9
design, construction, implementation, operation,	10
repair, or maintenance of railroad quiet zones; to	11
expand the motor vehicle operation liability of	12
political subdivisions to include liability for	13
harm caused by negligent operation other than upon	14
public roads; to limit a political subdivision's	15
obligation to defend an employee to acts or	16
omissions that occur while the employee is both	17
acting in good faith and not manifestly outside the	18
scope of employment or official responsibilities;	19
to make changes proposed by Am. Sub. H.B. 350 of	20
the 121st General Assembly to the Political	21
Subdivision Sovereign Immunity Law; and to clarify	22

the requirement for school districts and nonpublic 23
schools to have a Heimlich-trained employee present 24
during periods of food service to students. 25

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

Section 1. That sections 723.01, 2744.01, 2744.02, 2744.03, 26
2744.04, 2744.05, 2744.06, 2744.07, 3313.815, 4582.27, 5511.01, 27
5591.36, and 5591.37 of the Revised Code be amended to read as 28
follows: 29

Sec. 723.01. Municipal corporations shall have special power 30
to regulate the use of the streets. Except as provided in section 31
5501.49 of the Revised Code, the legislative authority of a 32
municipal corporation shall have the care, supervision, and 33
control of the public highways, streets, avenues, alleys, 34
sidewalks, public grounds, bridges, aqueducts, and viaducts within 35
the municipal corporation, ~~and the municipal corporation shall~~ 36
~~cause them to be kept open, in repair, and free from nuisance. The~~ 37
liability or immunity from liability of a municipal corporation 38
for injury, death, or loss to person or property allegedly caused 39
by a failure to perform the responsibilities imposed by this 40
section shall be determined pursuant to divisions (A) and (B)(3) 41
of section 2744.02 of the Revised Code. 42

Sec. 2744.01. As used in this chapter: 43

(A) "Emergency call" means a call to duty, including, but not 44
limited to, communications from citizens, police dispatches, and 45
personal observations by peace officers of inherently dangerous 46
situations that demand an immediate response on the part of a 47
peace officer. 48

(B) "Employee" means an officer, agent, employee, or servant, 49

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whether or not compensated or full-time or part-time, who is
authorized to act and is acting within the scope of the officer's,
agent's, employee's, or servant's employment for a political
subdivision. "Employee" does not include an independent contractor
and does not include any individual engaged by a school district
pursuant to section 3319.301 of the Revised Code. "Employee"
includes any elected or appointed official of a political
subdivision. "Employee" also includes a person who has been
convicted of or pleaded guilty to a criminal offense and who has
been sentenced to perform community service work in a political
subdivision whether pursuant to section 2951.02 of the Revised
Code or otherwise, and a child who is found to be a delinquent
child and who is ordered by a juvenile court pursuant to section
2152.19 or 2152.20 of the Revised Code to perform community
service or community work in a political subdivision.

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(C)(1) "Governmental function" means a function of a
political subdivision that is specified in division (C)(2) of this
section or that satisfies any of the following:

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(a) A function that is imposed upon the state as an
obligation of sovereignty and that is performed by a political
subdivision voluntarily or pursuant to legislative requirement;

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(b) A function that is for the common good of all citizens of
the state;

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(c) A function that promotes or preserves the public peace,
health, safety, or welfare; that involves activities that are not
engaged in or not customarily engaged in by nongovernmental
persons; and that is not specified in division (G)(2) of this
section as a proprietary function.

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(2) A "governmental function" includes, but is not limited
to, the following:

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(a) The provision or nonprovision of police, fire, emergency

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medical, ambulance, and rescue services or protection;	81
(b) The power to preserve the peace; to prevent and suppress riots, disturbances, and disorderly assemblages; to prevent, mitigate, and clean up releases of oil and hazardous and extremely hazardous substances as defined in section 3750.01 of the Revised Code; and to protect persons and property;	82 83 84 85 86
(c) The provision of a system of public education;	87
(d) The provision of a free public library system;	88
(e) The regulation of the use of, and the maintenance and repair of, roads, highways, streets, avenues, alleys, sidewalks, bridges, aqueducts, viaducts, and public grounds;	89 90 91
(f) Judicial, quasi-judicial, prosecutorial, legislative, and quasi-legislative functions;	92 93
(g) The construction, reconstruction, repair, renovation, maintenance, and operation of buildings that are used in connection with the performance of a governmental function, including, but not limited to, office buildings and courthouses;	94 95 96 97
(h) The design, construction, reconstruction, renovation, repair, maintenance, and operation of jails, places of juvenile detention, workhouses, or any other detention facility, as defined in section 2921.01 of the Revised Code;	98 99 100 101
(i) The enforcement or nonperformance of any law;	102
(j) The regulation of traffic, and the erection or nonerection of traffic signs, signals, or control devices;	103 104
(k) The collection and disposal of solid wastes, as defined in section 3734.01 of the Revised Code, including, but not limited to, the operation of solid waste disposal facilities, as "facilities" is defined in that section, and the collection and management of hazardous waste generated by households. As used in division (C)(2)(k) of this section, "hazardous waste generated by	105 106 107 108 109 110

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households" means solid waste originally generated by individual households that is listed specifically as hazardous waste in or exhibits one or more characteristics of hazardous waste as defined by rules adopted under section 3734.12 of the Revised Code, but that is excluded from regulation as a hazardous waste by those rules.

(l) The provision or nonprovision, planning or design, construction, or reconstruction of a public improvement, including, but not limited to, a sewer system;

(m) The operation of a job and family services department or agency, including, but not limited to, the provision of assistance to aged and infirm persons and to persons who are indigent;

(n) The operation of a health board, department, or agency, including, but not limited to, any statutorily required or permissive program for the provision of immunizations or other inoculations to all or some members of the public, provided that a "governmental function" does not include the supply, manufacture, distribution, or development of any drug or vaccine employed in any such immunization or inoculation program by any supplier, manufacturer, distributor, or developer of the drug or vaccine;

(o) The operation of mental health facilities, mental retardation or developmental disabilities facilities, alcohol treatment and control centers, and children's homes or agencies;

(p) The provision or nonprovision of inspection services of all types, including, but not limited to, inspections in connection with building, zoning, sanitation, fire, plumbing, and electrical codes, and the taking of actions in connection with those types of codes, including, but not limited to, the approval of plans for the construction of buildings or structures and the issuance or revocation of building permits or stop work orders in

connection with buildings or structures;	142
(q) Urban renewal projects and the elimination of slum conditions;	143 144
(r) Flood control measures;	145
(s) The design, construction, reconstruction, renovation, operation, care, repair, and maintenance of a township cemetery;	146 147
(t) The issuance of revenue obligations under section 140.06 of the Revised Code;	148 149
(u) The design, construction, reconstruction, renovation, repair, maintenance, and operation of any <u>school athletic facility, school auditorium, or gymnasium or any</u> recreational area or facility, including, but not limited to, any of the following:	150 151 152 153
(i) A park, playground, or playfield;	154
(ii) An indoor recreational facility;	155
(iii) A zoo or zoological park;	156
(iv) A bath, swimming pool, pond, water park, wading pool, wave pool, water slide, or other type of aquatic facility;	157 158
(v) A golf course;	159
(vi) A bicycle motocross facility or other type of recreational area or facility in which bicycling, skating, skate boarding, or scooter riding is engaged;	160 161 162
(vii) A rope course or climbing walls;	163
(viii) An all-purpose vehicle facility in which all-purpose vehicles, as defined in section 4519.01 of the Revised Code, are contained, maintained, or operated for recreational activities.	164 165 166
(v) The provision of public defender services by a county or joint county public defender's office pursuant to Chapter 120. of the Revised Code;	167 168 169

(w)(i) At any time before regulations prescribed pursuant to 170
49 U.S.C.A 20153 become effective, the designation, establishment, 171
design, construction, implementation, operation, repair, or 172
maintenance of a public road rail crossing in a zone within a 173
municipal corporation in which, by ordinance, the legislative 174
authority of the municipal corporation regulates the sounding of 175
locomotive horns, whistles, or bells; 176

(ii) On and after the effective date of regulations 177
prescribed pursuant to 49 U.S.C.A. 20153, the designation, 178
establishment, design, construction, implementation, operation, 179
repair, or maintenance of a public road rail crossing in such a 180
zone or of a supplementary safety measure, as defined in 49 181
U.S.C.A 20153, at or for a public road rail crossing, if and to 182
the extent that the public road rail crossing is excepted, 183
pursuant to subsection (c) of that section, from the requirement 184
of the regulations prescribed under subsection (b) of that 185
section. 186

(x) A function that the general assembly mandates a political 187
subdivision to perform. 188

(D) "Law" means any provision of the constitution, statutes, 189
or rules of the United States or of this state; provisions of 190
charters, ordinances, resolutions, and rules of political 191
subdivisions; and written policies adopted by boards of education. 192
When used in connection with the "common law," this definition 193
does not apply. 194

(E) "Motor vehicle" has the same meaning as in section 195
4511.01 of the Revised Code. 196

(F) "Political subdivision" or "subdivision" means a 197
municipal corporation, township, county, school district, or other 198
body corporate and politic responsible for governmental activities 199
in a geographic area smaller than that of the state. "Political 200

subdivision" includes, but is not limited to, a county hospital 201
commission appointed under section 339.14 of the Revised Code, 202
regional planning commission created pursuant to section 713.21 of 203
the Revised Code, county planning commission created pursuant to 204
section 713.22 of the Revised Code, joint planning council created 205
pursuant to section 713.231 of the Revised Code, interstate 206
regional planning commission created pursuant to section 713.30 of 207
the Revised Code, port authority created pursuant to section 208
4582.02 or 4582.26 of the Revised Code or in existence on December 209
16, 1964, regional council established by political subdivisions 210
pursuant to Chapter 167. of the Revised Code, emergency planning 211
district and joint emergency planning district designated under 212
section 3750.03 of the Revised Code, joint emergency medical 213
services district created pursuant to section 307.052 of the 214
Revised Code, fire and ambulance district created pursuant to 215
section 505.375 of the Revised Code, joint interstate emergency 216
planning district established by an agreement entered into under 217
that section, county solid waste management district and joint 218
solid waste management district established under section 343.01 219
or 343.012 of the Revised Code, and community school established 220
under Chapter 3314. of the Revised Code. 221

(G)(1) "Proprietary function" means a function of a political 222
subdivision that is specified in division (G)(2) of this section 223
or that satisfies both of the following: 224

(a) The function is not one described in division (C)(1)(a) 225
or (b) of this section and is not one specified in division (C)(2) 226
of this section; 227

(b) The function is one that promotes or preserves the public 228
peace, health, safety, or welfare and that involves activities 229
that are customarily engaged in by nongovernmental persons. 230

(2) A "proprietary function" includes, but is not limited to, 231
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the following:	233
(a) The operation of a hospital by one or more political subdivisions;	234 235
(b) The design, construction, reconstruction, renovation, repair, maintenance, and operation of a public cemetery other than a township cemetery;	236 237 238
(c) The establishment, maintenance, and operation of a utility, including, but not limited to, a light, gas, power, or heat plant, a railroad, a busline or other transit company, an airport, and a municipal corporation water supply system;	239 240 241 242
(d) The maintenance, destruction, operation, and upkeep of a sewer system;	243 244
(e) The operation and control of a public stadium, auditorium, civic or social center, exhibition hall, arts and crafts center, band or orchestra, or off-street parking facility.	245 246 247
(H) <u>"Public roads" means public roads, highways, streets, avenues, alleys, and bridges within a political subdivision.</u>	248 249
<u>"Public roads" does not include berms, shoulders, rights-of-way, or traffic control devices unless the traffic control devices are mandated by the Ohio manual of uniform traffic control devices.</u>	250 251 252
(I) "State" means the state of Ohio, including, but not limited to, the general assembly, the supreme court, the offices of all elected state officers, and all departments, boards, offices, commissions, agencies, colleges and universities, institutions, and other instrumentalities of the state of Ohio. "State" does not include political subdivisions.	253 254 255 256 257 258
Sec. 2744.02. (A)(1) For the purposes of this chapter, the functions of political subdivisions are hereby classified as governmental functions and proprietary functions. Except as provided in division (B) of this section, a political subdivision	259 260 261 262

is not liable in damages in a civil action for injury, death, or 263
loss to person or property allegedly caused by any act or omission 264
of the political subdivision or an employee of the political 265
subdivision in connection with a governmental or proprietary 266
function. 267

(2) Subject to statutory limitations upon their monetary 268
jurisdiction, the courts of common pleas, the municipal courts, 269
and the county courts have jurisdiction to hear and determine 270
civil actions governed by or brought pursuant to this chapter. 271

(B) Subject to sections 2744.03 and 2744.05 of the Revised 272
Code, a political subdivision is liable in damages in a civil 273
action for injury, death, or loss to person or property allegedly 274
caused by an act or omission of the political subdivision or of 275
any of its employees in connection with a governmental or 276
proprietary function, as follows: 277

(1) Except as otherwise provided in this division, political 278
subdivisions are liable for injury, death, or loss to person or 279
property caused by the negligent operation of any motor vehicle by 280
their employees ~~upon the public roads, highways, or streets~~ when 281
the employees are engaged within the scope of their employment and 282
authority. The following are full defenses to that liability: 283

(a) A member of a municipal corporation police department or 284
any other police agency was operating a motor vehicle while 285
responding to an emergency call and the operation of the vehicle 286
did not constitute willful or wanton misconduct; 287

(b) A member of a municipal corporation fire department or 288
any other firefighting agency was operating a motor vehicle while 289
engaged in duty at a fire, proceeding toward a place where a fire 290
is in progress or is believed to be in progress, or answering any 291
other emergency alarm and the operation of the vehicle did not 292
constitute willful or wanton misconduct; 293

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(c) A member of an emergency medical service owned or 294
operated by a political subdivision was operating a motor vehicle 295
while responding to or completing a call for emergency medical 296
care or treatment, the member was holding a valid commercial 297
driver's license issued pursuant to Chapter 4506. or a driver's 298
license issued pursuant to Chapter 4507. of the Revised Code, the 299
operation of the vehicle did not constitute willful or wanton 300
misconduct, and the operation complies with the precautions of 301
section 4511.03 of the Revised Code. 302

(2) Except as otherwise provided in sections 3314.07 and 303
3746.24 of the Revised Code, political subdivisions are liable for 304
injury, death, or loss to person or property caused by the 305
negligent performance of acts by their employees with respect to 306
proprietary functions of the political subdivisions. 307

(3) Except as otherwise provided in section 3746.24 of the 308
Revised Code, political subdivisions are liable for injury, death, 309
or loss to person or property caused by their negligent failure to 310
~~keep public roads, highways, streets, avenues, alleys, sidewalks,~~ 311
~~bridges, aqueducts, viaducts, or public grounds within the~~ 312
~~political subdivisions open, in repair, and free from nuisance and~~ 313
other negligent failure to remove obstructions from public roads, 314
except that it is a full defense to that liability, when a bridge 315
within a municipal corporation is involved, that the municipal 316
corporation does not have the responsibility for maintaining or 317
inspecting the bridge. 318

(4) Except as otherwise provided in section 3746.24 of the 319
Revised Code, political subdivisions are liable for injury, death, 320
or loss to person or property that is caused by the negligence of 321
their employees and that occurs within or on the grounds of, and 322
is due to physical defects within or on the grounds of, buildings 323
that are used in connection with the performance of a governmental 324
function, including, but not limited to, office buildings and 325

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courthouses, but not including jails, places of juvenile 326
detention, workhouses, or any other detention facility, as defined 327
in section 2921.01 of the Revised Code. 328

(5) In addition to the circumstances described in divisions 329
(B)(1) to (4) of this section, a political subdivision is liable 330
for injury, death, or loss to person or property when civil 331
liability is expressly imposed upon the political subdivision by a 332
section of the Revised Code, including, but not limited to, 333
sections 2743.02 and 5591.37 of the Revised Code. ~~Liability~~ Civil 334
liability shall not be construed to exist under another section of 335
the Revised Code merely because that section imposes a 336
responsibility ~~is imposed~~ or mandatory duty upon a political 337
subdivision ~~or, because that section provides for a criminal~~ 338
penalty, because of a general authorization in that section that a 339
political subdivision may sue and be sued, or because that section 340
uses the term "shall" in a provision pertaining to a political 341
subdivision. 342

(C) An order that denies a political subdivision or an 343
employee of a political subdivision the benefit of an alleged 344
immunity from liability as provided in this chapter or any other 345
provision of the law is a final order. 346

Sec. 2744.03. (A) In a civil action brought against a 347
political subdivision or an employee of a political subdivision to 348
recover damages for injury, death, or loss to ~~persons~~ person or 349
property allegedly caused by any act or omission in connection 350
with a governmental or proprietary function, the following 351
defenses or immunities may be asserted to establish nonliability: 352

(1) The political subdivision is immune from liability if the 353
employee involved was engaged in the performance of a judicial, 354
quasi-judicial, prosecutorial, legislative, or quasi-legislative 355
function. 356

(2) The political subdivision is immune from liability if the 357
conduct of the employee involved, other than negligent conduct, 358
that gave rise to the claim of liability was required by law or 359
authorized by law, or if the conduct of the employee involved that 360
gave rise to the claim of liability was necessary or essential to 361
the exercise of powers of the political subdivision or employee. 362

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(3) The political subdivision is immune from liability if the 364
action or failure to act by the employee involved that gave rise 365
to the claim of liability was within the discretion of the 366
employee with respect to policy-making, planning, or enforcement 367
powers by virtue of the duties and responsibilities of the office 368
or position of the employee. 369

(4) The political subdivision is immune from liability if the 370
action or failure to act by the political subdivision or employee 371
involved that gave rise to the claim of liability resulted in 372
injury or death to a person who had been convicted of or pleaded 373
guilty to a criminal offense and who, at the time of the injury or 374
death, was serving any portion of the person's sentence by 375
performing community service work for or in the political 376
subdivision whether pursuant to section 2951.02 of the Revised 377
Code or otherwise, or resulted in injury or death to a child who 378
was found to be a delinquent child and who, at the time of the 379
injury or death, was performing community service or community 380
work for or in a political subdivision in accordance with the 381
order of a juvenile court entered pursuant to section 2152.19 or 382
2152.20 of the Revised Code, and if, at the time of the person's 383
or child's injury or death, the person or child was covered for 384
purposes of Chapter 4123. of the Revised Code in connection with 385
the community service or community work for or in the political 386
subdivision. 387

(5) The political subdivision is immune from liability if the 388

injury, death, or loss to ~~persons~~ person or property resulted from 389
the exercise of judgment or discretion in determining whether to 390
acquire, or how to use, equipment, supplies, materials, personnel, 391
facilities, and other resources unless the judgment or discretion 392
was exercised with malicious purpose, in bad faith, or in a wanton 393
or reckless manner. 394

(6) In addition to any immunity or defense referred to in 395
division (A)(7) of this section and in circumstances not covered 396
by that division or sections 3314.07 and 3746.24 of the Revised 397
Code, the employee is immune from liability unless one of the 398
following applies: 399

(a) The employee's acts or omissions were manifestly outside 400
the scope of the employee's employment or official 401
responsibilities; 402

(b) The employee's acts or omissions were with malicious 403
purpose, in bad faith, or in a wanton or reckless manner; 404

(c) ~~Liability~~ Civil liability is expressly imposed upon the 405
employee by a section of the Revised Code. Civil liability shall 406
not be construed to exist under another section of the Revised 407
Code merely because that section imposes a responsibility or 408
mandatory duty upon an employee, because that section provides for 409
a criminal penalty, because of a general authorization in that 410
section that an employee may sue and be sued, or because the 411
section uses the term "shall" in a provision pertaining to an 412
employee. 413

(7) The political subdivision, and an employee who is a 414
county prosecuting attorney, city director of law, village 415
solicitor, or similar chief legal officer of a political 416
subdivision, an assistant of any such person, or a judge of a 417
court of this state is entitled to any defense or immunity 418
available at common law or established by the Revised Code. 419

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(B) Any immunity or defense conferred upon, or referred to in connection with, an employee by division (A)(6) or (7) of this section does not affect or limit any liability of a political subdivision for an act or omission of the employee as provided in section 2744.02 of the Revised Code.

Sec. 2744.04. (A) An action against a political subdivision to recover damages for injury, death, or loss to ~~persons~~ person or property allegedly caused by any act or omission in connection with a governmental or proprietary function, whether brought as an original action, cross-claim, counterclaim, third-party claim, or claim for subrogation, shall be brought within two years after the cause of action ~~arose~~ accrues, or within any applicable shorter period of time for bringing the action provided by the Revised Code. The period of limitation contained in this division shall be tolled pursuant to section 2305.16 of the Revised Code. This division applies to actions brought against political subdivisions by all persons, governmental entities, and the state.

(B) In the complaint filed in a civil action against a political subdivision or an employee of a political subdivision to recover damages for injury, death, or loss to ~~persons~~ person or property allegedly caused by an act or omission in connection with a governmental or proprietary function, whether filed in an original action, cross-claim, counterclaim, third-party claim, or claim for subrogation, the complainant shall include a demand for a judgment for the damages that the judge in a nonjury trial or the jury in a jury trial finds that the complainant is entitled to be awarded, but shall not specify in that demand any monetary amount for damages sought.

Sec. 2744.05. Notwithstanding any other provisions of the Revised Code or rules of a court to the contrary, in an action against a political subdivision to recover damages for injury,

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death, or loss to person or property caused by an act or omission 451
in connection with a governmental or proprietary function: 452

(A) Punitive or exemplary damages shall not be awarded. 453

(B)(1) If a claimant receives or is entitled to receive 454
benefits for injuries or loss allegedly incurred from a policy or 455
policies of insurance or any other source, the benefits shall be 456
disclosed to the court, and the amount of the benefits shall be 457
deducted from any award against a political subdivision recovered 458
by that claimant. No insurer or other person is entitled to bring 459
an action under a subrogation provision in an insurance or other 460
contract against a political subdivision with respect to those 461
benefits. 462

The amount of the benefits shall be deducted from an award 463
against a political subdivision under division (B)(1) of this 464
section regardless of whether the claimant may be under an 465
obligation to pay back the benefits upon recovery, in whole or in 466
part, for the claim. A claimant whose benefits have been deducted 467
from an award under division (B)(1) of this section is not 468
considered fully compensated and shall not be required to 469
reimburse a subrogated claim for benefits deducted from an award 470
pursuant to division (B)(1) of this section. 471

(2) Nothing in ~~this~~ division (B)(1) of this section shall be 472
construed to do either of the following: 473

~~(1)~~(a) Limit the rights of a beneficiary under a life 474
insurance policy or the rights of sureties under fidelity or 475
surety bonds; 476

~~(2)~~(b) Prohibit the department of job and family services 477
from recovering from the political subdivision, pursuant to 478
section 5101.58 of the Revised Code, the cost of medical 479
assistance benefits provided under Chapter 5107., 5111., or 5115. 480
of the Revised Code. 481

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(C)(1) There shall not be any limitation on compensatory damages that represent the actual loss of the person who is awarded the damages. However, except in wrongful death actions brought pursuant to Chapter 2125. of the Revised Code, damages that arise from the same cause of action, transaction or occurrence, or series of transactions or occurrences and that do not represent the actual loss of the person who is awarded the damages shall not exceed two hundred fifty thousand dollars in favor of any one person. The limitation on damages that do not represent the actual loss of the person who is awarded the damages provided in this division does not apply to court costs that are awarded to a plaintiff, or to interest on a judgment rendered in favor of a plaintiff, in an action against a political subdivision.

(2) As used in this division, "the actual loss of the person who is awarded the damages" includes all of the following:

(a) All wages, salaries, or other compensation lost by the person injured as a result of the injury, including wages, salaries, or other compensation lost as of the date of a judgment and future expected lost earnings of the person injured;

(b) All expenditures of the person injured or another person on behalf of the person injured for medical care or treatment, for rehabilitation services, or for other care, treatment, services, products, or accommodations that were necessary because of the injury;

(c) All expenditures to be incurred in the future, as determined by the court, by the person injured or another person on behalf of the person injured for medical care or treatment, for rehabilitation services, or for other care, treatment, services, products, or accommodations that will be necessary because of the injury;

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(d) All expenditures of a person whose property was injured 513
 or destroyed or of another person on behalf of the person whose 514
 property was injured or destroyed in order to repair or replace 515
 the property that was injured or destroyed; 516

(e) All expenditures of the person injured or of the person 517
 whose property was injured or destroyed or of another person on 518
 behalf of the person injured or of the person whose property was 519
 injured or destroyed in relation to the actual preparation or 520
 presentation of the claim involved; 521

(f) Any other expenditures of the person injured or of the 522
 person whose property was injured or destroyed or of another 523
 person on behalf of the person injured or of the person whose 524
 property was injured or destroyed that the court determines 525
 represent an actual loss experienced because of the personal or 526
 property injury or property loss. 527

"The actual loss of the person who is awarded the damages" 528
 does not include any fees paid or owed to an attorney for any 529
 services rendered in relation to a personal or property injury or 530
 property loss, and does not include any damages awarded for pain 531
 and suffering, for the loss of society, consortium, companionship, 532
 care, assistance, attention, protection, advice, guidance, 533
 counsel, instruction, training, or education of the person 534
 injured, for mental anguish, or for any other intangible loss. 535

Sec. 2744.06. (A) Real or personal property, and moneys, 536
 accounts, deposits, or investments of a political subdivision are 537
 not subject to execution, judicial sale, garnishment, or 538
 attachment to satisfy a judgment rendered against a political 539
 subdivision in a civil action to recover damages for injury, 540
 death, or loss to person or property caused by an act or omission 541
 of the political subdivision or any of its employees in connection 542
 with a governmental or proprietary function. ~~Such~~ Those judgments 543

shall be paid from funds of the political subdivisions that have 544
been appropriated for that purpose, but, if sufficient funds are 545
not currently appropriated for the payment of judgments, the 546
fiscal officer of a political subdivision shall certify the amount 547
of any unpaid judgments to the taxing authority of the political 548
subdivision for inclusion in the next succeeding budget and annual 549
appropriation measure and payment in the next succeeding fiscal 550
year as provided by section 5705.08 of the Revised Code, unless 551
any ~~such~~ judgment is to be paid from the proceeds of bonds issued 552
pursuant to section 133.14 of the Revised Code or pursuant to 553
annual installments authorized by division (B) or (C) of this 554
section. 555

(B)(1)(a) As used in this division, "the actual loss of the 556
person who is awarded the damages" includes all of the following: 557

(i) All wages, salaries, or other compensation lost by the 558
person injured as a result of the injury, as of the date of the 559
judgment; 560

(ii) All expenditures of the person injured or of another 561
person on behalf of the person injured for medical care or 562
treatment, for rehabilitation services, or for other care, 563
treatment, services, products, or accommodations that were 564
necessary because of the injury; 565

(iii) All expenditures of a person whose property was injured 566
or destroyed or of another person on behalf of the person whose 567
property was injured or destroyed in order to repair or replace 568
the property that was injured or destroyed; 569

(iv) All expenditures of the person injured or whose property 570
was injured or destroyed or of another person on behalf of the 571
person injured or whose property was injured or destroyed in 572
relation to the actual preparation or presentation of the person's 573
claim; 574

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(v) Any other expenditures of the person injured or whose property was injured or destroyed or of another person on behalf of the person injured or whose property was injured or destroyed that the court determines represent an actual loss experienced because of the personal or property injury or property loss.

(b) As used in this division, "the actual loss of the person who is awarded the damages" does not include any of the following:

(i) Wages, salaries, or other compensation lost by the person injured as a result of the injury, that are future expected earnings of ~~such a~~ that person;

(ii) Expenditures to be incurred in the future, as determined by the court, by the person injured or by another person on behalf of the person injured for medical care or treatment, for rehabilitation services, or for other care, treatment, services, products, or accommodations that will be necessary because of the injury;

(iii) Any fees paid or owed to an attorney for any services rendered in relation to a personal or property injury or property loss;

(iv) Any damages awarded for pain and suffering, for the loss of society, consortium, companionship, care, assistance, attention, protection, advice, guidance, counsel, instruction, training, or education of the person injured, for mental anguish, or for any other intangible loss.

(2) Except as specifically provided to the contrary in this division, a court that renders a judgment against a political subdivision as described in division (A) of this section and that is not in favor of the state may authorize the political subdivision, upon the motion of the political subdivision, to pay the judgment or a specified portion of the judgment in annual installments over a period not to exceed ten years, subject to the

payment of interest at the rate specified in division (A) of
section 1343.03 of the Revised Code. A court shall not authorize
the payment in installments under this division of any portion of
a judgment or entire judgment that represents the actual loss of
the person who is awarded the damages.

Additionally, a court shall not authorize the payment in
installments under this division of any portion of a judgment or
entire judgment that does not represent the actual loss of the
person who is awarded the damages unless the court, after
balancing the interests of the political subdivision and of the
person in whose favor the judgment was rendered, determines that
installment payments would be appropriate under the circumstances
and would not be unjust to the person in whose favor the judgment
was rendered. If a court makes ~~such a~~ that determination, it shall
fix the amount of the installment payments in ~~such a manner as to~~
~~achieve~~ that achieves for the person in whose favor the judgment
was rendered, the same economic result over the period as that
person would have received if the judgment or portion of the
judgment subject to the installment payments had been paid in a
lump sum payment.

(C) At the option of a political subdivision, a judgment as
described in division (A) of this section and that is rendered in
favor of the state may be paid in equal annual installments over a
period not to exceed ten years, without the payment of interest.

Sec. 2744.07. (A)(1) Except as otherwise provided in this
division, a political subdivision shall provide for the defense of
an employee, in any state or federal court, in any civil action or
proceeding to recover damages for injury, death, or loss to
~~persons~~ person or property allegedly caused by an act or omission
of the employee in connection with a governmental or proprietary
function if the act or omission occurred ~~or is alleged to have~~

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occurred while the employee was acting both in good faith and not 637
manifestly outside the scope of ~~his~~ employment or official 638
responsibilities. Amounts expended by a political subdivision in 639
the defense of its employees shall be from funds appropriated for 640
this purpose or from proceeds of insurance. The duty to provide 641
for the defense of an employee specified in this division does not 642
apply in a civil action or proceeding that is commenced by or on 643
behalf of a political subdivision. 644

(2) Except as otherwise provided in this division, a 645
political subdivision shall indemnify and hold harmless an 646
employee in the amount of any judgment, other than a judgment for 647
punitive or exemplary damages, that is obtained against the 648
employee in a state or federal court or as a result of a law of a 649
foreign jurisdiction and that is for damages for injury, death, or 650
loss to ~~persons~~ person or property caused by an act or omission in 651
connection with a governmental or proprietary function, if at the 652
time of the act or omission the employee was acting in good faith 653
and within the scope of ~~his~~ employment or official 654
responsibilities. 655

(B)(1) A political subdivision may enter into a consent 656
judgment or settlement and may secure releases from liability for 657
itself or an employee, with respect to any claim for injury, 658
death, or loss to ~~persons~~ person or property caused by an act or 659
omission in connection with a governmental or proprietary 660
function. 661

(2) No action or appeal of any kind shall be brought by any 662
person, including any employee or a taxpayer, with respect to the 663
decision of a political subdivision pursuant to division (B)(1) of 664
this section whether to enter into a consent judgment or 665
settlement or to secure releases, or concerning the amount and 666
circumstances of a consent judgment or settlement. Amounts 667
expended for any settlement shall be from funds appropriated for 668

this purpose.

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(C) If a political subdivision refuses to provide an employee with a defense in a civil action or proceeding as described in division (A)(1) of this section, the employee may file, in the court of common pleas of the county in which the political subdivision is located, an action seeking a determination as to the appropriateness of the refusal of the political subdivision to provide ~~him~~ the employee with a defense under that division. The court shall determine a refusal to be appropriate unless it finds there was an abuse of discretion on the part of the political subdivision in acting under that division.

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Sec. 3313.815. (A) Any school district or nonpublic school that operates a food service program pursuant to section 3313.81 or 3313.813 of the Revised Code shall require at least one employee who has received instruction in methods to prevent choking and has demonstrated an ability to perform the Heimlich maneuver to be present while students are being served food as part of any such food service program.

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The department of education shall establish guidelines for use by districts and schools in implementing this section.

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(B) Any nonpublic school or employee of a nonpublic school is not 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 nonpublic school or an employee of the nonpublic school in connection with performance of the duties required under division (A) of this section unless such act or omission was with malicious purpose, in bad faith, or in a wanton or reckless manner.

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(C) This section does not create a new cause of action or substantive legal right against any person.

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Sec. 4582.27. (A) A port authority created in accordance with 699
section 4582.22 of the Revised Code shall be governed by a board 700
of directors. Members of a board of directors of a port authority 701
created by the exclusive action of a municipal corporation shall 702
consist of the number of members it considers necessary and shall 703
be appointed by the mayor with the advice and consent of the 704
council. Members of a board of directors of a port authority 705
created by the exclusive action of a township shall consist of 706
such members as it considers necessary and shall be appointed by 707
the township trustees of the township. Members of a board of 708
directors of a port authority created by the exclusive action of a 709
county shall consist of such members as it considers necessary and 710
shall be appointed by the board of county commissioners of the 711
county. Members of a board of directors of a port authority 712
created by a combination of political subdivisions shall be 713
divided among the political subdivisions in such proportions as 714
the political subdivisions may agree and shall be appointed by the 715
participating political subdivisions in the same manner as this 716
section provides for the appointment of members by a political 717
subdivision creating its own port authority. If a participating 718
political subdivision is not authorized by section 4582.22 of the 719
Revised Code to create its own port authority, the political 720
subdivision's elected legislative body, if the political 721
subdivision has an elected legislative body, or the political 722
subdivision's elected official or officials who appoint the 723
legislative body of the political subdivision shall appoint the 724
members of a board of directors of a port authority that are to be 725
appointed by that political subdivision. If the electors of a 726
participating political subdivision do not elect either the 727
legislative body of the political subdivision or the official or 728
officials who appoint the legislative body of the political 729
subdivision, the participating political subdivision may not 730

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appoint any member of a board of directors of a port authority. 731
When a port authority is created by a combination of political 732
subdivisions, the number of directors comprising the board shall 733
be determined by agreement between the political subdivisions, 734
which number may be changed from time to time by amendment of the 735
agreement. The appointing body may at any time remove a director 736
appointed by it for misfeasance, nonfeasance, or malfeasance in 737
office. 738

A majority of the directors shall have been qualified 739
electors of, or shall have had their businesses or places of 740
employment in, one or more political subdivisions within the area 741
of the jurisdiction of the port authority, for a period of at 742
least three years next preceding their appointment. 743

The directors of any port authority first appointed shall 744
serve staggered terms. Thereafter each successor shall serve for a 745
term of four years, except that any person appointed to fill a 746
vacancy shall be appointed to only the unexpired term and any 747
director is eligible for reappointment. 748

The board of directors by rule may provide for the removal of 749
a director who fails to attend three consecutive regular meetings 750
of the board. If a director is so removed, a successor shall be 751
appointed for the remaining term of the removed director in the 752
same manner provided for the original appointment. 753

The directors shall elect one of their membership as 754
chairperson and another as vice-chairperson, and shall designate 755
their terms of office, and shall appoint a secretary who need not 756
be a director. A majority of the board of directors shall 757
constitute a quorum, the affirmative vote of which shall be 758
necessary for any action taken by the port authority. No vacancy 759
in the membership of the board shall impair the rights of a quorum 760
to exercise all the rights and perform all the duties of the port 761
authority. 762

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Each member of the board of directors of a port authority shall be entitled to receive from the port authority such sum of money as the board of directors may determine as compensation for services as director and reimbursement for reasonable expenses in the performance of official duties.

~~(B) Except for civil actions that arise out of the operation of a motor vehicle and civil actions in which the port authority is the plaintiff, no director, officer, or employee of a port authority shall be liable in any civil action that arises under the law of this state for damage or injury caused in the performance of his duties, unless the director's, officer's, or employee's actions were manifestly outside the scope of his employment or official responsibilities, or unless the director, officer, or employee acted with malicious purpose, in bad faith, or in a wanton or reckless manner.~~

~~This division does not eliminate, limit, or reduce any immunity from civil liability that is conferred upon a director, officer, or employee by any other provision of the Revised Code or by case law.~~

~~(C)(1) A port authority shall, except as provided in division (B) of this section, indemnify a director, officer, or employee from liability incurred in the performance of his duties by paying any judgment in, or amount negotiated in settlement of, any civil action arising under federal law, the law of another state, or the law of a foreign jurisdiction. The reasonableness of the amount of any consent judgment or settlement is subject to the review and approval of the board of the port authority. The maximum aggregate amount of indemnification paid directly from funds to or on behalf of any director, officer or employee pursuant to this division shall be one million dollars per occurrence, regardless of the number of persons who suffer damage, injury, or death as a result of the occurrence.~~

~~(2) A port authority shall not indemnify a director, officer, or employee under any of the following circumstances:~~ 795
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~~(a) To the extent the director, officer, or employee is covered by a policy of insurance for civil liability purchased by the port authority;~~ 797
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~~(b) When the director, officer, or employee acts manifestly outside the scope of his employment or official responsibilities, with malicious purpose, in bad faith, or in a wanton or reckless manner;~~ 800
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~~(c) For any portion of a judgment that represents punitive or exemplary damages;~~ 804
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~~(d) For any portion of a consent judgment or settlement that is unreasonable.~~ 806
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~~(3) The port authority may purchase a policy or policies of insurance on behalf of directors, officers, and employees of the port authority from an insurer or insurers licensed to do business in this state providing coverage for damages in connection with any civil action, demand, or claim against the director, officer, or employee by reason of an act or omission by the director, officer, or employee occurring in the performance of his duties and not coming within the terms of division (C)(2)(b) of this section.~~ 808
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~~(4) This section does not affect either of the following:~~ 817

~~(a) Any defense that would otherwise be available in an action alleging personal liability of a director, officer, or employee;~~ 818
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~~(b) The operation of section 9.83 of the Revised Code.~~ 821

Sec. 5511.01. All state highways established by law shall 822
continue to be known as state highways, and the state highway 823

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system established by law shall continue to be known as the state 824
highway system. 825

Before establishing any additional highways as part of the 826
state highway system, or making any significant changes in 827
existing highways comprising the system, the director of 828
transportation shall notify the general community of the project 829
and offer an opportunity for appropriate public involvement in the 830
project process. 831

The opportunity for public involvement shall satisfy the 832
requirements of the "National Environmental Policy Act of 1969," 833
83 Stat. 852, 42 U.S.C.A. 4321 et seq., as amended, and may 834
consist of activities including public meetings or hearings, small 835
group meetings with local officials, individual meetings, news 836
releases, public notices, workshops, newsletters, electronic 837
communications, radio announcements, mail notification, and other 838
activities considered appropriate for the exchange of information. 839
The director or the director's designee shall provide the public 840
involvement activities in each of the counties in which the 841
highway proposed to be established is to be located or in which it 842
is proposed to make ~~such~~ those changes. 843

Any changes made in existing highways by the director or any 844
additional highways established by the director following the 845
public involvement activities shall be certified to the following 846
authorities interested ~~therein~~ in them: the legislative authority 847
of municipalities, the board of county commissioners, the board of 848
township trustees, the municipal, county, and regional planning 849
commissions, and the municipal, township, or county officer 850
authorized to issue land use or building permits. Before any 851
zoning change or subdivision plat is approved and before any 852
permit for land use or the erection, alteration, or moving of a 853
building is granted affecting any land within three hundred feet 854
of the center line of a proposed new highway or highway for which 855

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changes are proposed, as described in the certification by the 856
director, or within a radius of five hundred feet from the point 857
of intersection of that center line with any public road or 858
highway, the authority authorized to approve the zoning change or 859
subdivision plat or the authority authorized to grant the permit 860
for land use or the erection, alteration, or moving of the 861
building shall give notice, by certified mail, to the director, 862
and shall not approve a zoning change or subdivision plat or grant 863
a permit for land use or the erection, alteration, or moving of a 864
building for one hundred twenty days from date notice is received 865
by the director. During the one hundred twenty-day period and any 866
extension of it as may be agreed to between the director and any 867
property owner, notice of which has been given to the authority to 868
which the application has been made, the director shall proceed to 869
acquire any land needed by purchase or gift, or by initiating 870
proceedings to appropriate, or make a finding that acquisition at 871
such time is not in the public interest. Upon purchase, initiation 872
of appropriation proceedings, or a finding that acquisition is not 873
in the public interest, the director shall notify the authority 874
from which notice was received of that action. Upon being notified 875
that the director has purchased or initiated proceedings to 876
appropriate the land that authority shall refuse to rezone land or 877
to approve any subdivision plat that includes the land which the 878
director has purchased or has initiated proceedings to 879
appropriate, and that authority shall refuse to grant a permit for 880
land use or the erection, alteration, or moving of a building on 881
the land which the director has purchased or initiated proceedings 882
to appropriate. Upon notification that the director has found 883
acquisition at that time not to be in the public interest, or upon 884
the expiration of the one hundred twenty-day period or any 885
extension ~~thereof~~ of it, if no notice has been received from the 886
director, that authority shall proceed in accordance with law. 887
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A report of the change or addition shall be filed in the office of the director, and the report of the director making the change or establishing the highway shall be placed on file in the office of the department of transportation.

In no event shall the total mileage of the state highway system be increased under this section to exceed two hundred miles in one year.

The director, upon petition of the boards of the counties traversed ~~thereby~~ by a highway or of citizens of ~~such~~ those counties, may officially assign to a highway of the state highway system a distinctive name, commemorative of a historical event or personage, or officially assign ~~thereto~~ to a highway of the state highway system a commonly accepted and appropriate name by which the highway is known.

The director may, upon giving appropriate notice and offering the opportunity for public involvement and comment, abandon a highway on the state highway system or part ~~thereof~~ of such a highway which the director determines is of minor importance or which traverses territory adequately served by another state highway, and the abandoned highway shall revert to a county or township road or municipal street. A report covering ~~such~~ that action shall be filed in the office of the director, and the director shall certify the action to the board of the county in which the highway or portion ~~thereof~~ of the highway so abandoned is situated.

The director shall make a map showing ~~thereon~~, by appropriate numbering or other designation, all the state highways. The map shall be kept on file in the director's office, and the director shall cause the ~~same~~ map to be corrected and revised to show all changes and additions to the date of ~~such~~ the correction. A copy of the map, certified by the director as a correct copy of the map on file in the director's office, shall be admissible as evidence

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in any court to prove the existence and location of the several 921
highways and roads of the state highway system. 922

The state highway routes into or through municipal 923
corporations, as designated or indicated by state highway route 924
markers erected ~~thereon~~ on the routes, are state highways and a 925
part of the state highway system. The director may erect state 926
highway route markers and ~~such~~ other signs directing traffic as 927
the director thinks proper upon those portions of the state 928
highway system lying within municipal corporations, and the 929
consent of the municipal corporations to ~~such~~ that erection and 930
marking shall not be necessary. However, the director may erect 931
traffic signs in villages in accordance with section 5521.01 of 932
the Revised Code. No change in the route of any highway through a 933
municipal corporation shall be made except after providing public 934
involvement activities. 935

Except as provided in sections 5501.49 and 5517.04 of the 936
Revised Code, no duty of constructing, reconstructing, 937
maintaining, and repairing such state highways within municipal 938
corporations shall attach to or rest upon the director. The 939
director may enter upon such state highways within any municipal 940
corporation and construct, reconstruct, widen, improve, maintain, 941
and repair them, provided the municipal corporation first consents 942
~~thereto~~ by resolution of its legislative authority, except that 943
the director need not obtain the consent of the municipal 944
corporation if the existing highway being changed or the location 945
of an additional highway being established was not within the 946
corporate limits of the municipal corporation at the time ~~such~~ the 947
establishment or change is approved by the director, or if the 948
director is acting pursuant to section 5501.49 of the Revised 949
Code. 950

The director shall place in the files of the department a 951
record of the routes of all such state highways within municipal 952

corporations, and shall cause them to be corrected and revised to 953
show all changes and additions to the date of the correction. A 954
copy of the record or any pertinent part ~~thereof~~ of it, certified 955
by the director to be a true and correct copy, shall be admissible 956
in evidence in any court of the state for the purpose of proving 957
the existence and location of any state highway within a municipal 958
corporation. 959

When the director proposes to change an existing state 960
highway and there exists upon the highway a separated railroad 961
crossing, the director shall mail to the interested railroad 962
company a copy of the notice, which shall be mailed by first-class 963
mail, postage prepaid, and certified with return receipt 964
requested, at least two weeks before the time fixed for any public 965
involvement activity. When the director proposes to change an 966
existing state highway within a municipal corporation, the 967
director shall mail to the mayor or other chief executive officer 968
of the municipal corporation a copy of the notice, which shall be 969
mailed by first-class mail, postage prepaid, and certified with 970
return receipt requested, at least two weeks before the time fixed 971
for any public involvement activity. 972

Nothing in this section shall be construed to require 973
providing public involvement activities before the construction, 974
reconstruction, maintenance, improvement, or widening of an 975
existing highway where no relocation is involved. 976

With the exception of the authority conferred upon the 977
director by this section, to erect state highway route markers and 978
signs directing traffic, and by section 5501.49 of the Revised 979
Code, Chapters 5501., 5503., 5511., 5513., 5515., 5516., 5517., 980
5519., 5521., 5523., 5525., 5527., 5528., 5529., 5531., 5533., and 981
5535. of the Revised Code, shall not in any way modify, limit, or 982
restrict the authority conferred by section 723.01 of the Revised 983
Code upon municipal corporations to regulate the use of streets 984

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and to have the care, supervision, and control of the public 985
highways, streets, avenues, alleys, sidewalks, public grounds, 986
bridges, aqueducts, and viaducts within the municipal corporations 987
~~and, or the liability imposed upon municipal corporations by~~ 988
~~division (B)(3) of section 2744.02 of the Revised Code for~~ 989
~~negligent failure to keep them, subject to division (B)(3) of~~ 990
~~section 2744.02 of the Revised Code, open, public roads in repair,~~ 991
~~and free from nuisance other negligent failure to remove~~ 992
~~obstructions from public roads.~~ 993

Sec. 5591.36. The board of county commissioners shall erect 994
and maintain on county roads, where not already done, one or more 995
guardrails on each end of a county bridge, viaduct, or culvert 996
more than five feet high ~~and on each side of every approach to a~~ 997
~~county bridge, viaduct, or culvert, if the approach or embankment~~ 998
~~is more than six feet high.~~ The board also shall ~~also~~ protect, by 999
suitable guardrails, all ~~perpendicular wash banks~~ embankments with 1000
a rise of more than eight feet in height and with a downward slope 1001
of greater than seventy degrees, where ~~such banks~~ the embankments 1002
have an immediate connection with a ~~public highway other than~~ 1003
~~state highways, or are adjacent thereto in an unprotected~~ 1004
~~condition~~ county road. 1005

~~It shall be a sufficient compliance with this section, if the~~ 1006
~~board causes to be erected and maintained a good stockproof hedge~~ 1007
~~fence where a guardrail is required. Such guardrails or hedge~~ 1008
~~fences shall be erected in a substantial manner, having sufficient~~ 1009
~~strength to protect life and property, the~~ The expense thereof to 1010
for a guardrail required under this section shall be paid out of 1011
the county bridge fund. 1012

Sec. 5591.37. ~~Failure~~ Negligent failure to comply with 1013
section 5591.36 of the Revised Code shall render the county liable 1014
for all accidents or damages ~~as a result of such~~ resulting from 1015

that failure. 1016

Section 2. That existing sections 723.01, 2744.01, 2744.02, 1017
2744.03, 2744.04, 2744.05, 2744.06, 2744.07, 3313.815, 4582.27, 1018
5511.01, 5591.36, and 5591.37 of the Revised Code are hereby 1019
repealed. 1020

Section 3. Sections 723.01, 2744.01, 2744.02, 2744.03, 1021
2744.04, 2744.05, 2744.06, 2744.07, 3313.815, 4582.27, 5511.01, 1022
5591.36, and 5591.37 of the Revised Code, as amended by this act, 1023
apply only to causes of action that accrue on or after the 1024
effective date of this act. Any cause of action that accrues prior 1025
to the effective date of this act is governed by the law in effect 1026
when the cause of action accrued. 1027

Section 4. Section 2744.01 of the Revised Code is presented 1028
in this act as a composite of the section as amended by both Sub. 1029
S.B. 24 and Sub. S.B. 108 of the 124th General Assembly. The 1030
General Assembly, applying the principle stated in division (B) of 1031
section 1.52 of the Revised Code that amendments are to be 1032
harmonized if reasonably capable of simultaneous operation, finds 1033
that the composite is the resulting version of the section in 1034
effect prior to the effective date of the section as presented in 1035
this act. 1036