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Cheryl Subler, Executive Director

Senate Local Government, Public Safety and Veterans Affairs Committee
House Bill 421 – Written Opposition Testimony

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Chairman Manning, Vice Chair Brenner, Ranking Member Maharath and members of the Senate Local Government, Public Safety and Veterans Affairs Committee, thank you for the opportunity to provide written opposition testimony on House Bill 421.

Under ORC 2744.02(B)(1), political subdivisions can be liable for injury to persons or property that result from the negligent operation of a motor vehicle by a public employee of that political subdivision, where the employee is driving the vehicle in the scope of their employment. Statute provides several defenses from this liability, unless the emergency driving is “willful or wanton.” (R.C. 2744.02(B)(1)(a)-(c)) HB 421 makes changes to these liability defenses which would expose counties to additional liability risk. CCAO respectfully requests that these liability defense changes currently in the bill be removed.

Each year in Ohio there are thousands of crashes that involve emergency vehicles. The National Association of State EMS Officials found that from 2016 to 2018 there were 7,959 traffic accidents that involved public service vehicles in Ohio. Similarly, per the Ohio Department of Public Safety, between 2012-2016 there were: 14,835 emergency vehicle crashes; 39 fatalities; 3,017 injuries. Given the large number of crashes that involve emergency vehicles, taking the time for necessary review and thoughtful consideration of any changes to liability defense is critical. Seemingly small statutory changes can lead to significant increases in liability claims against counties which result in increased costs that are ultimately paid for by taxpayers.

CCAO appreciates ongoing conversations with bill sponsors, committee leaders and interested parties to discuss potential modifications to liability protections. These changes require review and consultation with county risk managers and legal counsel to determine potential liability exposure. Again, even small changes can lead to significant liability and fiscal exposure. CCAO believes that such conversations and review can be best held outside the last-minute nature of a lame duck session.

Thank you again for the opportunity to provide testimony on this important bill to county government. Should you have any questions regarding CCAO’s position, please feel free to contact me.



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