

As Introduced

**125th General Assembly
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H. B. No. 212

**Representatives Seitz, McGregor, Setzer, Cates, C. Evans, Wagner, Schmidt,
Gilb, Husted, Williams, Blasdel, Wolpert, Schneider, Faber, Driehaus,
Webster, Gibbs, Reidelbach, Raussen, Collier, G. Smith**

A B I L L

To amend section 1343.03 and to enact section 2323.57 1
of the Revised Code to change the rate of interest 2
on money due under certain contracts and on 3
judgments, to change the computation of the period 4
for which prejudgment interest is due in certain 5
civil actions, to preclude prejudgment interest on 6
future damages, and to require that the finder of 7
fact in certain tort actions in which future 8
damages are claimed specify the amount of past and 9
future damages awarded. 10

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

Section 1. That section 1343.03 be amended and section 11
2323.57 of the Revised Code be enacted to read as follows: 12

Sec. 1343.03. (A) In cases other than those provided for in 13
sections 1343.01 and 1343.02 of the Revised Code, when money 14
becomes due and payable upon any bond, bill, note, or other 15
instrument of writing, upon any book account, upon any settlement 16
between parties, upon all verbal contracts entered into, and upon 17
all judgments, decrees, and orders of any judicial tribunal for 18

the payment of money arising out of tortious conduct or a contract 19
or other transaction, the creditor is entitled to interest at the 20
rate ~~of ten per cent per annum, and no more~~ determined pursuant to 21
section 5703.47 of the Revised Code, unless a written contract 22
provides a different rate of interest in relation to the money 23
that becomes due and payable, in which case the creditor is 24
entitled to interest at the rate provided in that contract. 25

(B) Except as provided in divisions (C) and (D) of this 26
section, interest on a judgment, decree, or order for the payment 27
of money rendered in a civil action based on tortious conduct, 28
including, but not limited to a civil action based on tortious 29
conduct that has been settled by agreement of the parties, shall 30
be computed from the date the judgment, decree, or order is 31
rendered to the date on which the money is paid. 32

(C) ~~Interest on a judgment, decree, or order for the payment~~ 33
~~of money rendered in a civil action based on tortious conduct and~~ 34
~~not settled by agreement of the parties, shall be computed from~~ 35
~~the date the cause of action accrued to the date on which the~~ 36
~~money is paid if~~ (1) If, upon motion of any party to the a civil 37
action that is based on tortious conduct, that has not been 38
settled by agreement of the parties, and in which the court has 39
rendered a judgment, decree, or order for the payment of money, 40
the court determines at a hearing held subsequent to the verdict 41
or decision in the action that the party required to pay the money 42
failed to make a good faith effort to settle the case and that the 43
party to whom the money is to be paid did not fail to make a good 44
faith effort to settle the case, interest on the judgment, decree, 45
or order shall be computed as follows: 46

(a) In an action in which the party required to pay the money 47
has admitted liability in a pleading, from the date the cause of 48
action accrued to the date on which the order, judgment, or decree 49

was rendered; 50

(b) In an action in which the party required to pay the money 51
engaged in the conduct resulting in liability with the deliberate 52
purpose of causing harm to the party to whom the money is to be 53
paid, from the date the cause of action accrued to the date on 54
which the order, judgment, or decree was rendered; 55

(c) In all other actions, for the longer of the following 56
periods: 57

(i) From the date on which the party to whom the money is to 58
be paid gave the first notice described in division (C)(1)(c)(i) 59
of this section to the date on which the judgment, order, or 60
decree was rendered. The period described in division (C)(1)(c)(i) 61
of this section shall apply only if the party to whom the money is 62
to be paid made a reasonable attempt to determine if the party 63
required to pay had insurance coverage for liability for the 64
tortious conduct and gave to the party required to pay and to any 65
identified insurer, as nearly simultaneously as practicable, 66
written notice in person or by certified mail that the cause of 67
action had accrued. 68

(ii) From the date on which the party to whom the money is to 69
be paid filed the pleading on which the judgment, decree, or order 70
was based to the date on which the judgment, decree, or order was 71
rendered. 72

(2) No court shall award interest under division (C)(1) of 73
this section on future damages, as defined in section 2323.56 of 74
the Revised Code, that are found by the trier of fact. 75

(D) Divisions (B) and (C) of this section do not apply to a 76
judgment, decree, or order rendered in a civil action based on 77
tortious conduct if a different period for computing interest on 78
it is specified by law, or if it is rendered in an action against 79
the state in the court of claims, or in an action under Chapter 80

4123. of the Revised Code. 81

Sec. 2323.57. In any tort action to which section 2323.55 or 2323.56 of the Revised Code does not apply, if a plaintiff makes a good faith claim against a defendant for future damages, the trier of fact shall return a general verdict and, if that verdict is in favor of the plaintiff, answers to interrogatories or findings of fact that specify both of the following: 82
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(A) The past damages recoverable by that plaintiff; 88

(B) The future damages recoverable by that plaintiff. 89

Section 2. That existing section 1343.03 of the Revised Code is hereby repealed. 90
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Section 3. The interest rate provided for in division (A) of section 1343.03 of the Revised Code, as amended by this act, applies to actions pending on the effective date of this act. In the calculation of interest due under section 1343.03 of the Revised Code, in actions pending on the effective date of this act, the interest rate provided for in section 1343.03 of the Revised Code prior to the amendment of that section by this act shall apply up to the effective date of this act, and the interest rate provided for in section 1343.03 of the Revised Code as amended by this act shall apply on and after that effective date. 92
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