



CATHERINE D. INGRAM

State Representative
32nd House District

House Bill 472 - Regards political subdivision liability-motor vehicle operation

Sponsor Testimony | House Civil Justice Committee

May 10, 2022

Chair Hillyer, Vice-Chair Grendell, Ranking Member Galonski and Members of the House Civil Justice Committee, thank you for the opportunity to present sponsor testimony on House Bill 427, regarding political subdivision liability-motor vehicle operation.

The need for this legislation came to my attention as a result of an incident in Cincinnati in 2015, as well as hundreds of other incidents across the state that have occurred since. In the 2015 incident, a Cincinnati police officer was involved in an accident with a parked car whose owner was inside the vehicle and sustained injuries as a result. According to the accident report produced by the Cincinnati Police Department, the “police cruiser failed to maintain control in a curve” and crashed into vehicle which had been recently purchased. Under ordinary circumstances the at-fault party or their insurance would pay the damages, however with the help of state law, Cincinnati avoided paying out anything and the citizen was left with over \$12,000 in damage, medical bills, and lost wages.

Since 2015, more than 16,000 emergency response vehicles in Ohio have been involved in crashes, and 70% of them involved police cars, according to data from the Ohio Department of Public Safety. Further, TV 10 Columbus, “through an open records request...reviewed 108 claims filed with City Attorney Zach Klein’s office since 2018 and found that in 60% of those cases, the city denied paying individuals for property or vehicle damages caused by collision with the Columbus Division of Police”.

I first introduced this bill in the 132nd General Assembly and again the 133rd. Throughout it’s consideration, compromises have been taken from the bill and added as amendment to other bills, most recently by Representative Hillyer for SB 56. The amendment modifies the definition of "emergency call" in the Political Subdivision Sovereign Immunity Law to mean a communication from

an individual, a police dispatch, another peace officer, or personal observation and knowledge by a peace officer only if that communication, dispatch, or personal peace officer observation or knowledge involves or concerns an inherently dangerous situation that demands an immediate response from a peace officer. It also removes the reference to "a call to duty" in the existing definition of "emergency call" and requires the reduction of compensatory damages recoverable against a political subdivision for a peace officer's, firefighter's, or emergency medical technician's operation of a motor vehicle by continuing law's allocation of damages according to the court's judgment.

House Bill 427 repeals existing law's provisions specifying the qualified defenses to a political subdivision's liability for the negligent operation of a motor vehicle by a member of a municipal corporation's police or firefighting agency or member of a political subdivision's emergency medical service while responding to an emergency. The bill provides that a political subdivision is not liable in damages for the injury, death, or loss to person or property caused by an employee's negligent operation of a motor vehicle if the plaintiff, at the time of the alleged negligence, was attempting to flee from a law enforcement officer so as to avoid apprehension for a criminal offense. Lastly, the legislation requires that any compensatory damages recoverable against a political subdivision be reduced by the percentage of contributory fault attributable to the plaintiff or other parties subject to the laws on joint and several liability, contributory fault, and apportionment of liability.

This legislation will bring Ohio in line with most states in terms of municipal liability for accidents— including Kentucky, Indiana, Michigan, Pennsylvania, and West Virginia—protecting municipalities when citizens are involved in unlawful activity, but providing restitution to citizens whose property was damaged through no fault of their own.

Chair Hillyer, Vice-Chair Grendell, Ranking Member Galonski and Members of the House Civil Justice Committee, I thank you for your time and hope to have the support of the committee behind HB 27. I would be happy to answer any questions at this time.

32nd House District

Camp Camp Washington | College Hill | Downtown | East End | East Price Hill | East Westwood | Millvale | Mt. Adams | Mt. Airy | Mt. Auburn | Mt. Healthy | North College Hill | North Fairmount | Northside | Over-the-Rhine | Pendleton | Queensgate | South Cumminsville | South Fairmount | Springfield Township | Villages at Roll Hill | Walnut Hills | West End | Westwood