

Mr. Bobby Burgess
Proponent Testimony - House Bill 267
Ohio House of Representatives
Civil Justice Committee
September 20th, 2017

Chairman Butler, Vice Chair Hughes, Ranking Member Boggs, and members of the Civil Justice Committee, thank you for the opportunity to provide proponent testimony on House Bill 267.

A little over two years ago, a Cincinnati Police officer lost control of his vehicle while driving through my neighborhood. His cruiser spun completely around into oncoming traffic and collided with my vehicle, which was legally parked on the side of the road, and while I was inside of it.

According to the accident report, the “police cruiser failed to maintain control in a curve” and crashed into my car—which I had purchased just nine days previously. When I went to file my damage claim with the city, Cincinnati denied the claim out-right citing Ohio Revised Code 2744.02 and claiming, “the City of Cincinnati is immune from liability for damages of this nature.”

Under ordinary circumstance, the at-fault individual, or their insurance, would be responsible for damages—but state law allowed Cincinnati to completely avoid paying out anything and I was left with over \$12,000 in damages to my vehicle, as well as medical bills and lost wages.

I spoke with a few attorneys after my claim was denied and I was told that due to state law, filing a lawsuit against the city would be difficult. Only when Local 12 investigative reporter Duane Pohlman heard my story did I begin to see any traction. What he had found was that there were several other incidents like mine across the state, bringing attention to the need for this type of legislation.

HB 267 will end this unfair situation where individuals like me fall victim twice—first during an accident at which we are not at fault, and then subsequently when we receive no payment for that accident.

Chairman Butler, Vice Chair Hughes, Ranking Member Boggs, and members of the Civil Justice Committee, I thank you for your time, and for listening to my testimony. I will be happy to answer any questions at this time.