As Introduced

124th General Assembly
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SENATOR Mumper

A B I L L

To enact section 6109.35 of the Revised Code to specify that if a water supplier that acquires ownership of an existing water system enters into a written agreement with the Environmental Protection Agency to bring the system into compliance with drinking water standards within a specified period of time and then does so, the water supplier has certain civil immunities concerning the system's previous failure to meet those drinking water standards, and to confer other qualified immunities from tort liability upon a water supplier.

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

Section 1. That section 6109.35 of the Revised Code be enacted to read as follows:

Sec. 6109.35. (A) As used in this section:

(1) "Water supplier" means an entity that is subject to this chapter and rules adopted under it and that supplies drinking water through pipes, through tubing, or in a similar manner to consumers within this state.

(2) "Drinking water standards" means safe drinking water

standards established by the environmental protection agency under this chapter or established by the United States environmental protection agency under the Safe Drinking Water Act.

(B) A water supplier that acquires ownership of an existing water system is not liable in damages in a civil action for injury, death, or loss to person or property allegedly caused by the previous owner's failure to comply with drinking water standards if the acquiring water supplier does both of the following:

(1) Enters into a written agreement with the environmental protection agency to bring the water system into compliance with drinking water standards within a specified period of time;

(2) Brings the water system into compliance with drinking water standards within the time period agreed to under division (B)(1) of this section.

(C) A water supplier that operates a public water system is not liable in damages in a civil action to any person for injury, death, or loss to person or property that allegedly arises from the consumption of water supplied by the water supplier if, during the period of time that the supplier supplies water to the person, either of the following applies:

(1) The water supplied by the supplier meets all applicable drinking water standards, and the supplier has not been found to be in significant noncompliance with drinking water standards.

(2) The alleged injury, death, or loss to person or property is caused by a physical, chemical, biological, or radiological substance for which no drinking water standard has been established.

(D)(1) This section does not create a new cause of action or substantive legal right against a water supplier.

(2) This section does not affect any immunities from civil liability or defenses established by another section of the Revised Code or available at common law to which a water supplier may be entitled under circumstances not covered by this section.