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Proponent Testimony to SB 131

Jacob Beausay, Legislative Committee

Ohio Association for Justice

Senate Judiciary Committee

April 30, 2025

Chair Manning, Vice Chair Reynolds, and Ranking Member Hicks-Hudson, thank you for the opportunity to testify in support of Senate Bill 131.

My name is Jake Beausay. I am an attorney based in the Columbus area, and I have spent the majority of my career representing plaintiffs in serious personal injury, medical malpractice, and product liability cases. I am also a member of the Ohio Association for Justice, which is a collaborative organization of over 1000 attorneys throughout Ohio dedicated to representing plaintiffs and protecting the inviolate right to trial by jury.

Over my time representing injured plaintiffs, there is a simple truth that permeates every case – life can change in an instant. This is especially true when it comes to car crashes. A vehicle, in many instances, is a person's lifeline – their transportation, their ability to work or get to work, their ability to transport their kids to school or a loved one to an appointment. When that lifeline is lost through no fault of their own, it creates real-world issues that need to be solved immediately.

The insurance process of repairing or totaling a vehicle after a crash is opaque, confusing, and filled with pitfalls. What is worse, most people do not hire attorneys to handle these claims, leading to people in crisis having to navigate these claims on their own against the insurance companies who are likely adverse to their interests. There is no Ohio statute to reference and the only way to learn about potential claims is through a detailed review of Ohio case law. Further, ambiguity in the law creates questions about the validity of claims for diminution in value depending on where in Ohio the crash occurred.

SB 131 addresses these concerns. It seeks to codify existing case law, which is beneficial for a few reasons. First, it will eliminate the scattered web of existing case law on several types of claims. SB 131 clearly sets forth claims for diminution in value and loss of use. These claims exist under current Ohio case law but are hard to find and harder to define. Codifying these claims into the Revised Code would give Ohioans and insurance companies an easy reference guide for determining the recognized types of property damage claims and their definitions.

Second, it eliminates differing law by appellate district. In Ohio, a claim for diminution in value was recognized by Tenth District Court of Appeals in *Rakich v. Anthem Blue Cross & Blue Shield*, 2007-Ohio-3739. The Supreme Court of Ohio has not decided the issue. While other appellate districts have recognized the claim for diminution of value, not all have decided the issue. SB 131 removes any ambiguity in the law.

Third, it protects injured parties by ensuring that insurance companies do not receive a windfall in the process. In many cases, there are two insurance companies involved in the process of repairing a vehicle. In those instances, the insurance companies internally and without any knowledge of the insured, arbitrate these claims. This process happens behind closed doors, and how much the injured party's insurance company is reimbursed is a mystery. SB 131 attempts to lift the veil on this process and ensure that insurance companies are not receiving a windfall after the fact. And if they are, they would be required to return the windfall where it rightfully belongs – to the policyholder.

In all, I believe SB 131 helps everyday Ohioans who are involved in a car crash and have suffered damages to their vehicle. The bill simplifies finding the law, specifies the recognized claims and ensures that injured party receives any windfall gained by their insurance in the process.

I thank you all for the opportunity to support SB 131. I am happy to address any questions.