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Am. 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 3937.18 and 4973.17 and to enact 1
section 153.81 of the Revised Code to regulate 2
the use of indemnity provisions in professional 3
design contracts related to public improvements, 4
to regulate uninsured motorist coverage relating 5
to persons provided immunity under the Political 6
Subdivision Sovereign Immunity Law, and to 7
provide a municipal corporation or county 8
immunity from liability in any action arising 9
from a hospital police officer acting in the 10
discharge of duties in specified locations. 11

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

Section 1. That sections 3937.18 and 4973.17 be amended 12
and section 153.81 of the Revised Code be enacted to read as 13
follows: 14

Sec. 153.81. (A) (1) (a) If a professional design firm 15

provides work, services, studies, planning, surveys, or 16
preparatory work in connection with a public improvement, a 17
public authority may require, via a provision in a public 18
improvement contract or subcontract, that the professional 19
design firm indemnify the public authority and its officers and 20
employees for liabilities the public authority, officer, or 21
employee incurs for the death of or injury to a third party that 22
is proximately caused by the provision of the work, services, 23
studies, planning, surveys, or preparatory work. 24

(b) The indemnification shall only be for the liabilities 25
incurred from the proportionate share of the tortious conduct, 26
as determined pursuant to section 2307.23 of the Revised Code, 27
of the professional design firm or any consultant, 28
subcontractor, or other entity used by the professional design 29
firm, in performing under the public improvement contract. 30

(c) A public authority shall not require, via a provision 31
in a public improvement contract or subcontract, that a 32
professional design firm indemnify the public authority except 33
as described in divisions (A)(1)(a) and (b) of this section. 34

(2)(a) A professional design services subcontract entered 35
into in connection with a public improvement may include a 36
provision that requires any subcontracted professional design 37
firm to indemnify the public authority and the professional 38
design firm that executed the subcontract, and their respective 39
owners, officers, and employees, for liabilities the public 40
authority, professional design firm, owner, officer, or employee 41
incurs for the death of or injury to a third party that is 42
proximately caused by the subcontractor's performance under the 43
subcontract. 44

(b) The indemnification shall only be for the liabilities 45

incurred from the proportionate share of the tortious conduct, 46
as determined pursuant to section 2307.23 of the Revised Code, 47
of the subcontracted professional design firm or any entity used 48
by the subcontracted professional design firm, in performing 49
under the subcontract. 50

(c) No professional design firm may require, via a 51
provision in a subcontract entered into in connection with a 52
public improvement, that a subcontracted professional design 53
firm indemnify the professional design firm or the public 54
authority except as described in divisions (A) (2) (a) and (b) of 55
this section. 56

(3) Division (A) of this section does not prohibit either 57
of the following: 58

(a) A public authority from commencing a civil action for 59
damages against a professional design firm for breach of the 60
public improvement contract or for breach of the professional 61
standard of care; 62

(b) A professional design firm from commencing a civil 63
action for damages against a subcontracted professional design 64
firm for breach of the professional design services subcontract 65
or for breach of the professional standard of care. 66

(B) Notwithstanding divisions (A) (1) (c) and (2) (c) of this 67
section, this section does not prohibit a public authority from 68
requiring insurance coverage, as appropriate, in a contract to 69
meet the indemnification described in this section. 70

(C) If any provision of this section conflicts with any 71
provisions of a contract between a public authority and the 72
federal government, the provision of this section shall not 73
apply to the extent to which it is in conflict with such a 74

contract. All other provisions of this section that are not in 75
conflict shall apply. 76

(D) (1) Any public improvement contract or subcontract that 77
includes an indemnification provision as described in division 78
(A) of this section shall not waive, and shall not be construed 79
as waiving, any immunity or limitation of liability as 80
prescribed in Chapters 2744., 4123., 4125., 4127., and 4131. of 81
the Revised Code. Sections 4123.35 and 4123.80 of the Revised 82
Code control over this section. 83

(2) Any indemnification provided under this section shall 84
not extend to liabilities that would otherwise be barred under 85
sections 2305.06, 2305.09, or 2305.131 of the Revised Code or 86
under any other general statute of limitation or statute of 87
repose. 88

(E) As used in this section: 89

(1) "Injury" means all of the following: 90

(a) Bodily injury to a person; 91

(b) Sickness or disease of a person; 92

(c) Injury to or destruction of tangible property of a 93
third party to the public improvement; 94

(d) Injury, claims, damages, or loss arising from or 95
related to the infringement of intellectual property. 96

(2) "Intellectual property" means any invention, 97
discovery, work of authorship, creative work, or architectural 98
work that may be subject to protection under federal or state 99
patent, copyright, trademark, or trade secret laws. 100

(3) "Liabilities" means claims, damages, or loss, 101

including reasonable attorney's fees, costs, and expenses. 102

(4) "Professional design firm," "professional design services," and "public authority" have the same meanings as in section 153.65 of the Revised Code. 103
104
105

(5) "Public improvement contract" has the same meaning as in section 153.03 of the Revised Code. 106
107

Sec. 3937.18. (A) Any policy of insurance delivered or 108
issued for delivery in this state with respect to any motor 109
vehicle registered or principally garaged in this state that 110
insures against loss resulting from liability imposed by law for 111
bodily injury or death suffered by any person arising out of the 112
ownership, maintenance, or use of a motor vehicle, may, but is 113
not required to, include uninsured motorist coverage, 114
underinsured motorist coverage, or both uninsured and 115
underinsured motorist coverages. 116

Unless otherwise defined in the policy or any endorsement 117
to the policy, "motor vehicle," for purposes of the uninsured 118
motorist coverage, underinsured motorist coverage, or both 119
uninsured and underinsured motorist coverages, means a self- 120
propelled vehicle designed for use and principally used on 121
public roads, including an automobile, truck, semi-tractor, 122
motorcycle, and bus. "Motor vehicle" also includes a motor home, 123
provided the motor home is not stationary and is not being used 124
as a temporary or permanent residence or office. "Motor vehicle" 125
does not include a trolley, streetcar, trailer, railroad engine, 126
railroad car, motorized bicycle, golf cart, off-road 127
recreational vehicle, snowmobile, fork lift, aircraft, 128
watercraft, construction equipment, farm tractor or other 129
vehicle designed and principally used for agricultural purposes, 130
mobile home, vehicle traveling on treads or rails, or any 131

similar vehicle. 132

~~(B)~~ (B) (1) For purposes of any uninsured motorist coverage 133
included in a policy of insurance, an "uninsured motorist" is 134
the owner or operator of a motor vehicle if any of the following 135
conditions applies: 136

~~(1)~~ (a) There exists no bodily injury liability bond or 137
insurance policy covering the owner's or operator's liability to 138
the insured. 139

~~(2)~~ (b) The liability insurer denies coverage to the owner 140
or operator, or is or becomes the subject of insolvency 141
proceedings in any state. 142

~~(3)~~ (c) The identity of the owner or operator cannot be 143
determined, but independent corroborative evidence exists to 144
prove that the bodily injury, sickness, disease, or death of the 145
insured was proximately caused by the negligence or intentional 146
actions of the unidentified operator of the motor vehicle. For 147
purposes of division ~~(B) (3)~~ (B) (1) (c) of this section, the 148
testimony of any insured seeking recovery from the insurer shall 149
not constitute independent corroborative evidence, unless the 150
testimony is supported by additional evidence. 151

~~(4)~~ (d) The owner or operator has diplomatic immunity. 152

~~(5)~~ (e) The owner or operator has immunity under Chapter 153
2744. of the Revised Code. 154

(2) (a) A policy of motor vehicle insurance or a program of 155
self-insurance covering motor vehicles shall not exclude a 156
person who is provided immunity under Chapter 2744. of the 157
Revised Code from the definition of "uninsured motorist" used in 158
the policy or program. 159

(b) Division (B) (2) (a) of this section applies to all 160
policies of motor vehicle insurance amended, issued, or renewed, 161
as well as all programs of self-insurance in operation on and 162
after, six months after the effective date of this amendment. 163

(c) The amendments to division (B) (2) of this section made 164
by S.B. 56 of the 134th general assembly are not to be construed 165
as affecting a policy of motor vehicle insurance or a program of 166
self-insurance covering motor vehicles except to the limited 167
extent provided in those amendments and no other changes are to 168
be implied. 169

(3) An "uninsured motorist" does not include the owner or 170
operator of a motor vehicle that is self-insured within the 171
meaning of the financial responsibility law of the state in 172
which the motor vehicle is registered. 173

(C) If underinsured motorist coverage is included in a 174
policy of insurance, the underinsured motorist coverage shall 175
provide protection for insureds thereunder for bodily injury, 176
sickness, or disease, including death, suffered by any insured 177
under the policy, where the limits of coverage available for 178
payment to the insured under all bodily injury liability bonds 179
and insurance policies covering persons liable to the insured 180
are less than the limits for the underinsured motorist coverage. 181
Underinsured motorist coverage in this state is not and shall 182
not be excess coverage to other applicable liability coverages, 183
and shall only provide the insured an amount of protection not 184
greater than that which would be available under the insured's 185
uninsured motorist coverage if the person or persons liable to 186
the insured were uninsured at the time of the accident. The 187
policy limits of the underinsured motorist coverage shall be 188
reduced by those amounts available for payment under all 189

applicable bodily injury liability bonds and insurance policies 190
covering persons liable to the insured. 191

For purposes of underinsured motorist coverage, an 192
"underinsured motorist" does not include the owner or operator 193
of a motor vehicle that has applicable liability coverage in the 194
policy under which the underinsured motorist coverage is 195
provided. 196

(D) With respect to the uninsured motorist coverage, 197
underinsured motorist coverage, or both uninsured and 198
underinsured motorist coverages included in a policy of 199
insurance, an insured shall be required to prove all elements of 200
the insured's claim that are necessary to recover from the owner 201
or operator of the uninsured or underinsured motor vehicle. 202

(E) The uninsured motorist coverage, underinsured motorist 203
coverage, or both uninsured and underinsured motorist coverages 204
included in a policy of insurance shall not be subject to an 205
exclusion or reduction in amount because of any workers' 206
compensation benefits payable as a result of the same injury or 207
death. 208

(F) Any policy of insurance that includes uninsured 209
motorist coverage, underinsured motorist coverage, or both 210
uninsured and underinsured motorist coverages may, without 211
regard to any premiums involved, include terms and conditions 212
that preclude any and all stacking of such coverages, including 213
but not limited to: 214

(1) Interfamily stacking, which is the aggregating of the 215
limits of such coverages by the same person or two or more 216
persons, whether family members or not, who are not members of 217
the same household; 218

(2) Intrafamily stacking, which is the aggregating of the 219
limits of such coverages purchased by the same person or two or 220
more family members of the same household. 221

(G) Any policy of insurance that includes uninsured 222
motorist coverage, underinsured motorist coverage, or both 223
uninsured and underinsured motorist coverages and that provides 224
a limit of coverage for payment of damages for bodily injury, 225
including death, sustained by any one person in any one 226
automobile accident, may, notwithstanding Chapter 2125. of the 227
Revised Code, include terms and conditions to the effect that 228
all claims resulting from or arising out of any one person's 229
bodily injury, including death, shall collectively be subject to 230
the limit of the policy applicable to bodily injury, including 231
death, sustained by one person, and, for the purpose of such 232
policy limit shall constitute a single claim. Any such policy 233
limit shall be enforceable regardless of the number of insureds, 234
claims made, vehicles or premiums shown in the declarations or 235
policy, or vehicles involved in the accident. 236

(H) Any policy of insurance that includes uninsured 237
motorist coverage, underinsured motorist coverage, or both 238
uninsured and underinsured motorist coverages may include terms 239
and conditions requiring that, so long as the insured has not 240
prejudiced the insurer's subrogation rights, each claim or suit 241
for uninsured motorist coverage, underinsured motorist coverage, 242
or both uninsured and underinsured motorist coverages be made or 243
brought within three years after the date of the accident 244
causing the bodily injury, sickness, disease, or death, or 245
within one year after the liability insurer for the owner or 246
operator of the motor vehicle liable to the insured has become 247
the subject of insolvency proceedings in any state, whichever is 248
later. 249

(I) Any policy of insurance that includes uninsured 250
motorist coverage, underinsured motorist coverage, or both 251
uninsured and underinsured motorist coverages may, subject to 252
section 3937.46 of the Revised Code, include terms and 253
conditions that preclude coverage for bodily injury or death 254
suffered by an insured under specified circumstances, including 255
but not limited to any of the following circumstances: 256

(1) While the insured is operating or occupying a motor 257
vehicle owned by, furnished to, or available for the regular use 258
of a named insured, a spouse, or a resident relative of a named 259
insured, if the motor vehicle is not specifically identified in 260
the policy under which a claim is made, or is not a newly 261
acquired or replacement motor vehicle covered under the terms of 262
the policy under which the uninsured motorist coverage, 263
underinsured motorist coverage, or both uninsured and 264
underinsured motorist coverages are provided; 265

(2) While the insured is operating or occupying a motor 266
vehicle without a reasonable belief that the insured is entitled 267
to do so, provided that under no circumstances will an insured 268
whose license has been suspended, revoked, or never issued, be 269
held to have a reasonable belief that the insured is entitled to 270
operate a motor vehicle; 271

(3) When the bodily injury or death is caused by a motor 272
vehicle operated by any person who is specifically excluded from 273
coverage for bodily injury liability in the policy under which 274
the uninsured motorist coverage, underinsured motorist coverage, 275
or both uninsured and underinsured motorist coverages are 276
provided; 277

(4) While any employee, officer, director, partner, 278
trustee, member, executor, administrator, or beneficiary of the 279

named insured, or any relative of any such person, is operating 280
or occupying a motor vehicle, unless the employee, officer, 281
director, partner, trustee, member, executor, administrator, 282
beneficiary, or relative is operating or occupying a motor 283
vehicle for which uninsured motorist coverage, underinsured 284
motorist coverage, or both uninsured and underinsured motorist 285
coverages are provided in the policy; 286

(5) When the person actually suffering the bodily injury, 287
sickness, disease, or death is not an insured under the policy. 288

(J) In the event of payment to any person under the 289
uninsured motorist coverage, underinsured motorist coverage, or 290
both uninsured and underinsured motorist coverages, and subject 291
to the terms and conditions of that coverage, the insurer making 292
such payment is entitled, to the extent of the payment, to the 293
proceeds of any settlement or judgment resulting from the 294
exercise of any rights of recovery of that person against any 295
person or organization legally responsible for the bodily injury 296
or death for which the payment is made, including any amount 297
recoverable from an insurer that is or becomes the subject of 298
insolvency proceedings, through such proceedings or in any other 299
lawful manner. No insurer shall attempt to recover any amount 300
against the insured of an insurer that is or becomes the subject 301
of insolvency proceedings, to the extent of those rights against 302
the insurer that the insured assigns to the paying insurer. 303

(K) Nothing in this section shall prohibit the inclusion 304
of underinsured motorist coverage in any uninsured motorist 305
coverage included in a policy of insurance. 306

(L) The superintendent of insurance shall study the market 307
availability of, and competition for, uninsured and underinsured 308
motorist coverages in this state and shall, from time to time, 309

prepare status reports containing the superintendent's findings 310
and any recommendations. The first status report shall be 311
prepared not later than two years after October 31, 2001. To 312
assist in preparing these status reports, the superintendent may 313
require insurers and rating organizations operating in this 314
state to collect pertinent data and to submit that data to the 315
superintendent. 316

The superintendent shall submit a copy of each status 317
report to the governor, the speaker of the house of 318
representatives, the president of the senate, and the 319
chairpersons of the committees of the general assembly having 320
primary jurisdiction over issues relating to automobile 321
insurance. 322

Sec. 4973.17. (A) (1) Upon the application of any bank; 323
savings and loan association; savings bank; credit union; or 324
association of banks, savings and loan associations, savings 325
banks, or credit unions in this state, the secretary of state 326
may appoint and commission any persons that the bank; savings 327
and loan association; savings bank; credit union; or association 328
of banks, savings and loan associations, savings banks, or 329
credit unions designates, or as many of those persons as the 330
secretary of state considers proper, to act as police officers 331
for and on the premises of that bank; savings and loan 332
association; savings bank; credit union; or association of 333
banks, savings and loan associations, savings banks, or credit 334
unions; or elsewhere, when directly in the discharge of their 335
duties. Police officers so appointed shall be citizens of this 336
state and of good character. Police officers so appointed who 337
start to perform their duties on or after April 14, 2006, shall 338
successfully complete a training program approved by the Ohio 339
peace officer training commission described in section 109.71 of 340

the Revised Code and be certified by the commission within six 341
months after starting to perform their duties. Police officers 342
so appointed shall hold office for three years, unless, for good 343
cause shown, their commission is revoked by the secretary of 344
state, or by the bank; savings and loan association; savings 345
bank; credit union; or association of banks, savings and loan 346
associations, savings banks, or credit unions, as provided by 347
law. 348

(2) Persons commissioned as police officers pursuant to 349
division (A) of this section prior to April 14, 2006, who have 350
not successfully completed a training program approved by the 351
Ohio peace officer training commission, and who have not been 352
certified by the commission, may be reappointed and re- 353
commissioned by the secretary of state only during the person's 354
continuous employment as a police officer by the institution for 355
which the person was employed on April 14, 2006, or by a 356
successor institution to the institution for which the person 357
was employed on April 14, 2006. The secretary of state shall 358
note on such appointments and commissions that the person is not 359
a peace officer as defined in section 109.71 of the Revised 360
Code. 361

(3) For the exclusive purpose of assigning break in 362
service update training as prescribed in rule 109:2-1-12 (D) of 363
the Administrative Code, a police officer appointed under 364
division (A) of this section, who began performing police 365
officer duties on or before April 14, 2006, shall be credited as 366
holding a valid peace officer appointment retroactive to the 367
date on which the officer began performing these duties. 368

(B) Upon the application of a company owning or using a 369
railroad in this state and subject to section 4973.171 of the 370

Revised Code, the secretary of state may appoint and commission 371
any persons that the railroad company designates, or as many of 372
those persons as the secretary of state considers proper, to act 373
as police officers for and on the premises of the railroad 374
company, its affiliates or subsidiaries, or elsewhere, when 375
directly in the discharge of their duties. Police officers so 376
appointed, within the time set by the Ohio peace officer 377
training commission, shall successfully complete a commission 378
approved training program and be certified by the commission. 379
They shall hold office for three years, unless, for good cause 380
shown, their commission is revoked by the secretary of state, or 381
railroad company, as provided by law. 382

Any person holding a similar commission in another state 383
may be commissioned and may hold office in this state without 384
completing the approved training program required by this 385
division provided that the person has completed a substantially 386
equivalent training program in the other state. The Ohio peace 387
officer training commission shall determine whether a training 388
program in another state meets the requirements of this 389
division. 390

(C) Upon the application of any company under contract 391
with the United States atomic energy commission for the 392
construction or operation of a plant at a site owned by the 393
commission, the secretary of state may appoint and commission 394
persons the company designates, not to exceed one hundred fifty, 395
to act as police officers for the company at the plant or site 396
owned by the commission. Police officers so appointed shall be 397
citizens of this state and of good character. They shall hold 398
office for three years, unless, for good cause shown, their 399
commission is revoked by the secretary of state or by the 400
company, as provided by law. 401

(D) (1) Upon the application of any hospital that is 402
operated by a public hospital agency or a nonprofit hospital 403
agency and that employs and maintains its own proprietary police 404
department or security department and subject to section 405
4973.171 of the Revised Code, the secretary of state may appoint 406
and commission any persons that the hospital designates, or as 407
many of those persons as the secretary of state considers 408
proper, to act as police officers for the hospital. No person 409
who is appointed as a police officer under this division shall 410
engage in any duties or activities as a police officer for the 411
hospital or any affiliate or subsidiary of the hospital unless 412
all of the following apply: 413

(a) The chief of police of the municipal corporation in 414
which the hospital is located or, if the hospital is located in 415
the unincorporated area of a county, the sheriff of that county 416
has granted approval to the hospital to permit persons appointed 417
as police officers under this division to engage in those duties 418
and activities. The approval required by this division is 419
general in nature and is intended to cover in the aggregate all 420
persons appointed as police officers for the hospital under this 421
division; a separate approval is not required for each appointee 422
on an individual basis. 423

(b) Subsequent to the grant of approval described in 424
division (D) (1) (a) of this section, the hospital has entered 425
into a written agreement with the chief of police of the 426
municipal corporation in which the hospital is located or, if 427
the hospital is located in the unincorporated area of a county, 428
with the sheriff of that county, that sets forth the standards 429
and criteria to govern the interaction and cooperation between 430
persons appointed as police officers for the hospital under this 431
division and law enforcement officers serving the agency 432

represented by the chief of police or sheriff who signed the 433
agreement in areas of their concurrent jurisdiction. The written 434
agreement shall be signed by the appointing authority of the 435
hospital and by the chief of police or sheriff. The standards 436
and criteria may include, but are not limited to, provisions 437
governing the reporting of offenses discovered by hospital 438
police officers to the agency represented by the chief of police 439
or sheriff, provisions governing investigatory responsibilities 440
relative to offenses committed on hospital property, and 441
provisions governing the processing and confinement of persons 442
arrested for offenses committed on hospital property. The 443
agreement required by this division is intended to apply in the 444
aggregate to all persons appointed as police officers for the 445
hospital under this division; a separate agreement is not 446
required for each appointee on an individual basis. 447

(c) The person has successfully completed a training 448
program approved by the Ohio peace officer training commission 449
and has been certified by the commission. A person appointed as 450
a police officer under this division may attend a training 451
program approved by the commission and be certified by the 452
commission regardless of whether the appropriate chief of police 453
or sheriff has granted the approval described in division (D)(1) 454
(a) of this section and regardless of whether the hospital has 455
entered into the written agreement described in division (D)(1) 456
(b) of this section with the appropriate chief of police or 457
sheriff. 458

(2) (a) A person who is appointed as a police officer under 459
division (D)(1) of this section is entitled, upon the grant of 460
approval described in division (D)(1)(a) of this section and 461
upon the person's and the hospital's compliance with the 462
requirements of divisions (D)(1)(b) and (c) of this section, to 463

act as a police officer for the hospital on the premises of the 464
hospital and of its affiliates and subsidiaries that are within 465
the territory of the municipal corporation served by the chief 466
of police or the unincorporated area of the county served by the 467
sheriff who signed the written agreement described in division 468
(D) (1) (b) of this section, whichever is applicable, and anywhere 469
else within the territory of that municipal corporation or 470
within the unincorporated area of that county. The authority to 471
act as a police officer as described in this division is granted 472
only if the person, when engaging in that activity, is directly 473
in the discharge of the person's duties as a police officer for 474
the hospital. The authority to act as a police officer as 475
described in this division shall be exercised in accordance with 476
the standards and criteria set forth in the written agreement 477
described in division (D) (1) (b) of this section. 478

(b) Additionally, a person appointed as a police officer 479
under division (D) (1) of this section is entitled, upon the 480
grant of approval described in division (D) (1) (a) of this 481
section and upon the person's and the hospital's compliance with 482
the requirements of divisions (D) (1) (b) and (c) of this section, 483
to act as a police officer elsewhere, within the territory of a 484
municipal corporation or within the unincorporated area of a 485
county, if the chief of police of that municipal corporation or 486
the sheriff of that county, respectively, has granted approval 487
for that activity to the hospital, police department, or 488
security department served by the person as a police officer and 489
if the person, when engaging in that activity, is directly in 490
the discharge of the person's duties as a police officer for the 491
hospital. The approval described in this division may be general 492
in nature or may be limited in scope, duration, or 493
applicability, as determined by the chief of police or sheriff 494

granting the approval. 495

(3) Police officers appointed under division (D) (1) of 496
this section shall hold office for three years, unless, for good 497
cause shown, their commission is revoked by the secretary of 498
state or by the hospital, as provided by law. 499

(4) Notwithstanding section 2744.02 of the Revised Code, 500
the municipal corporation in which the hospital is located or, 501
if the hospital is located in the unincorporated area of a 502
county, the county is immune from civil or criminal liability in 503
any action brought under the laws of this state if all of the 504
following apply: 505

(a) The action arises out of the actions of a police 506
officer appointed under division (D) (1) of this section. 507

(b) The actions of the police officer are directly in the 508
discharge of the person's duties as a police officer for the 509
hospital. 510

(c) The actions of the police officer occur on the 511
premises of the hospital or its affiliates or subsidiaries that 512
are within the territory of the municipal corporation served by 513
the chief of police or the unincorporated area of the county 514
served by the sheriff who signed the agreement described in 515
division (D) (1) (b) of this section, whichever is applicable, or 516
anywhere else within the territory of that municipal corporation 517
or within the unincorporated area of that county. 518

(5) A court's finding of tort liability of any public 519
hospital agency or nonprofit hospital agency for any actions of 520
a police officer appointed for the applicable hospital agency 521
under division (D) (1) of this section is not subject to 522
apportionment of tort liability under sections 2307.22 and 523

2307.23 of the Revised Code with the municipal corporation or 524
the county in which a written agreement as described in division 525
(D) (1) (b) of this section is in effect. 526

(6) Nothing in division (D) (4) of this section shall be 527
construed as granting immunity from civil or criminal liability 528
for any actions occurring on the premises of any hospital 529
operated by a public hospital agency or nonprofit hospital 530
agency or on the premises of that hospital's affiliate or 531
subsidiary to any of the following: 532

(a) Any police officer appointed under division (D) (1) of 533
this section; 534

(b) Any hospital operated by a public hospital agency or a 535
nonprofit hospital agency that applied for the appointment of 536
any police officer under division (D) (1) of this section, or any 537
affiliate or subsidiary of the hospital; 538

(c) Any other police or security officer who is employed 539
by, or whose services are utilized by, any hospital operated by 540
a public hospital agency or a nonprofit hospital agency, or any 541
affiliate or subsidiary of the hospital; 542

(d) Any entity that supplies the services of police or 543
security officers to any hospital operated by a public hospital 544
agency or a nonprofit hospital agency or any affiliate or 545
subsidiary of the hospital. 546

(7) As used in ~~divisions~~ division (D) (1) to (3) (D) of this 547
section, ~~"public:~~ 548

(a) "Public hospital agency" and "nonprofit hospital 549
agency" have the same meanings as in section 140.01 of the 550
Revised Code. 551

(b) "Tort liability" means the liability of a party as 552
determined by a court in a tort action as defined in section 553
2307.011 of the Revised Code. 554

(E) (1) Upon the application of any owner or operator of an 555
amusement park that has an average yearly attendance in excess 556
of six hundred thousand guests and that employs and maintains 557
its own proprietary police department or security department and 558
subject to section 4973.171 of the Revised Code, any judge of 559
the municipal court or county court that has territorial 560
jurisdiction over the amusement park may appoint and commission 561
any persons that the owner or operator designates, or as many of 562
those persons as the judge considers proper, to act as police 563
officers for the amusement park. If the amusement park is 564
located in more than one county, any judge of the municipal 565
court or county court of any of those counties may make the 566
appointments and commissions as described in this division. No 567
person who is appointed as a police officer under this division 568
shall engage in any duties or activities as a police officer for 569
the amusement park or any affiliate or subsidiary of the owner 570
or operator of the amusement park unless all of the following 571
apply: 572

(a) The appropriate chief or chiefs of police of the 573
political subdivision or subdivisions in which the amusement 574
park is located as specified in this division have granted 575
approval to the owner or operator of the amusement park to 576
permit persons appointed as police officers under this division 577
to engage in those duties and activities. If the amusement park 578
is located in a single municipal corporation or a single 579
township, the chief of police of that municipal corporation or 580
township is the appropriate chief of police for the grant of 581
approval under this division. If the amusement park is located 582

in two or more townships, two or more municipal corporations, or 583
one or more townships and one or more municipal corporations, 584
the chiefs of police of all of the affected townships and 585
municipal corporations are the appropriate chiefs of police for 586
the grant of approval under this division, and the approval must 587
be jointly granted by all of those chiefs of police. The 588
approval required by this division is general in nature and is 589
intended to cover in the aggregate all persons appointed as 590
police officers for the amusement park under this division. A 591
separate approval is not required for each appointee on an 592
individual basis. 593

(b) Subsequent to the grant of approval described in 594
division (E) (1) (a) of this section, the owner or operator has 595
entered into a written agreement with the appropriate chief or 596
chiefs of police of the political subdivision or subdivisions in 597
which the amusement park is located as specified in this 598
division and has provided the sheriff of the county in which the 599
political subdivision or subdivisions are located with a copy of 600
the agreement. If the amusement park is located in a single 601
municipal corporation or a single township, the chief of police 602
of that municipal corporation or township is the appropriate 603
chief of police for entering into the written agreement under 604
this division. If the amusement park is located in two or more 605
townships, two or more municipal corporations, or one or more 606
townships and one or more municipal corporations, the chiefs of 607
police of all of the affected townships and municipal 608
corporations are the appropriate chiefs of police for entering 609
into the written agreement under this division, and the written 610
agreement must be jointly entered into by all of those chiefs of 611
police. The written agreement between the owner or operator and 612
the chief or chiefs of police shall address the scope of 613

activities, the duration of the agreement, and mutual aid 614
arrangements and shall set forth the standards and criteria to 615
govern the interaction and cooperation between persons appointed 616
as police officers for the amusement park under this division 617
and law enforcement officers serving the agency represented by 618
the chief of police who signed the agreement. The written 619
agreement shall be signed by the owner or operator and by the 620
chief or chiefs of police who enter into it. The standards and 621
criteria may include, but are not limited to, provisions 622
governing the reporting of offenses discovered by the amusement 623
park's police officers to the agency represented by the chief of 624
police of the municipal corporation or township in which the 625
offense occurred, provisions governing investigatory 626
responsibilities relative to offenses committed on amusement 627
park property, and provisions governing the processing and 628
confinement of persons arrested for offenses committed on 629
amusement park property. The agreement required by this division 630
is intended to apply in the aggregate to all persons appointed 631
as police officers for the amusement park under this division. A 632
separate agreement is not required for each appointee on an 633
individual basis. 634

(c) The person has successfully completed a training 635
program approved by the Ohio peace officer training commission 636
and has been certified by the commission. A person appointed as 637
a police officer under this division may attend a training 638
program approved by the commission and be certified by the 639
commission regardless of whether the appropriate chief of police 640
has granted the approval described in division (E) (1) (a) of this 641
section and regardless of whether the owner or operator of the 642
amusement park has entered into the written agreement described 643
in division (E) (1) (b) of this section with the appropriate chief 644

of police. 645

(2) (a) A person who is appointed as a police officer under 646
division (E) (1) of this section is entitled, upon the grant of 647
approval described in section (E) (1) (a) of this section and upon 648
the person's and the owner or operator's compliance with the 649
requirements of division (E) (1) (b) and (c) of this section, to 650
act as a police officer for the amusement park and its 651
affiliates and subsidiaries that are within the territory of the 652
political subdivision or subdivisions served by the chief of 653
police, or respective chiefs of police, who signed the written 654
agreement described in division (E) (1) (b) of this section, and 655
upon any contiguous real property of the amusement park that is 656
covered by the written agreement, whether within or adjacent to 657
the political subdivision or subdivisions. The authority to act 658
as a police officer as described in this division is granted 659
only if the person, when engaging in that activity, is directly 660
in the discharge of the person's duties as a police officer for 661
the amusement park. The authority to act as a police officer as 662
described in this division shall be exercised in accordance with 663
the standards and criteria set forth in the written agreement 664
described in division (E) (1) (b) of this section. 665

(b) In addition to the authority granted under division 666
(E) (2) (a) of this section, a person appointed as a police 667
officer under division (E) (1) of this section is entitled, upon 668
the grant of approval described in division (E) (1) (a) of this 669
section and upon the person's and the owner or operator's 670
compliance with the requirements of divisions (E) (1) (b) and (c) 671
of this section, to act as a police officer elsewhere within the 672
territory of a municipal corporation or township if the chief of 673
police of that municipal corporation or township has granted 674
approval for that activity to the owner or operator served by 675

the person as a police officer and if the person, when engaging 676
in that activity, is directly in the discharge of the person's 677
duties as a police officer for the amusement park. The approval 678
described in this division may be general in nature or may be 679
limited in scope, duration, or applicability, as determined by 680
the chief of police granting the approval. 681

(3) Police officers appointed under division (E) (1) of 682
this section shall hold office for five years, unless, for good 683
cause shown, their commission is revoked by the appointing judge 684
or the judge's successor or by the owner or operator, as 685
provided by law. 686

(F) A fee of fifteen dollars for each commission applied 687
for under this section shall be paid at the time the application 688
is made, and this amount shall be returned if for any reason a 689
commission is not issued. 690

Section 2. That existing sections 3937.18 and 4973.17 of 691
the Revised Code are hereby repealed. 692