

## As Introduced

125th General Assembly  
Regular Session  
2003-2004

H. B. No. 498

Representatives Faber, Buehrer, Young, Gibbs, Wagner, Seitz, Brinkman,  
Aslanides, Setzer, Reinhard, Combs, Hagan, Niehaus, Collier, Clancy,  
D. Evans, Schaffer, Fessler, Webster

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### A B I L L

To enact new section 2745.01 and to repeal sections  
2305.112 and 2745.01 of the Revised Code to  
replace the existing statutory provisions on  
employment intentional torts with a requirement  
that the plaintiff in a civil action based on an  
employment intentional tort prove that the  
employer acted with intent to injure another or in  
the belief that the injury was substantially  
certain to occur.

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

**Section 1.** That new section 2745.01 of the Revised Code be  
enacted to read as follows:

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**Sec. 2745.01.** (A) In an action brought against an employer by  
an employee, or by the dependent survivors of a deceased employee,  
for damages resulting from an intentional tort committed by the  
employer during the course of employment, the employer shall not  
be liable unless the plaintiff proves that the employer committed  
the tortious act with the intent to injure another or with the  
belief that the injury was substantially certain to occur.

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(B) As used in this section, "substantially certain" means 20  
that an employer acts with deliberate intent to cause an employee 21  
to suffer an injury, a disease, a condition, or death. 22

(C) Deliberate removal by an employer of an equipment safety 23  
guard or deliberate misrepresentation of a toxic or hazardous 24  
substance creates a rebuttable presumption that the removal or 25  
misrepresentation was committed with intent to injure another if 26  
an injury or an occupational disease or condition occurs as a 27  
direct result. 28

**Section 2.** That sections 2305.112 and 2745.01 of the Revised 29  
Code are hereby repealed. 30