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Sub. S. B. No. 56

Senator Blessing

Cosponsors: Senators Manning, Antonio, Cirino, Craig, Fedor, Hackett, Rulli, Sykes, Thomas, Williams, Yuko Representatives Carruthers, Creech, Edwards, Fraizer, Ghanbari, Ginter, Grendell, Hillyer, Holmes, Ingram, Jones, Lampton, Leland, Miller, A., Seitz, Stein, Troy, Young, T., Speaker Cupp

A BILL

To amend sections 2744.01, 2744.05, and 4973.17 and 1
to enact section 153.81 of the Revised Code to 2
regulate the use of indemnity provisions in 3
professional design contracts related to public 4
improvements, to modify the definition of 5
"emergency call," to provide for the allocation 6
of damages in certain provisions of the 7
Political Subdivision Sovereign Immunity Law, 8
and to provide a municipal corporation or county 9
immunity from liability in any action arising 10
from a hospital police officer acting in the 11
discharge of duties in specified locations. 12

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 2744.01, 2744.05, and 4973.17 be 13
amended and section 153.81 of the Revised Code be enacted to 14
read as follows: 15

Sec. 153.81. (A) (1) (a) If a professional design firm 16

provides work, services, studies, planning, surveys, or 17
preparatory work in connection with a public improvement, a 18
public authority may require, via a provision in a public 19
improvement contract or subcontract, that the professional 20
design firm indemnify the public authority and its officers and 21
employees for liabilities the public authority, officer, or 22
employee incurs for the death of or injury to a third party that 23
is proximately caused by the provision of the work, services, 24
studies, planning, surveys, or preparatory work. 25

(b) The indemnification shall only be for the liabilities 26
incurred from the proportionate share of the tortious conduct, 27
as determined pursuant to section 2307.23 of the Revised Code, 28
of the professional design firm or any consultant, 29
subcontractor, or other entity used by the professional design 30
firm, in performing under the public improvement contract. 31

(c) A public authority shall not require, via a provision 32
in a public improvement contract or subcontract, that a 33
professional design firm indemnify the public authority except 34
as described in divisions (A)(1)(a) and (b) of this section. 35

(2)(a) A professional design services subcontract entered 36
into in connection with a public improvement may include a 37
provision that requires any subcontracted professional design 38
firm to indemnify the public authority and the professional 39
design firm that executed the subcontract, and their respective 40
owners, officers, and employees, for liabilities the public 41
authority, professional design firm, owner, officer, or employee 42
incurs for the death of or injury to a third party that is 43
proximately caused by the subcontractor's performance under the 44
subcontract. 45

(b) The indemnification shall only be for the liabilities 46

incurred from the proportionate share of the tortious conduct, 47
as determined pursuant to section 2307.23 of the Revised Code, 48
of the subcontracted professional design firm or any entity used 49
by the subcontracted professional design firm, in performing 50
under the subcontract. 51

(c) No professional design firm may require, via a 52
provision in a subcontract entered into in connection with a 53
public improvement, that a subcontracted professional design 54
firm indemnify the professional design firm or the public 55
authority except as described in divisions (A) (2) (a) and (b) of 56
this section. 57

(3) Division (A) of this section does not prohibit either 58
of the following: 59

(a) A public authority from commencing a civil action for 60
damages against a professional design firm for breach of the 61
public improvement contract or for breach of the professional 62
standard of care; 63

(b) A professional design firm from commencing a civil 64
action for damages against a subcontracted professional design 65
firm for breach of the professional design services subcontract 66
or for breach of the professional standard of care. 67

(B) Notwithstanding divisions (A) (1) (c) and (2) (c) of this 68
section, this section does not prohibit a public authority from 69
requiring insurance coverage, as appropriate, in a contract to 70
meet the indemnification described in this section. 71

(C) If any provision of this section conflicts with any 72
provisions of a contract between a public authority and the 73
federal government, the provision of this section shall not 74
apply to the extent to which it is in conflict with such a 75

contract. All other provisions of this section that are not in 76
conflict shall apply. 77

(D)(1) Any public improvement contract or subcontract that 78
includes an indemnification provision as described in division 79
(A) of this section shall not waive, and shall not be construed 80
as waiving, any immunity or limitation of liability as 81
prescribed in Chapters 2744., 4123., 4125., 4127., and 4131. of 82
the Revised Code. Sections 4123.35 and 4123.80 of the Revised 83
Code control over this section. 84

(2) Any indemnification provided under this section shall 85
not extend to liabilities that would otherwise be barred under 86
sections 2305.06, 2305.09, or 2305.131 of the Revised Code or 87
under any other general statute of limitation or statute of 88
repose. 89

(E) As used in this section: 90

(1) "Injury" means all of the following: 91

(a) Bodily injury to a person; 92

(b) Sickness or disease of a person; 93

(c) Injury to or destruction of tangible property of a 94
third party to the public improvement; 95

(d) Injury, claims, damages, or loss arising from or 96
related to the infringement of intellectual property. 97

(2) "Intellectual property" means any invention, 98
discovery, work of authorship, creative work, or architectural 99
work that may be subject to protection under federal or state 100
patent, copyright, trademark, or trade secret laws. 101

(3) "Liabilities" means claims, damages, or loss, 102

including reasonable attorney's fees, costs, and expenses. 103

(4) "Professional design firm," "professional design services," and "public authority" have the same meanings as in section 153.65 of the Revised Code. 104
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(5) "Public improvement contract" has the same meaning as in section 153.03 of the Revised Code. 107
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Sec. 2744.01. As used in this chapter: 109

(A) "Emergency call" means a ~~call to duty, including, but not limited to, communications~~ communication from citizens ~~an individual, a police dispatches~~ dispatch, and another peace officer, or personal observations ~~observation and knowledge by a peace officers of officer,~~ only if that communication, dispatch, or personal peace officer observation or knowledge involves or concerns an inherently dangerous situations ~~situation~~ that demand ~~demands~~ an immediate response on the part of a peace officer. 110
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(B) "Employee" means an officer, agent, employee, or servant, whether or not compensated or full-time or part-time, who is authorized to act and is acting within the scope of the officer's, agent's, employee's, or servant's employment for a political subdivision. "Employee" does not include an independent contractor and does not include any individual engaged by a school district pursuant to section 3319.301 of the Revised Code. "Employee" includes any elected or appointed official of a political subdivision. "Employee" also includes a person who has been convicted of or pleaded guilty to a criminal offense and who has been sentenced to perform community service work in a political subdivision whether pursuant to section 2951.02 of the Revised Code or otherwise, and a child who is 119
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found to be a delinquent child and who is ordered by a juvenile 132
court pursuant to section 2152.19 or 2152.20 of the Revised Code 133
to perform community service or community work in a political 134
subdivision. 135

(C) (1) "Governmental function" means a function of a 136
political subdivision that is specified in division (C) (2) of 137
this section or that satisfies any of the following: 138

(a) A function that is imposed upon the state as an 139
obligation of sovereignty and that is performed by a political 140
subdivision voluntarily or pursuant to legislative requirement; 141

(b) A function that is for the common good of all citizens 142
of the state; 143

(c) A function that promotes or preserves the public 144
peace, health, safety, or welfare; that involves activities that 145
are not engaged in or not customarily engaged in by 146
nongovernmental persons; and that is not specified in division 147
(G) (2) of this section as a proprietary function. 148

(2) A "governmental function" includes, but is not limited 149
to, the following: 150

(a) The provision or nonprovision of police, fire, 151
emergency medical, ambulance, and rescue services or protection; 152

(b) The power to preserve the peace; to prevent and 153
suppress riots, disturbances, and disorderly assemblages; to 154
prevent, mitigate, and clean up releases of oil and hazardous 155
and extremely hazardous substances as defined in section 3750.01 156
of the Revised Code; and to protect persons and property; 157

(c) The provision of a system of public education; 158

(d) The provision of a free public library system; 159

(e) The regulation of the use of, and the maintenance and	160
repair of, roads, highways, streets, avenues, alleys, sidewalks,	161
bridges, aqueducts, viaducts, and public grounds;	162
(f) Judicial, quasi-judicial, prosecutorial, legislative,	163
and quasi-legislative functions;	164
(g) The construction, reconstruction, repair, renovation,	165
maintenance, and operation of buildings that are used in	166
connection with the performance of a governmental function,	167
including, but not limited to, office buildings and courthouses;	168
(h) The design, construction, reconstruction, renovation,	169
repair, maintenance, and operation of jails, places of juvenile	170
detention, workhouses, or any other detention facility, as	171
defined in section 2921.01 of the Revised Code;	172
(i) The enforcement or nonperformance of any law;	173
(j) The regulation of traffic, and the erection or	174
nonerection of traffic signs, signals, or control devices;	175
(k) The collection and disposal of solid wastes, as	176
defined in section 3734.01 of the Revised Code, including, but	177
not limited to, the operation of solid waste disposal	178
facilities, as "facilities" is defined in that section, and the	179
collection and management of hazardous waste generated by	180
households. As used in division (C) (2) (k) of this section,	181
"hazardous waste generated by households" means solid waste	182
originally generated by individual households that is listed	183
specifically as hazardous waste in or exhibits one or more	184
characteristics of hazardous waste as defined by rules adopted	185
under section 3734.12 of the Revised Code, but that is excluded	186
from regulation as a hazardous waste by those rules.	187
(l) The provision or nonprovision, planning or design,	188

construction, or reconstruction of a public improvement,	189
including, but not limited to, a sewer system;	190
(m) The operation of a job and family services department	191
or agency, including, but not limited to, the provision of	192
assistance to aged and infirm persons and to persons who are	193
indigent;	194
(n) The operation of a health board, department, or	195
agency, including, but not limited to, any statutorily required	196
or permissive program for the provision of immunizations or	197
other inoculations to all or some members of the public,	198
provided that a "governmental function" does not include the	199
supply, manufacture, distribution, or development of any drug or	200
vaccine employed in any such immunization or inoculation program	201
by any supplier, manufacturer, distributor, or developer of the	202
drug or vaccine;	203
(o) The operation of mental health facilities,	204
developmental disabilities facilities, alcohol treatment and	205
control centers, and children's homes or agencies;	206
(p) The provision or nonprovision of inspection services	207
of all types, including, but not limited to, inspections in	208
connection with building, zoning, sanitation, fire, plumbing,	209
and electrical codes, and the taking of actions in connection	210
with those types of codes, including, but not limited to, the	211
approval of plans for the construction of buildings or	212
structures and the issuance or revocation of building permits or	213
stop work orders in connection with buildings or structures;	214
(q) Urban renewal projects and the elimination of slum	215
conditions, including the performance of any activity that a	216
county land reutilization corporation is authorized to perform	217

under Chapter 1724. or 5722. of the Revised Code;	218
(r) Flood control measures;	219
(s) The design, construction, reconstruction, renovation, operation, care, repair, and maintenance of a township cemetery;	220 221
(t) The issuance of revenue obligations under section 140.06 of the Revised Code;	222 223
(u) The design, construction, reconstruction, renovation, repair, maintenance, and operation of any school athletic facility, school auditorium, or gymnasium or any recreational area or facility, including, but not limited to, any of the following:	224 225 226 227 228
(i) A park, playground, or playfield;	229
(ii) An indoor recreational facility;	230
(iii) A zoo or zoological park;	231
(iv) A bath, swimming pool, pond, water park, wading pool, wave pool, water slide, or other type of aquatic facility;	232 233
(v) A golf course;	234
(vi) A bicycle motocross facility or other type of recreational area or facility in which bicycling, skating, skate boarding, or scooter riding is engaged;	235 236 237
(vii) A rope course or climbing walls;	238
(viii) An all-purpose vehicle facility in which all- purpose vehicles, as defined in section 4519.01 of the Revised Code, are contained, maintained, or operated for recreational activities.	239 240 241 242
(v) The provision of public defender services by a county	243

or joint county public defender's office pursuant to Chapter	244
120. of the Revised Code;	245
(w) (i) At any time before regulations prescribed pursuant	246
to 49 U.S.C.A 20153 become effective, the designation,	247
establishment, design, construction, implementation, operation,	248
repair, or maintenance of a public road rail crossing in a zone	249
within a municipal corporation in which, by ordinance, the	250
legislative authority of the municipal corporation regulates the	251
sounding of locomotive horns, whistles, or bells;	252
(ii) On and after the effective date of regulations	253
prescribed pursuant to 49 U.S.C.A. 20153, the designation,	254
establishment, design, construction, implementation, operation,	255
repair, or maintenance of a public road rail crossing in such a	256
zone or of a supplementary safety measure, as defined in 49	257
U.S.C.A 20153, at or for a public road rail crossing, if and to	258
the extent that the public road rail crossing is excepted,	259
pursuant to subsection (c) of that section, from the requirement	260
of the regulations prescribed under subsection (b) of that	261
section.	262
(x) A function that the general assembly mandates a	263
political subdivision to perform.	264
(D) "Law" means any provision of the constitution,	265
statutes, or rules of the United States or of this state;	266
provisions of charters, ordinances, resolutions, and rules of	267
political subdivisions; and written policies adopted by boards	268
of education. When used in connection with the "common law,"	269
this definition does not apply.	270
(E) "Motor vehicle" has the same meaning as in section	271
4511.01 of the Revised Code.	272

(F) "Political subdivision" or "subdivision" means a 273
municipal corporation, township, county, school district, or 274
other body corporate and politic responsible for governmental 275
activities in a geographic area smaller than that of the state. 276
"Political subdivision" includes, but is not limited to, a 277
county hospital commission appointed under section 339.14 of the 278
Revised Code, board of hospital commissioners appointed for a 279
municipal hospital under section 749.04 of the Revised Code, 280
board of hospital trustees appointed for a municipal hospital 281
under section 749.22 of the Revised Code, regional planning 282
commission created pursuant to section 713.21 of the Revised 283
Code, county planning commission created pursuant to section 284
713.22 of the Revised Code, joint planning council created 285
pursuant to section 713.231 of the Revised Code, interstate 286
regional planning commission created pursuant to section 713.30 287
of the Revised Code, port authority created pursuant to section 288
4582.02 or 4582.26 of the Revised Code or in existence on 289
December 16, 1964, regional council established by political 290
subdivisions pursuant to Chapter 167. of the Revised Code, 291
emergency planning district and joint emergency planning 292
district designated under section 3750.03 of the Revised Code, 293
joint emergency medical services district created pursuant to 294
section 307.052 of the Revised Code, fire and ambulance district 295
created pursuant to section 505.375 of the Revised Code, joint 296
interstate emergency planning district established by an 297
agreement entered into under that section, county solid waste 298
management district and joint solid waste management district 299
established under section 343.01 or 343.012 of the Revised Code, 300
community school established under Chapter 3314. of the Revised 301
Code, county land reutilization corporation organized under 302
Chapter 1724. of the Revised Code, the county or counties served 303
by a community-based correctional facility and program or 304

district community-based correctional facility and program 305
established and operated under sections 2301.51 to 2301.58 of 306
the Revised Code, a community-based correctional facility and 307
program or district community-based correctional facility and 308
program that is so established and operated, and the facility 309
governing board of a community-based correctional facility and 310
program or district community-based correctional facility and 311
program that is so established and operated. 312

(G) (1) "Proprietary function" means a function of a 313
political subdivision that is specified in division (G) (2) of 314
this section or that satisfies both of the following: 315

(a) The function is not one described in division (C) (1) 316
(a) or (b) of this section and is not one specified in division 317
(C) (2) of this section; 318

(b) The function is one that promotes or preserves the 319
public peace, health, safety, or welfare and that involves 320
activities that are customarily engaged in by nongovernmental 321
persons. 322

(2) A "proprietary function" includes, but is not limited 323
to, the following: 324

(a) The operation of a hospital by one or more political 325
subdivisions; 326

(b) The design, construction, reconstruction, renovation, 327
repair, maintenance, and operation of a public cemetery other 328
than a township cemetery; 329

(c) The establishment, maintenance, and operation of a 330
utility, including, but not limited to, a light, gas, power, or 331
heat plant, a railroad, a busline or other transit company, an 332
airport, and a municipal corporation water supply system; 333

(d) The maintenance, destruction, operation, and upkeep of a sewer system;	334 335
(e) The operation and control of a public stadium, auditorium, civic or social center, exhibition hall, arts and crafts center, band or orchestra, or off-street parking facility.	336 337 338 339
(H) "Public roads" means public roads, highways, streets, avenues, alleys, and bridges within a political subdivision. "Public roads" does not include berms, shoulders, rights-of-way, or traffic control devices unless the traffic control devices are mandated by the Ohio manual of uniform traffic control devices.	340 341 342 343 344 345
(I) "State" means the state of Ohio, including, but not limited to, the general assembly, the supreme court, the offices of all elected state officers, and all departments, boards, offices, commissions, agencies, colleges and universities, institutions, and other instrumentalities of the state of Ohio. "State" does not include political subdivisions.	346 347 348 349 350 351
Sec. 2744.05. Notwithstanding any other provisions of the Revised Code or rules of a court to the contrary, in an action against a political subdivision to recover damages for injury, death, or loss to person or property caused by an act or omission in connection with a governmental or proprietary function:	352 353 354 355 356 357
(A) Punitive or exemplary damages shall not be awarded.	358
(B) (1) If a claimant receives or is entitled to receive benefits for injuries or loss allegedly incurred from a policy or policies of insurance or any other source, the benefits shall be disclosed to the court, and the amount of the benefits shall	359 360 361 362

be deducted from any award against a political subdivision 363
recovered by that claimant. No insurer or other person is 364
entitled to bring an action under a subrogation provision in an 365
insurance or other contract against a political subdivision with 366
respect to those benefits. 367

The amount of the benefits shall be deducted from an award 368
against a political subdivision under division (B) (1) of this 369
section regardless of whether the claimant may be under an 370
obligation to pay back the benefits upon recovery, in whole or 371
in part, for the claim. A claimant whose benefits have been 372
deducted from an award under division (B) (1) of this section is 373
not considered fully compensated and shall not be required to 374
reimburse a subrogated claim for benefits deducted from an award 375
pursuant to division (B) (1) of this section. 376

(2) Nothing in division (B) (1) of this section shall be 377
construed to do either of the following: 378

(a) Limit the rights of a beneficiary under a life 379
insurance policy or the rights of sureties under fidelity or 380
surety bonds; 381

(b) Prohibit the department of medicaid from recovering 382
from the political subdivision, pursuant to section 5160.37 of 383
the Revised Code, the cost of medical assistance provided under 384
a medical assistance program. 385

(C) (1) There shall not be any limitation on compensatory 386
damages that represent the actual loss of the person who is 387
awarded the damages. However, except in wrongful death actions 388
brought pursuant to Chapter 2125. of the Revised Code, damages 389
that arise from the same cause of action, transaction or 390
occurrence, or series of transactions or occurrences and that do 391

not represent the actual loss of the person who is awarded the 392
damages shall not exceed two hundred fifty thousand dollars in 393
favor of any one person. The limitation on damages that do not 394
represent the actual loss of the person who is awarded the 395
damages provided in this division does not apply to court costs 396
that are awarded to a plaintiff, or to interest on a judgment 397
rendered in favor of a plaintiff, in an action against a 398
political subdivision. 399

(2) Any compensatory damages recoverable against a 400
political subdivision for a peace officer's, fire fighter's, or 401
emergency medical technician's operation of a motor vehicle 402
shall be reduced by the percentage of contributory fault 403
attributable to the plaintiff or any other parties, subject to 404
sections 2307.22, 2307.23, and 2315.32 to 2315.36 of the Revised 405
Code. 406

(3) As used in this division, "the actual loss of the 407
person who is awarded the damages" includes all of the 408
following: 409

(a) All wages, salaries, or other compensation lost by the 410
person injured as a result of the injury, including wages, 411
salaries, or other compensation lost as of the date of a 412
judgment and future expected lost earnings of the person 413
injured; 414

(b) All expenditures of the person injured or another 415
person on behalf of the person injured for medical care or 416
treatment, for rehabilitation services, or for other care, 417
treatment, services, products, or accommodations that were 418
necessary because of the injury; 419

(c) All expenditures to be incurred in the future, as 420

determined by the court, by the person injured or another person 421
on behalf of the person injured for medical care or treatment, 422
for rehabilitation services, or for other care, treatment, 423
services, products, or accommodations that will be necessary 424
because of the injury; 425

(d) All expenditures of a person whose property was 426
injured or destroyed or of another person on behalf of the 427
person whose property was injured or destroyed in order to 428
repair or replace the property that was injured or destroyed; 429

(e) All expenditures of the person injured or of the 430
person whose property was injured or destroyed or of another 431
person on behalf of the person injured or of the person whose 432
property was injured or destroyed in relation to the actual 433
preparation or presentation of the claim involved; 434

(f) Any other expenditures of the person injured or of the 435
person whose property was injured or destroyed or of another 436
person on behalf of the person injured or of the person whose 437
property was injured or destroyed that the court determines 438
represent an actual loss experienced because of the personal or 439
property injury or property loss. 440

"The actual loss of the person who is awarded the damages" 441
does not include any fees paid or owed to an attorney for any 442
services rendered in relation to a personal or property injury 443
or property loss, and does not include any damages awarded for 444
pain and suffering, for the loss of society, consortium, 445
companionship, care, assistance, attention, protection, advice, 446
guidance, counsel, instruction, training, or education of the 447
person injured, for mental anguish, or for any other intangible 448
loss. 449

Sec. 4973.17. (A) (1) Upon the application of any bank; 450
savings and loan association; savings bank; credit union; or 451
association of banks, savings and loan associations, savings 452
banks, or credit unions in this state, the secretary of state 453
may appoint and commission any persons that the bank; savings 454
and loan association; savings bank; credit union; or association 455
of banks, savings and loan associations, savings banks, or 456
credit unions designates, or as many of those persons as the 457
secretary of state considers proper, to act as police officers 458
for and on the premises of that bank; savings and loan 459
association; savings bank; credit union; or association of 460
banks, savings and loan associations, savings banks, or credit 461
unions; or elsewhere, when directly in the discharge of their 462
duties. Police officers so appointed shall be citizens of this 463
state and of good character. Police officers so appointed who 464
start to perform their duties on or after April 14, 2006, shall 465
successfully complete a training program approved by the Ohio 466
peace officer training commission described in section 109.71 of 467
the Revised Code and be certified by the commission within six 468
months after starting to perform their duties. Police officers 469
so appointed shall hold office for three years, unless, for good 470
cause shown, their commission is revoked by the secretary of 471
state, or by the bank; savings and loan association; savings 472
bank; credit union; or association of banks, savings and loan 473
associations, savings banks, or credit unions, as provided by 474
law. 475

(2) Persons commissioned as police officers pursuant to 476
division (A) of this section prior to April 14, 2006, who have 477
not successfully completed a training program approved by the 478
Ohio peace officer training commission, and who have not been 479
certified by the commission, may be reappointed and re- 480

commissioned by the secretary of state only during the person's 481
continuous employment as a police officer by the institution for 482
which the person was employed on April 14, 2006, or by a 483
successor institution to the institution for which the person 484
was employed on April 14, 2006. The secretary of state shall 485
note on such appointments and commissions that the person is not 486
a peace officer as defined in section 109.71 of the Revised 487
Code. 488

(3) For the exclusive purpose of assigning break in 489
service update training as prescribed in rule 109:2-1-12 (D) of 490
the Administrative Code, a police officer appointed under 491
division (A) of this section, who began performing police 492
officer duties on or before April 14, 2006, shall be credited as 493
holding a valid peace officer appointment retroactive to the 494
date on which the officer began performing these duties. 495

(B) Upon the application of a company owning or using a 496
railroad in this state and subject to section 4973.171 of the 497
Revised Code, the secretary of state may appoint and commission 498
any persons that the railroad company designates, or as many of 499
those persons as the secretary of state considers proper, to act 500
as police officers for and on the premises of the railroad 501
company, its affiliates or subsidiaries, or elsewhere, when 502
directly in the discharge of their duties. Police officers so 503
appointed, within the time set by the Ohio peace officer 504
training commission, shall successfully complete a commission 505
approved training program and be certified by the commission. 506
They shall hold office for three years, unless, for good cause 507
shown, their commission is revoked by the secretary of state, or 508
railroad company, as provided by law. 509

Any person holding a similar commission in another state 510

may be commissioned and may hold office in this state without 511
completing the approved training program required by this 512
division provided that the person has completed a substantially 513
equivalent training program in the other state. The Ohio peace 514
officer training commission shall determine whether a training 515
program in another state meets the requirements of this 516
division. 517

(C) Upon the application of any company under contract 518
with the United States atomic energy commission for the 519
construction or operation of a plant at a site owned by the 520
commission, the secretary of state may appoint and commission 521
persons the company designates, not to exceed one hundred fifty, 522
to act as police officers for the company at the plant or site 523
owned by the commission. Police officers so appointed shall be 524
citizens of this state and of good character. They shall hold 525
office for three years, unless, for good cause shown, their 526
commission is revoked by the secretary of state or by the 527
company, as provided by law. 528

(D) (1) Upon the application of any hospital that is 529
operated by a public hospital agency or a nonprofit hospital 530
agency and that employs and maintains its own proprietary police 531
department or security department and subject to section 532
4973.171 of the Revised Code, the secretary of state may appoint 533
and commission any persons that the hospital designates, or as 534
many of those persons as the secretary of state considers 535
proper, to act as police officers for the hospital. No person 536
who is appointed as a police officer under this division shall 537
engage in any duties or activities as a police officer for the 538
hospital or any affiliate or subsidiary of the hospital unless 539
all of the following apply: 540

(a) The chief of police of the municipal corporation in 541
which the hospital is located or, if the hospital is located in 542
the unincorporated area of a county, the sheriff of that county 543
has granted approval to the hospital to permit persons appointed 544
as police officers under this division to engage in those duties 545
and activities. The approval required by this division is 546
general in nature and is intended to cover in the aggregate all 547
persons appointed as police officers for the hospital under this 548
division; a separate approval is not required for each appointee 549
on an individual basis. 550

(b) Subsequent to the grant of approval described in 551
division (D) (1) (a) of this section, the hospital has entered 552
into a written agreement with the chief of police of the 553
municipal corporation in which the hospital is located or, if 554
the hospital is located in the unincorporated area of a county, 555
with the sheriff of that county, that sets forth the standards 556
and criteria to govern the interaction and cooperation between 557
persons appointed as police officers for the hospital under this 558
division and law enforcement officers serving the agency 559
represented by the chief of police or sheriff who signed the 560
agreement in areas of their concurrent jurisdiction. The written 561
agreement shall be signed by the appointing authority of the 562
hospital and by the chief of police or sheriff. The standards 563
and criteria may include, but are not limited to, provisions 564
governing the reporting of offenses discovered by hospital 565
police officers to the agency represented by the chief of police 566
or sheriff, provisions governing investigatory responsibilities 567
relative to offenses committed on hospital property, and 568
provisions governing the processing and confinement of persons 569
arrested for offenses committed on hospital property. The 570
agreement required by this division is intended to apply in the 571

aggregate to all persons appointed as police officers for the 572
hospital under this division; a separate agreement is not 573
required for each appointee on an individual basis. 574

(c) The person has successfully completed a training 575
program approved by the Ohio peace officer training commission 576
and has been certified by the commission. A person appointed as 577
a police officer under this division may attend a training 578
program approved by the commission and be certified by the 579
commission regardless of whether the appropriate chief of police 580
or sheriff has granted the approval described in division (D) (1) 581
(a) of this section and regardless of whether the hospital has 582
entered into the written agreement described in division (D) (1) 583
(b) of this section with the appropriate chief of police or 584
sheriff. 585

(2) (a) A person who is appointed as a police officer under 586
division (D) (1) of this section is entitled, upon the grant of 587
approval described in division (D) (1) (a) of this section and 588
upon the person's and the hospital's compliance with the 589
requirements of divisions (D) (1) (b) and (c) of this section, to 590
act as a police officer for the hospital on the premises of the 591
hospital and of its affiliates and subsidiaries that are within 592
the territory of the municipal corporation served by the chief 593
of police or the unincorporated area of the county served by the 594
sheriff who signed the written agreement described in division 595
(D) (1) (b) of this section, whichever is applicable, and anywhere 596
else within the territory of that municipal corporation or 597
within the unincorporated area of that county. The authority to 598
act as a police officer as described in this division is granted 599
only if the person, when engaging in that activity, is directly 600
in the discharge of the person's duties as a police officer for 601
the hospital. The authority to act as a police officer as 602

described in this division shall be exercised in accordance with 603
the standards and criteria set forth in the written agreement 604
described in division (D) (1) (b) of this section. 605

(b) Additionally, a person appointed as a police officer 606
under division (D) (1) of this section is entitled, upon the 607
grant of approval described in division (D) (1) (a) of this 608
section and upon the person's and the hospital's compliance with 609
the requirements of divisions (D) (1) (b) and (c) of this section, 610
to act as a police officer elsewhere, within the territory of a 611
municipal corporation or within the unincorporated area of a 612
county, if the chief of police of that municipal corporation or 613
the sheriff of that county, respectively, has granted approval 614
for that activity to the hospital, police department, or 615
security department served by the person as a police officer and 616
if the person, when engaging in that activity, is directly in 617
the discharge of the person's duties as a police officer for the 618
hospital. The approval described in this division may be general 619
in nature or may be limited in scope, duration, or 620
applicability, as determined by the chief of police or sheriff 621
granting the approval. 622

(3) Police officers appointed under division (D) (1) of 623
this section shall hold office for three years, unless, for good 624
cause shown, their commission is revoked by the secretary of 625
state or by the hospital, as provided by law. 626

(4) Notwithstanding section 2744.02 of the Revised Code, 627
the municipal corporation in which the hospital is located or, 628
if the hospital is located in the unincorporated area of a 629
county, the county is immune from civil or criminal liability in 630
any action brought under the laws of this state if all of the 631
following apply: 632

(a) The action arises out of the actions of a police officer appointed under division (D) (1) of this section. 633
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(b) The actions of the police officer are directly in the discharge of the person's duties as a police officer for the hospital. 635
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(c) The actions of the police officer occur on the premises of the hospital or its affiliates or subsidiaries that are within the territory of the municipal corporation served by the chief of police or the unincorporated area of the county served by the sheriff who signed the agreement described in division (D) (1) (b) of this section, whichever is applicable, or anywhere else within the territory of that municipal corporation or within the unincorporated area of that county. 638
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(5) A court's finding of tort liability of any public hospital agency or nonprofit hospital agency for any actions of a police officer appointed for the applicable hospital agency under division (D) (1) of this section is not subject to apportionment of tort liability under sections 2307.22 and 2307.23 of the Revised Code with the municipal corporation or the county in which a written agreement as described in division (D) (1) (b) of this section is in effect. 646
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(6) Nothing in division (D) (4) of this section shall be construed as granting immunity from civil or criminal liability for any actions occurring on the premises of any hospital operated by a public hospital agency or nonprofit hospital agency or on the premises of that hospital's affiliate or subsidiary to any of the following: 654
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(a) Any police officer appointed under division (D) (1) of this section; 660
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(b) Any hospital operated by a public hospital agency or a nonprofit hospital agency that applied for the appointment of any police officer under division (D)(1) of this section, or any affiliate or subsidiary of the hospital; 662
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(c) Any other police or security officer who is employed by, or whose services are utilized by, any hospital operated by a public hospital agency or a nonprofit hospital agency, or any affiliate or subsidiary of the hospital; 666
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(d) Any entity that supplies the services of police or security officers to any hospital operated by a public hospital agency or a nonprofit hospital agency or any affiliate or subsidiary of the hospital. 670
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(7) As used in ~~divisions~~ division (D)(1) to (3)(D) of this section, "public: 674
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(a) "Public hospital agency" and "nonprofit hospital agency" have the same meanings as in section 140.01 of the Revised Code. 676
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(b) "Tort liability" means the liability of a party as determined by a court in a tort action as defined in section 2307.011 of the Revised Code. 679
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(E) (1) Upon the application of any owner or operator of an amusement park that has an average yearly attendance in excess of six hundred thousand guests and that employs and maintains its own proprietary police department or security department and subject to section 4973.171 of the Revised Code, any judge of the municipal court or county court that has territorial jurisdiction over the amusement park may appoint and commission any persons that the owner or operator designates, or as many of those persons as the judge considers proper, to act as police 682
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officers for the amusement park. If the amusement park is 691
located in more than one county, any judge of the municipal 692
court or county court of any of those counties may make the 693
appointments and commissions as described in this division. No 694
person who is appointed as a police officer under this division 695
shall engage in any duties or activities as a police officer for 696
the amusement park or any affiliate or subsidiary of the owner 697
or operator of the amusement park unless all of the following 698
apply: 699

(a) The appropriate chief or chiefs of police of the 700
political subdivision or subdivisions in which the amusement 701
park is located as specified in this division have granted 702
approval to the owner or operator of the amusement park to 703
permit persons appointed as police officers under this division 704
to engage in those duties and activities. If the amusement park 705
is located in a single municipal corporation or a single 706
township, the chief of police of that municipal corporation or 707
township is the appropriate chief of police for the grant of 708
approval under this division. If the amusement park is located 709
in two or more townships, two or more municipal corporations, or 710
one or more townships and one or more municipal corporations, 711
the chiefs of police of all of the affected townships and 712
municipal corporations are the appropriate chiefs of police for 713
the grant of approval under this division, and the approval must 714
be jointly granted by all of those chiefs of police. The 715
approval required by this division is general in nature and is 716
intended to cover in the aggregate all persons appointed as 717
police officers for the amusement park under this division. A 718
separate approval is not required for each appointee on an 719
individual basis. 720

(b) Subsequent to the grant of approval described in 721

division (E) (1) (a) of this section, the owner or operator has 722
entered into a written agreement with the appropriate chief or 723
chiefs of police of the political subdivision or subdivisions in 724
which the amusement park is located as specified in this 725
division and has provided the sheriff of the county in which the 726
political subdivision or subdivisions are located with a copy of 727
the agreement. If the amusement park is located in a single 728
municipal corporation or a single township, the chief of police 729
of that municipal corporation or township is the appropriate 730
chief of police for entering into the written agreement under 731
this division. If the amusement park is located in two or more 732
townships, two or more municipal corporations, or one or more 733
townships and one or more municipal corporations, the chiefs of 734
police of all of the affected townships and municipal 735
corporations are the appropriate chiefs of police for entering 736
into the written agreement under this division, and the written 737
agreement must be jointly entered into by all of those chiefs of 738
police. The written agreement between the owner or operator and 739
the chief or chiefs of police shall address the scope of 740
activities, the duration of the agreement, and mutual aid 741
arrangements and shall set forth the standards and criteria to 742
govern the interaction and cooperation between persons appointed 743
as police officers for the amusement park under this division 744
and law enforcement officers serving the agency represented by 745
the chief of police who signed the agreement. The written 746
agreement shall be signed by the owner or operator and by the 747
chief or chiefs of police who enter into it. The standards and 748
criteria may include, but are not limited to, provisions 749
governing the reporting of offenses discovered by the amusement 750
park's police officers to the agency represented by the chief of 751
police of the municipal corporation or township in which the 752
offense occurred, provisions governing investigatory 753

responsibilities relative to offenses committed on amusement 754
park property, and provisions governing the processing and 755
confinement of persons arrested for offenses committed on 756
amusement park property. The agreement required by this division 757
is intended to apply in the aggregate to all persons appointed 758
as police officers for the amusement park under this division. A 759
separate agreement is not required for each appointee on an 760
individual basis. 761

(c) The person has successfully completed a training 762
program approved by the Ohio peace officer training commission 763
and has been certified by the commission. A person appointed as 764
a police officer under this division may attend a training 765
program approved by the commission and be certified by the 766
commission regardless of whether the appropriate chief of police 767
has granted the approval described in division (E) (1) (a) of this 768
section and regardless of whether the owner or operator of the 769
amusement park has entered into the written agreement described 770
in division (E) (1) (b) of this section with the appropriate chief 771
of police. 772

(2) (a) A person who is appointed as a police officer under 773
division (E) (1) of this section is entitled, upon the grant of 774
approval described in section (E) (1) (a) of this section and upon 775
the person's and the owner or operator's compliance with the 776
requirements of division (E) (1) (b) and (c) of this section, to 777
act as a police officer for the amusement park and its 778
affiliates and subsidiaries that are within the territory of the 779
political subdivision or subdivisions served by the chief of 780
police, or respective chiefs of police, who signed the written 781
agreement described in division (E) (1) (b) of this section, and 782
upon any contiguous real property of the amusement park that is 783
covered by the written agreement, whether within or adjacent to 784

the political subdivision or subdivisions. The authority to act 785
as a police officer as described in this division is granted 786
only if the person, when engaging in that activity, is directly 787
in the discharge of the person's duties as a police officer for 788
the amusement park. The authority to act as a police officer as 789
described in this division shall be exercised in accordance with 790
the standards and criteria set forth in the written agreement 791
described in division (E) (1) (b) of this section. 792

(b) In addition to the authority granted under division 793
(E) (2) (a) of this section, a person appointed as a police 794
officer under division (E) (1) of this section is entitled, upon 795
the grant of approval described in division (E) (1) (a) of this 796
section and upon the person's and the owner or operator's 797
compliance with the requirements of divisions (E) (1) (b) and (c) 798
of this section, to act as a police officer elsewhere within the 799
territory of a municipal corporation or township if the chief of 800
police of that municipal corporation or township has granted 801
approval for that activity to the owner or operator served by 802
the person as a police officer and if the person, when engaging 803
in that activity, is directly in the discharge of the person's 804
duties as a police officer for the amusement park. The approval 805
described in this division may be general in nature or may be 806
limited in scope, duration, or applicability, as determined by 807
the chief of police granting the approval. 808

(3) Police officers appointed under division (E) (1) of 809
this section shall hold office for five years, unless, for good 810
cause shown, their commission is revoked by the appointing judge 811
or the judge's successor or by the owner or operator, as 812
provided by law. 813

(F) A fee of fifteen dollars for each commission applied 814

for under this section shall be paid at the time the application 815
is made, and this amount shall be returned if for any reason a 816
commission is not issued. 817

Section 2. That existing sections 2744.01, 2744.05, and 818
4973.17 of the Revised Code are hereby repealed. 819