

As Introduced

**124th General Assembly
Regular Session
2001-2002**

S. B. No. 109

SENATORS Nein, Mumper

A B I L L

To enact sections 9.315 and 9.316 of the Revised Code
to prohibit an agent of a public authority, in
issuing an invitation for bids or a request for
proposals for a contract with the public authority,
from requiring that any bond under the contract be
furnished by or acquired from a particular surety
or other company or a particular agent or broker.

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

Section 1. That sections 9.315 and 9.316 of the Revised Code
be enacted to read as follows:

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Sec. 9.315. (A) As used in sections 9.315 and 9.316 of the
Revised Code, "public authority" means the state or a county,
township, municipal corporation, school district, or other
political subdivision of the state, or any public agency,
authority, board, commission, instrumentality, or special district
of the state or of a county, township, municipal corporation,
school district, or other political subdivision of the state.

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(B) No officer, employee, or other agent of a public
authority, in issuing an invitation for bids or a request for
proposals for a contract with the public authority for the

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rendering of services or the supplying of materials, or for the 21
construction, demolition, alteration, repair, or reconstruction of 22
any public building, structure, highway, or other improvement, 23
shall, directly or indirectly, require that any bid bond, 24
performance bond, payment bond, insurance bond, or other bond 25
required under the contract be furnished by or acquired from a 26
particular surety or other company or a particular agent or 27
broker. 28

Sec. 9.316. (A) A person that is likely to be damaged by a 29
violation of section 9.315 of the Revised Code may commence a 30
civil action for injunctive relief against the public authority, 31
and the court of common pleas involved in that action may grant 32
injunctive relief based on the principles of equity and on the 33
terms that the court considers reasonable. Proof of monetary 34
damage or loss of profits is not required in a civil action 35
commenced under this division. 36

(B) The court may award reasonable attorney's fees and court 37
costs to the prevailing party in a civil action authorized by 38
division (A) of this section. 39

Section 2. Sections 9.315 and 9.316 of the Revised Code, as 40
enacted by this act, apply only with respect to contracts that are 41
entered into on or after the effective date of this act. 42