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OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research
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Office

H.B. 27
133rd General Assembly

Fiscal Note & Local Impact Statement

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Version: As Introduced

Primary Sponsor: Rep. Ingram

Local Impact Statement Procedure Required: Yes

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Highlights

- Repealing political subdivisions' immunity against liability claims involving the negligent operation of an emergency vehicle responding to an emergency could result in significant new costs to pay liability claims resulting from these types of accidents.
- The bill specifies that compensatory damages against a political subdivision in these cases be reduced by the percentage of contributory fault attributable to the plaintiff or any other parties. This could reduce the amount paid by a political subdivision to settle these claims.

Detailed Analysis

Current law makes a political subdivision generally liable for injury, death, or loss caused by the negligent operation of any motor vehicle by an employee when engaged within the scope of employment. However, current law provides full defenses to that liability if the motor vehicle was being operated by municipal corporation police or fire departments or emergency medical services agencies owned or operated by a political subdivision responding to an emergency call so long as its operation did not constitute willful or wanton misconduct. The bill repeals these full defenses, thereby exposing political subdivisions to liability for death, injury, or loss resulting from negligent operation of emergency motor vehicles. However, a political subdivision would not be liable in these situations if the plaintiff was attempting to flee from a law enforcement officer so as to avoid apprehension for a criminal offense.

Liability claims

Liability claims against political subdivisions for the negligent operation of emergency motor vehicles could be significant, particularly so if a claim involves injury or death. As a result, political subdivisions would likely incur significant new costs to pay claims when found to be liable in these cases. However, the bill also specifies that compensatory damages recoverable

against a political subdivision for an employee's negligent operation of a motor vehicle must be reduced by the percentage of contributory fault attributable to the plaintiff or other parties. Under the bill, the reduction of compensatory damages in this manner would apply to negligent operation of a motor vehicle claims involving any motor vehicle, including nonemergency motor vehicles, operated by any employee in the scope of their employment. Although this may reduce costs for liability claims, it is difficult to determine how significantly they might be reduced, as liability claims vary greatly depending on the nature of death, injury, or loss.

Crashes involving emergency vehicles

Although data detailing the number of crashes involving the negligent operation of emergency motor vehicles is not readily available, summary data for the overall number of crashes involving emergency equipment is available from the Ohio Department of Public Safety. Between CY 2012 and CY 2016, the most recent years for which data are available, there was an average of 2,967 crashes involving emergency vehicles (ambulance, police, and fire) each year. On average, these crashes resulted in approximately eight fatalities and 603 injuries each year. Property loss crashes involving emergency equipment over this time period averaged 2,356 per year. The table below shows the total number of fatal, injury, and property loss crashes by vehicle type for each year for those years.

Crashes Involving Emergency Vehicles (CY 2012-CY 2016)					
Year	Vehicle Type	Fatal	Injury	Property Loss	Total
2012	Ambulance	5	83	374	462
	Fire	1	37	251	289
	Police	2	351	1,213	1,566
Subtotal 2012		8	471	1,838	2,317
2013	Ambulance	2	97	368	467
	Fire	1	75	420	496
	Police	2	429	1,523	1,954
Subtotal 2013		5	601	2,311	2,917
2014	Ambulance	2	103	403	508
	Fire	2	102	467	571
	Police	5	441	1,707	2,153
Subtotal 2014		9	646	2,577	3,232

Crashes Involving Emergency Vehicles (CY 2012-CY 2016)					
Year	Vehicle Type	Fatal	Injury	Property Loss	Total
2015	Ambulance	3	103	453	559
	Fire	0	97	432	529
	Police	7	446	1,759	2,212
Subtotal 2015		10	646	2,644	3,300
2016	Ambulance	3	113	398	514
	Fire	1	63	359	423
	Police	3	477	1,652	2,132
Subtotal 2016		7	653	2,409	3,069
TOTAL		39	3,017	11,779	14,835

Source: Ohio Department of Public Safety *Ohio Traffic Crash Facts: All Counties* for years 2012-2016