

As Reported by the House Commerce and Labor Committee

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, Cates**

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A B I L L

To enact new section 2745.01 and to repeal sections 1
2305.112 and 2745.01 of the Revised Code to 2
replace the existing statutory provisions on 3
employment intentional torts with a requirement 4
that the plaintiff in a civil action based on an 5
employment intentional tort prove that the 6
employer acted with intent to injure another or in 7
the belief that the injury was substantially 8
certain to occur. 9

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

Section 1. That new section 2745.01 of the Revised Code be 10
enacted to read as follows: 11

Sec. 2745.01. (A) In an action brought against an employer by 12
an employee, or by the dependent survivors of a deceased employee, 13
for damages resulting from an intentional tort committed by the 14
employer during the course of employment, the employer shall not 15
be liable unless the plaintiff proves that the employer committed 16
the tortious act with the intent to injure another or with the 17
belief that the injury was substantially certain to occur. 18

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

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

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Code are hereby repealed.

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