

**As Passed by the Senate**

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

**Am. S. B. No. 109**

**SENATORS Nein, Mumper**

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**A BILL**

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

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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 10  
be enacted to read as follows: 11

**Sec. 9.315.** (A) As used in sections 9.315 and 9.316 of the 12  
Revised Code, "public authority" means the state or a county, 13  
township, municipal corporation, school district, or other 14  
political subdivision of the state, or any public agency, 15  
authority, board, commission, instrumentality, or special district 16  
of the state or of a county, township, municipal corporation, 17  
school district, or other political subdivision of the state. 18

(B) No officer, employee, or other agent of a public 19  
authority, in issuing an invitation for bids or a request for 20

proposals for a contract with the public authority for the 21  
rendering of services or the supplying of materials, or for the 22  
construction, demolition, alteration, repair, or reconstruction of 23  
any public building, structure, highway, or other improvement, 24  
shall, directly or indirectly, require that any bid bond, 25  
performance bond, payment bond, or other bond, or any insurance 26  
policy, required under the contract be furnished by or acquired 27  
from a particular surety or insurance company or a particular 28  
agent or broker. 29

**Sec. 9.316.** (A) A person that is likely to be damaged by a 30  
violation of section 9.315 of the Revised Code may commence a 31  
civil action for injunctive relief against the public authority, 32  
and the court of common pleas involved in that action may grant 33  
injunctive relief based on the principles of equity and on the 34  
terms that the court considers reasonable. Proof of monetary 35  
damage or loss of profits is not required in a civil action 36  
commenced under this division. 37

(B) The court may award reasonable attorney's fees and court 38  
costs to the prevailing party in a civil action authorized by 39  
division (A) of this section. 40

**Section 2.** Sections 9.315 and 9.316 of the Revised Code, as 41  
enacted by this act, apply only with respect to contracts that are 42  
entered into on or after the effective date of this act. 43