

As Passed by the House

124th General Assembly

Regular Session

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Am. S. B. No. 109

SENATORS Nein, Mumper

REPRESENTATIVES Olman, Krupinski, Cirelli, G. Smith, Flowers, Schmidt,

Allen, Coates, Latta, Sferra, Patton, Hartnett, Fessler, Hollister, Calvert

A B I L L

To enact sections 9.315 and 9.316 of the Revised Code 1
to prohibit an agent of a public authority, in 2
issuing an invitation for bids or a request for 3
proposals for a contract with the public authority, 4
from requiring that any bond or insurance policy 5
required under the contract be furnished by or 6
acquired from a particular surety or insurance 7
company or a particular agent or broker. 8

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 9
be enacted to read as follows: 10

Sec. 9.315. (A) As used in sections 9.315 and 9.316 of the 11
Revised Code: 12

(1) "Public authority" means the state or a county, township, 13
municipal corporation, school district, or other political 14
subdivision of the state, or any public agency, authority, board, 15
commission, instrumentality, or special district of the state or 16
of a county, township, municipal corporation, school district, or 17
other political subdivision of the state. 18

(2) "Self-insured public authority" means a public authority that has been granted the privilege to self-insure a construction project against workers' compensation liability by the administrator of workers' compensation pursuant to division (O) of section 4123.35 of the Revised Code. 19
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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 rendering of services or the supplying of materials, or for the construction, demolition, alteration, repair, or reconstruction of any public building, structure, highway, or other improvement, shall, directly or indirectly, require that any bid bond, performance bond, payment bond, or other bond, or any insurance policy, required under the contract be furnished by or acquired from a particular surety or insurance company or a particular agent or broker. 25
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(C) Division (B) of this section does not apply to any insurance policy entered into by a self-insured public authority in connection with a contract otherwise subject to this section. This division does not exempt any bid bond, performance bond, payment bond, or other bond from the appropriate application of division (B) of this section. 36
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Sec. 9.316. (A) A person that is likely to be damaged by a violation of section 9.315 of the Revised Code may commence a civil action for injunctive relief against the public authority, and the court of common pleas involved in that action may grant injunctive relief based on the principles of equity and on the terms that the court considers reasonable. Proof of monetary damage or loss of profits is not required in a civil action commenced under this division. 43
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(B) The court may award reasonable attorney's fees and court 51
costs to the prevailing party in a civil action authorized by 52
division (A) of this section. 53

Section 2. Sections 9.315 and 9.316 of the Revised Code, as 54
enacted by this act, apply only with respect to contracts that are 55
entered into on or after the effective date of this act. 56