



**OHIO  
ASSOCIATION *for*  
JUSTICE**  
TRIAL LAWYERS HELPING PEOPLE

**Proponent Testimony to the Local Government, Public Safety and Veterans Affairs on House Bill 421**

*December 7, 2020*

*Curtis Fifner, Esq., Legislative Chair, Ohio Association for Justice*

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 testimony as an interested party on House Bill 421. My name is Curtis Fifner and I am a plaintiff attorney and Legislative Chair for the Ohio Association for Justice (OAJ). As the voice of the plaintiff bar in Ohio, OAJ is dedicated to preserving the Seventh Amendment and Article 1 of Ohio's Constitution, which guarantee the citizens of Ohio the right to trial by jury in civil cases.

Representatives Blair and J. Todd Smith should be lauded for the thorough and thoughtful process of this legislation. While the bill's short title and summary describe the bill as providing civil and criminal immunity, the bill practically clarifies how liability is apportioned in situations in which hospitals and police departments have a memorandum of understanding.

OAJ supports HB 421 for the important improvements made to Ohio law that identify when local governments can claim sovereign immunity for car crashes. With this bill, if a government official negligently causes damage in a car crash during non-emergency situations, everyday Ohioans will have the opportunity to seek justice. In other words, if a peace officer is driving their cruiser for reasons not related to an emergency and they cause damage, their insurance company will pay damages just like it would if they were a typical Ohioan.

Importantly, the law will continue to provide sovereign immunity during emergency situations, as well as hold the government employer – rather than the employee whose negligence caused the crash – liable.

We appreciate all the organizations that have worked with us to find an acceptable solution. In short, HB 421 protects innocent drivers from losses caused by governmental vehicle negligence. OAJ requests favorable passage of this bill.

Thank you for the opportunity to testify.

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