



OHIO HOUSE CIVIL JUSTICE COMMITTEE

HB 472

POLITICAL SUBDIVISION LIABILITY DEFENSES

OPPONENT TESTIMONY

May 24, 2022

Chair Hillyer, Vice Chair Grendell, Ranking Member Brown, and members of the House Civil Justice Committee, I am Kent Scarrett, Executive Director of the Ohio Municipal League and I appreciate the opportunity to provide written testimony in opposition to HB 472, legislation that would remove immunity defenses provided to political subdivision personnel while operating police or fire vehicles on emergency calls.

The legislation seeks to amend Ohio Revised Code Section 2744.02(B)(1)(a)(b)(c), currently providing full defenses to liability to municipal first responders including police, fire and EMS who are operating a motor vehicle while responding to an emergency call, absent proof of willful or wanton misconduct. As currently written, HB 427 removes almost all immunity defenses. The legislation preserves immunity defenses in the situation of law enforcement pursuing an individual fleeing from apprehension.

If enacted, the new statute would place municipal police, fire and emergency personnel in the same position as the average Ohio motorist, as it relates to his or her responsibilities to fellow motorists while responding to emergency calls. This would be a significant and potentially catastrophic departure from the current status that has served Ohio municipal corporations and those seeking emergency services throughout the state of Ohio well for many years.

The league is deeply concerned about the impact the legislation would have to the response times of police, fire and EMS personnel and the dramatic exposure municipalities would face financially if current immunity defenses were removed from the performance of critical and often life-saving services.

The league appreciates the language crafted from the hard work by you Chair Hillyer and other members of the House and Senate to address concerns related to first responders and the definition of what constitutes an “emergency call”. As you are aware, that compromise language was amended by this committee into SB 56, legislation dealing with public contract indemnification matters, late last year. Sub.SB 56 is awaiting the assignment of a conference committee to resolve differences between the two Chambers. We believe this compromise

language which has been vetted by several General Assemblies and interested parties impacted by the changes, including the league, is an important step forward without exposing municipalities to undue financial exposures while striking a balance with existing law.

On behalf of the league's 730 municipal members, we urge this committee to not support HB 472. A vote **against** this reckless proposal is a vote **for** Ohio's first responders and the critical and often thankless services they provide every day.