

As Passed by the House

124th General Assembly

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Am. Sub. S. B. No. 120

SENATORS Johnson, Hottinger, Armbruster, Amstutz, Harris,

Randy Gardner, Nein, Robert Gardner

REPRESENTATIVES Seitz, Latta, Evans, Raga, Schneider, Aslanides, Collier,

Niehaus, Faber, Gilb, Clancy, Schmidt, Cates, Lendrum, G. Smith, Flowers,

Reidelbach, White, Damschroder, Fessler, Setzer, Wolpert, Manning,

Carmichael, Olman, Calvert, Schaffer, Young, Peterson, Grendell, Jolivette,

Buehrer, Carey, Hoops, Husted

A B I L L

To amend sections 1775.14, 2315.08, 4171.10, 4507.07, 1
and 5703.54; to enact sections 2307.011, 2307.22, 2
2307.23, 2307.24, 2307.25, 2307.26, 2307.27, 3
2307.28, 2307.29, 2315.32, 2315.33, 2315.34, 4
2315.35, 2315.36, 2315.41, 2315.42, 2315.43, 5
2315.44, 2315.45, and 2315.46; and to repeal 6
sections 2307.31, 2307.32, 2307.33, 2315.19, and 7
2315.20 of the Revised Code to modify the law 8
regarding the apportionment of liability in 9
specified civil actions. 10

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

Section 1. That sections 1775.14, 2315.08, 4171.10, 4507.07, 11
and 5703.54 be amended and sections 2307.011, 2307.22, 2307.23, 12
2307.24, 2307.25, 2307.26, 2307.27, 2307.28, 2307.29, 2315.32, 13
2315.33, 2315.34, 2315.35, 2315.36, 2315.41, 2315.42, 2315.43, 14
2315.44, 2315.45, and 2315.46 of the Revised Code be enacted to 15

read as follows:

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Sec. 1775.14. (A) Subject to section 1339.65 of the Revised Code and except as provided in division (B) of this section, all partners are liable as follows:

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(1) Jointly and severally for everything chargeable to the partnership under sections 1775.12 and 1775.13 of the Revised Code. This joint and several liability is not subject to ~~division (D)~~ of section ~~2315.19~~ 2307.22, 2315.36, or 2315.46 of the Revised Code with respect to a negligence or other tort claim that otherwise is subject to ~~that section~~ any of those sections.

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(2) Jointly for all other debts and obligations of the partnership, but any partner may enter into a separate obligation to perform a partnership contract.

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(B) Subject to divisions (C)(1) and (2) of this section or as otherwise provided in a written agreement between the partners of a registered limited liability partnership, a partner in a registered limited liability partnership is not liable, directly or indirectly, by way of indemnification, contribution, assessment, or otherwise, for debts, obligations, or other liabilities of any kind of, or chargeable to, the partnership or another partner or partners arising from negligence or from wrongful acts, errors, omissions, or misconduct, whether or not intentional or characterized as tort, contract, or otherwise, committed or occurring while the partnership is a registered limited liability partnership and committed or occurring in the course of the partnership business by another partner or an employee, agent, or representative of the partnership.

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(C)(1) Division (B) of this section does not affect the liability of a partner in a registered limited liability partnership for that partner's own negligence, wrongful acts,

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errors, omissions, or misconduct, including that partner's own
negligence, wrongful acts, errors, omissions, or misconduct in
directly supervising any other partner or any employee, agent, or
representative of the partnership.

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(2) Division (B) of this section shall not affect the
liability of a partner for liabilities imposed by Chapters 5735.,
5739., 5743., and 5747. and section 3734.908 of the Revised Code.

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(D) A partner in a registered limited liability partnership
is not a proper party to an action or proceeding by or against a
registered limited liability partnership with respect to any debt,
obligation, or other liability of any kind described in division
(B) of this section, unless the partner is liable under divisions
(C)(1) and (2) of this section.

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Sec. 2307.011. As used in Chapters 2307. and 2315. of the
Revised Code:

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(A) "Conduct" means actions or omissions.

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(B) "Contributory fault" means contributory negligence, other
contributory tortious conduct, comparative negligence, or express
or implied assumption of the risk.

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(C) "Economic loss" means any of the following types of
pecuniary harm:

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(1) All wages, salaries, or other compensation lost as a
result of an injury, death, or loss to person or property that is
a subject of a tort action, including wages, salaries, or other
compensation lost as of the date of a judgment and future expected
lost earnings;

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(2) All expenditures for medical care or treatment,
rehabilitation services, or other care, treatment, services,
products, or accommodations incurred as a result of an injury,
death, or loss to person that is a subject of a tort action,

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including expenditures for those purposes that were incurred as of
the date of a judgment and expenditures for those purposes that,
in the determination of the trier of fact, will be incurred in the
future because of the injury, whether paid by the injured person
or by another person on behalf of the injured person;

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(3) All expenditures of a person whose property was injured
or destroyed or of another person on behalf of the person whose
property was injured or destroyed in order to repair or replace
the property;

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(4) Any other expenditures incurred as a result of an injury,
death, or loss to person or property that is a subject of a tort
action, except expenditures of the injured person, the person
whose property was injured or destroyed, or another person on
behalf of the injured person or the person whose property was
injured or destroyed in relation to the actual preparation or
presentation of the claim involved.

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(D) "Intentional tort claim" means a claim alleging that a
tortfeasor intentionally caused or intentionally contributed to
the injury or loss to person or property or the wrongful death or
that a tortfeasor knew or believed that the injury or loss to
person or property or the wrongful death was substantially certain
to result from the tortfeasor's conduct. As used in sections
2307.22, 2315.32, and 2315.42 of the Revised Code, "intentional
tort claim" does not include an intentional tort claim alleged by
an employee or the employee's legal representative against the
employee's employer and that arises from the tortfeasor's conduct
that occurs on premises owned, leased, or supervised by the
employer.

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(E) "Negligence claim" means a civil action for damages for
injury, death, or loss to person or property to the extent that
the damages are sought or recovered based on allegation or proof
of negligence.

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(F) "Noneconomic loss" means nonpecuniary harm that results from an injury, death, or loss to person that is a subject of a tort action, including, but not limited to, pain and suffering; loss of society, consortium, companionship, care, assistance, attention, protection, advice, guidance, counsel, instruction, training, or education; mental anguish; and any other intangible loss.

(G) "Person" has the same meaning as in division (C) of section 1.59 of the Revised Code and additionally includes a political subdivision and the state.

(H) "Persons from whom the plaintiff does not seek recovery in this action" includes, but is not limited to, the following:

(1) Persons who have entered into a settlement agreement with the plaintiff;

(2) Persons whom the plaintiff has dismissed from the tort action without prejudice;

(3) Persons whom the plaintiff has dismissed from the tort action with prejudice;

(4) Persons who are not a party to the tort action whether or not that person was or could have been a party to the tort action if the name of the person has been disclosed prior to trial.

(I) "Plaintiff" includes the person for whom the plaintiff is legal representative.

(J) "Political subdivision" and "state" have the same meanings as in section 2744.01 of the Revised Code.

(K) "Tort action" means a civil action for damages for injury, death, or loss to person or property. "Tort action" includes a product liability claim but does not include a civil action for damages for a breach of contract or another agreement

between persons.

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(L) "Trier of fact" means the jury or, in a nonjury action,
the court.

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Sec. 2307.22. (A) Subject to sections 2307.23 and 2307.24 and
except as provided in division (B) of section 2307.70, division
(B) of section 4507.07, section 4399.02, or another section of the
Revised Code that expressly establishes joint and several tort
liability for specified persons, joint and several tort liability
shall be determined as follows:

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(1) In a tort action in which the trier of fact determines
that two or more persons proximately caused the same injury or
loss to person or property or the same wrongful death and in which
the trier of fact determines that more than fifty per cent of the
tortious conduct is attributable to one defendant, that defendant
shall be jointly and severally liable in tort for all compensatory
damages that represent economic loss.

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(2) If division (A)(1) of this section is applicable, each
defendant who is determined by the trier of fact to be legally
responsible for the same injury or loss to person or property or
the same wrongful death and to whom fifty per cent or less of the
tortious conduct is attributable shall be liable to the plaintiff
only for that defendant's proportionate share of the compensatory
damages that represent economic loss. The proportionate share of a
defendant shall be calculated by multiplying the total amount of
the economic damages awarded to the plaintiff by the percentage of
tortious conduct as determined pursuant to section 2307.23 of the
Revised Code that is attributable to that defendant.

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(3) In a tort action in which the trier of fact determines
that two or more persons proximately caused the same injury or
loss to person or property or the same wrongful death and in which
the trier of fact determines that fifty per cent or less of the

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tortious conduct is attributable to any defendant against whom an intentional tort claim has been alleged and established, that defendant shall be jointly and severally liable in tort for all compensatory damages that represent economic loss.

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(4) If division (A)(3) of this section is applicable, each defendant against whom an intentional tort claim has not been alleged and established, who is determined by the trier of fact to be legally responsible for the same injury or loss to person or property or the same wrongful death, and to whom fifty per cent or less of the tortious conduct is attributable shall be liable to the plaintiff only for that defendant's proportionate share of the compensatory damages that represent economic loss. The proportionate share of a defendant shall be calculated by multiplying the total amount of the economic damages awarded to the plaintiff by the percentage of tortious conduct as determined pursuant to section 2307.23 of the Revised Code that is attributable to that defendant.

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(B) Except as otherwise provided in divisions (A)(3) and (4) of this section, in a tort action in which the trier of fact determines that two or more persons proximately caused the same injury or loss to person or property or the same wrongful death and in which the trier of fact determines that fifty per cent or less of the tortious conduct is attributable to each defendant, each defendant shall be liable to the plaintiff only for that defendant's proportionate share of the compensatory damages that represent economic loss. The proportionate share of a defendant shall be calculated by multiplying the total amount of the economic damages awarded to the plaintiff by the percentage of tortious conduct as determined pursuant to section 2307.23 of the Revised Code that is attributable to that defendant.

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(C) In a tort action in which the trier of fact determines that two or more persons proximately caused the same injury or

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loss to person or property or the same wrongful death, each 201
defendant who is determined by the trier of fact to be legally 202
responsible for the same injury or loss to person or property or 203
for the same wrongful death shall be liable to the plaintiff only 204
for that defendant's proportionate share of the compensatory 205
damages that represent noneconomic loss. The proportionate share 206
of a defendant shall be calculated by multiplying the total amount 207
of the noneconomic damages awarded to the plaintiff by the 208
percentage of tortious conduct as determined pursuant to section 209
2307.23 of the Revised Code that is attributable to that 210
defendant. 211

(D) Sections 2307.25 to 2307.29 of the Revised Code shall 212
apply to joint and several tort liability that is described in 213
division (A) of this section. 214

Sec. 2307.23. (A) In determining the percentage of tortious 215
conduct attributable to a party in a tort action under section 216
2307.22, sections 2315.32 to 2315.36, or sections 2315.41 to 217
2315.46 of the Revised Code, the court in a nonjury action shall 218
make findings of fact, and the jury in a jury action shall return 219
a general verdict accompanied by answers to interrogatories, that 220
shall specify all of the following: 221

(1) The percentage of tortious conduct that proximately 222
caused the injury or loss to person or property or the wrongful 223
death that is attributable to the plaintiff and to each party to 224
the tort action from whom the plaintiff seeks recovery in this 225
action; 226

(2) The percentage of tortious conduct that proximately 227
caused the injury or loss to person or property or the wrongful 228
death that is attributable to each person from whom the plaintiff 229
does not seek recovery in this action. 230

(B) The sum of the percentages of tortious conduct as 231

determined pursuant to division (A) of this section shall equal 232
one hundred per cent. 233

(C) For purposes of division (A)(2) of this section, it is an 234
affirmative defense for each party to the tort action from whom 235
the plaintiff seeks recovery in this action that a specific 236
percentage of the tortious conduct that proximately caused the 237
injury or loss to person or property or the wrongful death is 238
attributable to one or more persons from whom the plaintiff does 239
not seek recovery in this action. Any party to the tort action 240
from whom the plaintiff seeks recovery in this action may raise an 241
affirmative defense under this division at any time before the 242
trial of the action. 243

Sec. 2307.24. (A) Sections 2307.22 and 2307.23 of the Revised 244
Code do not affect joint and several liability that is not based 245
in tort. 246

(B) Sections 2307.22 and 2307.23 of the Revised Code do not 247
affect any other section of the Revised Code or the common law of 248
this state to the extent that the other section or common law 249
makes a principal, master, or other person vicariously liable for 250
the tortious conduct of an agent, servant, or other person. For 251
purposes of section 2307.22 of the Revised Code, a principal and 252
agent, a master and servant, or other persons having a vicarious 253
liability relationship shall constitute a single party when 254
determining percentages of tortious conduct in a tort action in 255
which vicarious liability is asserted. 256

Sec. 2307.25. (A) Except as otherwise provided in sections 257
2307.25 to 2307.28 of the Revised Code, if one or more persons are 258
jointly and severally liable in tort for the same injury or loss 259
to person or property or for the same wrongful death, there may be 260
a right of contribution even though judgment has not been 261

recovered against all or any of them. The right of contribution 262
exists only in favor of a tortfeasor who has paid more than that 263
tortfeasor's proportionate share of the common liability, and that 264
tortfeasor's total recovery is limited to the amount paid by that 265
tortfeasor in excess of that tortfeasor's proportionate share. No 266
tortfeasor may be compelled to make contribution beyond that 267
tortfeasor's own proportionate share of the common liability. 268
There is no right of contribution in favor of any tortfeasor 269
against whom an intentional tort claim has been alleged and 270
established. 271

(B) A tortfeasor who enters into a settlement with a claimant 272
is not entitled to contribution from another tortfeasor whose 273
liability for the injury or loss to person or property or the 274
wrongful death is not extinguished by the settlement, or in 275
respect to any amount paid in a settlement that is in excess of 276
what is reasonable. 277

(C) A liability insurer that by payment has discharged in 278
full or in part the liability of a tortfeasor and has discharged 279
in full by the payment its obligation as insurer is subrogated to 280
the tortfeasor's right of contribution to the extent of the amount 281
it has paid in excess of the tortfeasor's proportionate share of 282
the common liability. This division does not limit or impair any 283
right of subrogation arising from any other relationship. 284

(D) This section does not impair any right of indemnity under 285
existing law. If one tortfeasor is entitled to indemnity from 286
another, the right of the indemnity obligee is for indemnity and 287
not contribution, and the indemnity obligor is not entitled to 288
contribution from the obligee for any portion of the indemnity 289
obligation. 290

(E) This section does not apply to breaches of trust or of 291
other fiduciary obligations. 292

(F) The proportionate shares of tortfeasors in the common liability shall be based upon their relative degrees of legal responsibility. If equity requires the collective liability of some as a group, the group shall constitute a single share, and principles of equity applicable to contribution generally shall apply. 293
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(G) Whether or not judgment has been entered in an action against two or more tortfeasors for the same injury or loss to person or property or for the same wrongful death, contribution may be enforced by separate action. 299
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(H) Whenever the provisions of the "Federal Tort Claims Act," 60 Stat. 842 (1946), 28 U.S.C. 2671 et seq., are applicable to a tort and the United States is held liable in tort, the United States has no right of contribution under this section against the state pursuant to the waiver of sovereign immunity contained in Chapter 2743. of the Revised Code. 303
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Sec. 2307.26. If a judgment that imposes joint and several liability has been entered in an action against one or more tortfeasors for the same injury or loss to person or property or for the same wrongful death, contribution may be enforced in that action by judgment in favor of one against other judgment debtors, by motion, upon notice to all parties to the action. If there is a judgment for the injury or loss to person or property or the wrongful death against the tortfeasor seeking contribution, that tortfeasor shall commence any separate action to enforce contribution within one year after the judgment has become final by lapse of time for appeal or after appellate review. 309
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If there is no judgment for the injury or loss to person or property or the wrongful death against the tortfeasor seeking contribution, that tortfeasor's right of contribution is barred unless either of the following applies: 320
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(A) That tortfeasor has discharged by payment the common liability within the statute of limitations period applicable to the claimant's right of action against that tortfeasor and has commenced that tortfeasor's action for contribution within one year after the payment. 324
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(B) That tortfeasor has agreed while an action is pending against that tortfeasor to discharge the common liability and has paid within one year after the agreement the common liability and commenced that tortfeasor's action for contribution. 329
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Sec. 2307.27. (A) The recovery of a judgment for an injury or loss to person or property or a wrongful death against one tortfeasor does not of itself discharge the other tortfeasors from liability for the injury, loss, or wrongful death unless the judgment is satisfied. The satisfaction of the judgment does not impair any right of contribution. 333
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(B) Valid answers to interrogatories by a jury or findings of fact by a court sitting without a jury in determining the percentage of liability of several defendants for an injury or loss to person or property or a wrongful death shall be binding as among those defendants in determining their right to contribution. 339
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Sec. 2307.28. When a release or a covenant not to sue or not to enforce judgment is given in good faith to one of two or more persons for the same injury or loss to person or property or the same wrongful death, both of the following apply: 344
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(A) The release or covenant does not discharge any of the other tortfeasors from liability for the injury, loss, or wrongful death unless its terms otherwise provide, but it reduces the claim against the other tortfeasors to the extent of the greater of any amount stipulated by the release or the covenant or the amount of the consideration paid for it, except that the reduction of the 348
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claim against the other tortfeasors shall not apply in any case in
which the reduction results in the plaintiff recovering less than
the total amount of the plaintiff's compensatory damages awarded
by the trier of fact and except that in any case in which the
reduction does not apply the plaintiff shall not recover more than
the total amount of the plaintiff's compensatory damages awarded
by the trier of fact.

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(B) The release or covenant discharges the person to whom it
is given from all liability for contribution to any other
tortfeasor.

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Sec. 2307.29. No provision of sections 2307.25 to 2307.28 of
the Revised Code applies to a negligence or other tort claim to
the extent that sections 2307.22 to 2307.24, sections 2315.32 to
2315.36, or sections 2315.41 to 2315.46 of the Revised Code make a
party against whom a judgment is entered liable to the plaintiff
only for the proportionate share of that party as described in
those sections.

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Sec. 2315.08. ~~So far as in their nature applicable, sections~~
2315.01 to 2315.19 of the Revised Code, respecting The provisions
of this chapter that apply to trials by jury, apply to trials by
the court.

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Sec. 2315.32. (A) Sections 2315.32 to 2315.36 of the Revised
Code do not apply to tort actions based on a product liability
claim.

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(B) The contributory fault of the plaintiff may be asserted
as an affirmative defense to a negligence claim or to a tort claim
other than a negligence claim, except that the contributory fault
of the plaintiff may not be asserted as an affirmative defense to
an intentional tort claim.

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Sec. 2315.33. The contributory fault of a person does not bar 384
the person as plaintiff from recovering damages that have directly 385
and proximately resulted from the tortious conduct of one or more 386
other persons, if the contributory fault of the plaintiff was not 387
greater than the combined tortious conduct of all other persons 388
from whom the plaintiff seeks recovery in this action and of all 389
other persons from whom the plaintiff does not seek recovery in 390
this action. The court shall diminish any compensatory damages 391
recoverable by the plaintiff by an amount that is proportionately 392
equal to the percentage of tortious conduct of the plaintiff as 393
determined pursuant to section 2315.34 of the Revised Code. This 394
section does not apply to actions described in section 4113.03 of 395
the Revised Code. 396

Sec. 2315.34. If contributory fault is asserted and 397
established as an affirmative defense to a negligence claim, the 398
court in a nonjury action shall make findings of fact, and the 399
jury in a jury action shall return a general verdict accompanied 400
by answers to interrogatories, that shall specify the following: 401

(A) The total amount of the compensatory damages that would 402
have been recoverable on that negligence claim but for the 403
tortious conduct of the plaintiff; 404

(B) The portion of the compensatory damages specified under 405
division (A) of this section that represents economic loss; 406

(C) The portion of the compensatory damages specified under 407
division (A) of this section that represents noneconomic loss; 408

(D) The percentage of tortious conduct attributable to all 409
persons as determined pursuant to section 2307.23 of the Revised 410
Code. 411

Sec. 2315.35. After the court makes its findings of fact or 412

after the jury returns its general verdict accompanied by answers 413
to interrogatories as described in section 2315.34 of the Revised 414
Code, the court shall diminish the total amount of the 415
compensatory damages that would have been recoverable by an amount 416
that is proportionately equal to the percentage of tortious 417
conduct determined under section 2307.23 of the Revised Code that 418
is attributable to the plaintiff. If the percentage of the 419
tortious conduct determined to be attributable to the plaintiff is 420
greater than the sum of the percentages of the tortious conduct 421
determined to be attributable to all parties to the tort action 422
from whom the plaintiff seeks recovery plus all persons from whom 423
the plaintiff does not seek recovery in this action, the court 424
shall enter judgment in favor of the defendants. 425

Sec. 2315.36. If contributory fault is asserted as an 426
affirmative defense to a negligence claim, if it is determined 427
that the plaintiff was contributorily at fault and that 428
contributory fault was a direct and proximate cause of the injury, 429
death, or loss to person or property that is the subject of the 430
tort action, and if the plaintiff is entitled to recover 431
compensatory damages pursuant to section 2315.33 of the Revised 432
Code from more than one party, after it makes findings of fact or 433
after the jury returns its general verdict accompanied by answers 434
to interrogatories as described in section 2315.34 of the Revised 435
Code, the court shall enter a judgment that is in favor of the 436
plaintiff and that imposes liability pursuant to section 2307.22 437
of the Revised Code. 438

Sec. 2315.41. (A) As used in sections 2315.41 to 2315.46 of 439
the Revised Code, "other contributory tortious conduct" or "other 440
tortious conduct" means tortious conduct that contributes to the 441
injury, death, or loss to person or property for which the 442
plaintiff is seeking relief but does not include conduct 443

constituting express assumption of the risk or implied assumption
of the risk.

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(B) Sections 2315.41 to 2315.46 of the Revised Code do not
apply to actions described in section 4113.03 of the Revised Code.

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Sec. 2315.42. (A) Express or implied assumption of the risk
may be asserted as an affirmative defense to a product liability
claim, except that express or implied assumption of the risk may
not be asserted as an affirmative defense to an intentional tort
claim.

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(B) If express or implied assumption of the risk is asserted
as an affirmative defense to a product liability claim and if it
is determined that the plaintiff expressly or impliedly assumed a
risk and that the express or implied assumption of the risk was a
direct and proximate cause of harm for which the plaintiff seeks
to recover damages, the express or implied assumption of the risk
is a complete bar to the recovery of those damages.

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Sec. 2315.43. Contributory negligence or other contributory
tortious conduct may be asserted as an affirmative defense to a
product liability claim. Contributory negligence or other
contributory tortious conduct of a plaintiff does not bar the
plaintiff from recovering damages that have directly and
proximately resulted from the tortious conduct of one or more
other persons, if the contributory negligence or other
contributory tortious conduct of the plaintiff was not greater
than the combined tortious conduct of all other persons from whom
the plaintiff seeks recovery and of all other persons from whom
the plaintiff does not seek recovery in this action. The
compensatory damages recoverable by the plaintiff shall be
diminished by an amount that is proportionately equal to the
percentage of negligence or other tortious conduct of the

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plaintiff, which percentage is determined pursuant to section
2315.44 of the Revised Code.

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Sec. 2315.44. If contributory negligence or other
contributory tortious conduct is asserted and established as an
affirmative defense to a product liability claim, the court in a
nonjury action shall make findings of fact, and the jury in a jury
action shall return a general verdict accompanied by answers to
interrogatories, that shall specify the following:

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(A) The total amount of the compensatory damages that would
have been recoverable on that product liability claim but for the
negligence or other tortious conduct of the plaintiff;

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(B) The portion of the compensatory damages specified under
division (A) of this section that represents economic loss;

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(C) The portion of the compensatory damages specified under
division (A) of this section that represents noneconomic loss;

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(D) The percentage of negligence or other tortious conduct
attributable to all persons as determined pursuant to section
2307.23 of the Revised Code.

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Sec. 2315.45. After the court makes its findings of fact or
after the jury returns its general verdict accompanied by answers
to interrogatories as described in section 2315.44 of the Revised
Code, the court shall diminish the total amount of the
compensatory damages that would have been recoverable by an amount
that is proportionately equal to the percentage of negligence or
other tortious conduct determined pursuant to section 2307.23 of
the Revised Code that is attributable to the plaintiff. If the
percentage of the negligence or other tortious conduct determined
to be attributable to the plaintiff is greater than the sum of the
percentages of the tortious conduct determined to be attributable

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to all parties to the action from whom the plaintiff seeks
recovery plus all persons from whom the plaintiff does not seek
recovery in this action, the court shall enter judgment in favor
of the defendants.

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Sec. 2315.46. If contributory negligence or other
contributory tortious conduct is asserted as an affirmative
defense to a product liability claim, if it is determined that the
plaintiff was contributorily negligent or engaged in other
contributory tortious conduct and that the contributory negligence
or other contributory tortious conduct was a direct and proximate
cause of the injury, death, or loss to person or property
involved, and if the plaintiff is entitled to recover compensatory
damages pursuant to this section from more than one party, after
it makes findings of fact or after the jury returns its general
verdict accompanied by answers to interrogatories as described in
section 2315.44 of the Revised Code, the court shall enter a
judgment that is in favor of the plaintiff and that imposes
liability pursuant to section 2307.22 of the Revised Code.

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Sec. 4171.10. The express assumption of risk set forth in
section 4171.09 of the Revised Code shall serve as a complete
defense ~~to~~ in a suit tort or other civil action against an
operator by a roller skater for injuries resulting from the
assumed risks of roller skating. The comparative negligence or
other tort provisions of ~~section 2315.19~~ sections 2315.32 to
2315.36 of the Revised Code shall not apply unless the operator
has breached the operator's duties pursuant to sections 4171.06
and 4171.07 of the Revised Code.

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Sec. 4507.07. (A) The registrar of motor vehicles shall not
grant the application of any minor under eighteen years of age for

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a probationary license, a restricted license, or a temporary 532
instruction permit, unless the application is signed by one of the 533
minor's parents, the minor's guardian, another person having 534
custody of the applicant, or, if there is no parent or guardian, a 535
responsible person who is willing to assume the obligation imposed 536
under this section. 537

At the time a minor under eighteen years of age submits an 538
application for a license or permit at a driver's license 539
examining station, the adult who signs the application shall 540
present identification establishing that the adult is the 541
individual whose signature appears on the application. The 542
registrar shall prescribe, by rule, the types of identification 543
that are suitable for the purposes of this paragraph. If the adult 544
who signs the application does not provide identification as 545
required by this paragraph, the application shall not be accepted. 546

When a minor under eighteen years of age applies for a 547
probationary license, a restricted license, or a temporary 548
instruction permit, the registrar shall give the adult who signs 549
the application notice of the potential liability that may be 550
imputed to the adult pursuant to division (B) of this section and 551
notice of how the adult may prevent any liability from being 552
imputed to the adult pursuant to that division. 553

(B) Any negligence, or willful or wanton misconduct, that is 554
committed by a minor under eighteen years of age when driving a 555
motor vehicle upon a highway shall be imputed to the person who 556
has signed the application of the minor for a probationary 557
license, restricted license, or temporary instruction permit, 558
which person shall be jointly and severally liable with the minor 559
for any damages caused by the negligence or the willful or wanton 560
misconduct. This joint and several liability is not subject to 561
~~division (D) of section 2315.19~~ 2307.22, 2315.36, or 2315.46 of 562
the Revised Code with respect to a negligence claim that otherwise 563

is subject to that section. 564

There shall be no imputed liability imposed under this 565
division if a minor under eighteen years of age has proof of 566
financial responsibility with respect to the operation of a motor 567
vehicle owned by the minor or, if the minor is not the owner of a 568
motor vehicle, with respect to the minor's operation of any motor 569
vehicle, in the form and in the amounts required under Chapter 570
4509. of the Revised Code. 571

(C) Any person who has signed the application of a minor 572
under eighteen years of age for a license or permit subsequently 573
may surrender to the registrar the license or temporary 574
instruction permit of the minor and request that the license or 575
permit be canceled. The registrar then shall cancel the license or 576
temporary instruction permit, and the person who signed the 577
application of the minor shall be relieved from the liability 578
imposed by division (B) of this section. 579

(D) Any minor under eighteen years of age whose probationary 580
license, restricted license, or temporary instruction permit is 581
surrendered to the registrar by the person who signed the 582
application for the license or permit and whose license or 583
temporary instruction permit subsequently is canceled by the 584
registrar may obtain a new license or temporary instruction permit 585
without having to undergo the examinations otherwise required by 586
sections 4507.11 and 4507.12 of the Revised Code and without 587
having to tender the fee for that license or temporary instruction 588
permit, if the minor is able to produce another parent, guardian, 589
other person having custody of the minor, or other adult, and that 590
adult is willing to assume the liability imposed under division 591
(B) of this section. That adult shall comply with the procedures 592
contained in division (A) of this section. 593

Sec. 5703.54. (A) A taxpayer aggrieved by an action or 594

omission of an officer or employee of the department of taxation 595
may bring an action for damages in the court of claims pursuant to 596
Chapter 2734. of the Revised Code, if all of the following apply: 597

(1) In the action or omission the officer or employee 598
frivolously disregards a provision of Chapter 5711., 5733., 5739., 599
5741., or 5747. of the Revised Code or a rule of the tax 600
commissioner adopted under authority of one of those chapters; 601

(2) The action or omission occurred with respect to an audit 602
or assessment and the review and collection proceedings connected 603
with the audit or assessment; 604

(3) The officer or employee did not act manifestly outside 605
the scope of ~~his~~ the officer's or employee's office or employment 606
and did not act with malicious purpose, in bad faith, or in a 607
wanton or reckless manner. 608

(B) In any action brought under division (A) of this section, 609
upon a finding of liability on the part of the state, the state 610
shall be liable to the taxpayer in an amount equal to the sum of 611
the following: 612

(1) Compensatory damages sustained by the taxpayer as a 613
result of the action or omission by the department's officer or 614
employee; 615

(2) Reasonable costs of litigation and attorneys fees 616
sustained by the taxpayer. 617

(C) In the awarding of damages under division (B) of this 618
section, the court shall take into account the negligent actions 619
or omissions, if any, on the part of the taxpayer that contributed 620
to the damages, but shall not be bound by the provisions of 621
~~section 2315.19~~ sections 2315.32 to 2315.36 of the Revised Code. 622

(D) Whenever it appears to the court that a taxpayer's 623
conduct in the proceedings brought under division (A) of this 624
section is frivolous, the court may impose a penalty against the 625

taxpayer in an amount not to exceed ten thousand dollars which 626
shall be paid to the general revenue fund of the state. 627

(E)(1) Division (A) of this section does not apply to 628
advisory opinions or other informational functions of an officer 629
or employee of the department. 630

(2) Division (A) of this section does not authorize a 631
taxpayer to bring an action for damages based on an action or 632
omission of a county auditor or an employee of a county auditor. 633

(F) As used in this section, "frivolous" means that the 634
conduct of the commissioner, or of the taxpayer or ~~his~~ the 635
taxpayer's counsel of record satisfies either of the following: 636

(1) It obviously serves merely to harass or maliciously 637
injure the state or its employees or officers if referring to the 638
conduct of a taxpayer, or to harass or maliciously injure the 639
taxpayer if referring to the conduct of the tax commissioner; 640

(2) It is not warranted under existing law and cannot be 641
supported by a good faith argument for an extension, modification, 642
or reversal of existing law. 643

Section 2. That existing sections 1775.14, 2315.08, 4171.10, 644
4507.07, and 5703.54 and sections 2307.31, 2307.32, 2307.33, 645
2315.19, and 2315.20 of the Revised Code are hereby repealed. 646

Section 3. Sections 1775.14, 2307.011, 2307.22, 2307.23, 647
2307.24, 2307.25, 2307.26, 2307.27, 2307.28, 2307.29, 2315.32, 648
2315.33, 2315.34, 2315.35, 2315.36, 2315.41, 2315.42, 2315.43, 649
2315.44, 2315.45, 2315.46, 4171.10, 4507.07, and 5703.54 of the 650
Revised Code, as amended or enacted, by this act, apply only to 651
causes of action that accrue on or after the effective date of 652
this act. Any cause of action that accrues prior to the effective 653
date of this act is governed by the law in effect when the cause 654

of action accrued.

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