



Scott Oelslager

State Representative, 48th District

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Chairman Hambley, Vice Chair Patton, Ranking Member Brown, and the members of the House Civil Justice Committee, thank you for the opportunity to present sponsor testimony on House Bill 272, a bill which would extend Ohio's long arm statute. Representative Oelslager apologizes for not being here. A long arm statute is a law that allows Ohioans to hold out-of-state individuals or companies accountable for the damage or harm they cause to Ohioans.

The US Supreme Court has refined its interpretation of long arm statutes. The Court has found that in order for a state court to have jurisdiction over a defendant, the defendant must have at least "minimum contacts" with the state so that if faced with a legal claim, the defendant's right to due process would not be violated. A defendant does not have to live in or be based in the state where they are being sued, but must have enough contacts in the state such that it would be fair for the court to assert jurisdiction.

Ohio's current law does not go as far as the "minimum contacts" standard allowed by the Supreme Court. Current law requires that a plaintiff's injury be "proximately caused" by the defendant's Ohio-related conduct. This limits the number of out-of-state defendants that Ohio could exercise jurisdiction over.

Consider the following scenario: a Michigan company advertises its cabins to hunting and fishing enthusiasts throughout Ohio. An Ohio family is lured and rents a cabin in Michigan. While sleeping in the cabin, a defective propane refrigerator in the cabin leaks carbon monoxide. The entire family dies in their sleep. The Supreme Court standard of "minimum contacts" would permit a legal claim against the Michigan company, but Ohio's current long-arm statute would not.

In this scenario, the family's carbon monoxide asphyxiation was not "proximately caused" by the Ohio advertisements that attracted the family to Michigan. Ohio's courthouse doors would be closed in this scenario. This is unfair to Ohioans and puts Ohioans at a disadvantage.

This would put Ohio on equal footing with a majority of jurisdictions throughout the country. For too long, Ohioans have been at a procedural disadvantage when seeking recourse against out of state bad actors. This bill levels the playing field and brings those who have previously avoided the administration of justice back to Ohio courts.

Chairman Hambley, Vice Chair Patton, Ranking Member Brown, and members of the House Civil Justice Committee, Representative Oelslager and I thank you again for the opportunity to provide testimony on House Bill 272, I am happy to answer any questions you may have.