

**As Introduced**

**136th General Assembly**

**Regular Session**

**2025-2026**

**H. B. No. 595**

**Representatives Mohamed, Williams**

**Cosponsors: Representatives Brennan, Upchurch**



To amend section 3937.18 of the Revised Code to 1  
require all motor vehicle insurance policies to 2  
include uninsured motorist coverage. 3

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

**Section 1.** That section 3937.18 of the Revised Code be 4  
amended to read as follows: 5

**Sec. 3937.18.** (A) Any policy of insurance delivered or 6  
issued for delivery in this state with respect to any motor 7  
vehicle registered or principally garaged in this state that 8  
insures against loss resulting from liability imposed by law for 9  
bodily injury or death suffered by any person arising out of the 10  
ownership, maintenance, or use of a motor vehicle, ~~may, but is~~ 11  
~~not required to,~~ shall include uninsured motorist coverage, and 12  
may, but is not required to, include underinsured motorist 13  
~~coverage, or both uninsured and underinsured motorist coverages.~~ 14

Unless otherwise defined in the policy or any endorsement 15  
to the policy, "motor vehicle," for purposes of the uninsured 16  
motorist coverage, underinsured motorist coverage, or both 17  
uninsured and underinsured motorist coverages, means a self- 18  
propelled vehicle designed for use and principally used on 19

public roads, including an automobile, truck, semi-tractor, 20  
motorcycle, and bus. "Motor vehicle" also includes a motor home, 21  
provided the motor home is not stationary and is not being used 22  
as a temporary or permanent residence or office. "Motor vehicle" 23  
does not include a trolley, streetcar, trailer, railroad engine, 24  
railroad car, motorized bicycle, golf cart, off-road 25  
recreational vehicle, snowmobile, fork lift, aircraft, 26  
watercraft, construction equipment, farm tractor or other 27  
vehicle designed and principally used for agricultural purposes, 28  
mobile home, vehicle traveling on treads or rails, or any 29  
similar vehicle. 30

(B) (1) For purposes of any uninsured motorist coverage 31  
included in a policy of insurance, an "uninsured motorist" is 32  
the owner or operator of a motor vehicle if any of the following 33  
conditions applies: 34

(a) There exists no bodily injury liability bond or 35  
insurance policy covering the owner's or operator's liability to 36  
the insured. 37

(b) The liability insurer denies coverage to the owner or 38  
operator, or is or becomes the subject of insolvency proceedings 39  
in any state. 40

(c) The identity of the owner or operator cannot be 41  
determined, but independent corroborative evidence exists to 42  
prove that the bodily injury, sickness, disease, or death of the 43  
insured was proximately caused by the negligence or intentional 44  
actions of the unidentified operator of the motor vehicle. For 45  
purposes of division (B) (1) (c) of this section, the testimony of 46  
any insured seeking recovery from the insurer shall not 47  
constitute independent corroborative evidence, unless the 48  
testimony is supported by additional evidence. 49

(d) The owner or operator has diplomatic immunity.	50
(e) The owner or operator has immunity under Chapter 2744. of the Revised Code.	51 52
(2) (a) A policy of motor vehicle insurance or a program of self-insurance covering motor vehicles shall not exclude a person who is provided immunity under Chapter 2744. of the Revised Code from the definition of "uninsured motorist" used in the policy or program.	53 54 55 56 57
(b) Division (B) (2) (a) of this section applies to all policies of motor vehicle insurance amended, issued, or renewed, as well as all programs of self-insurance in operation on and after, six months after <del>the effective date of this amendment</del> <u>March 14, 2023</u> .	58 59 60 61 62
(c) The amendments to division (B) (2) of this section made by S.B. 56 of the 134th general assembly are not to be construed as affecting a policy of motor vehicle insurance or a program of self-insurance covering motor vehicles except to the limited extent provided in those amendments and no other changes are to be implied.	63 64 65 66 67 68
(3) An "uninsured motorist" does not include the owner or operator of a motor vehicle that is self-insured within the meaning of the financial responsibility law of the state in which the motor vehicle is registered.	69 70 71 72
(C) If underinsured motorist coverage is included in a policy of insurance, the underinsured motorist coverage shall provide protection for insureds thereunder for bodily injury, sickness, or disease, including death, suffered by any insured under the policy, where the limits of coverage available for payment to the insured under all bodily injury liability bonds	73 74 75 76 77 78

and insurance policies covering persons liable to the insured 79  
are less than the limits for the underinsured motorist coverage. 80  
Underinsured motorist coverage in this state is not and shall 81  
not be excess coverage to other applicable liability coverages, 82  
and shall only provide the insured an amount of protection not 83  
greater than that which would be available under the insured's 84  
uninsured motorist coverage if the person or persons liable to 85  
the insured were uninsured at the time of the accident. The 86  
policy limits of the underinsured motorist coverage shall be 87  
reduced by those amounts available for payment under all 88  
applicable bodily injury liability bonds and insurance policies 89  
covering persons liable to the insured. 90

For purposes of underinsured motorist coverage, an 91  
"underinsured motorist" does not include the owner or operator 92  
of a motor vehicle that has applicable liability coverage in the 93  
policy under which the underinsured motorist coverage is 94  
provided. 95

(D) With respect to the uninsured motorist coverage, 96  
underinsured motorist coverage, or both uninsured and 97  
underinsured motorist coverages included in a policy of 98  
insurance, an insured shall be required to prove all elements of 99  
the insured's claim that are necessary to recover from the owner 100  
or operator of the uninsured or underinsured motor vehicle. 101

(E) The uninsured motorist coverage, underinsured motorist 102  
coverage, or both uninsured and underinsured motorist coverages 103  
included in a policy of insurance shall not be subject to an 104  
exclusion or reduction in amount because of any workers' 105  
compensation benefits payable as a result of the same injury or 106  
death. 107

(F) Any policy of insurance that includes uninsured 108

motorist coverage, underinsured motorist coverage, or both 109  
uninsured and underinsured motorist coverages may, without 110  
regard to any premiums involved, include terms and conditions 111  
that preclude any and all stacking of such coverages, including 112  
but not limited to: 113

(1) Interfamily stacking, which is the aggregating of the 114  
limits of such coverages by the same person or two or more 115  
persons, whether family members or not, who are not members of 116  
the same household; 117

(2) Intrafamily stacking, which is the aggregating of the 118  
limits of such coverages purchased by the same person or two or 119  
more family members of the same household. 120

(G) Any policy of insurance that includes uninsured 121  
motorist coverage, underinsured motorist coverage, or both 122  
uninsured and underinsured motorist coverages and that provides 123  
a limit of coverage for payment of damages for bodily injury, 124  
including death, sustained by any one person in any one 125  
automobile accident, may, notwithstanding Chapter 2125. of the 126  
Revised Code, include terms and conditions to the effect that 127  
all claims resulting from or arising out of any one person's 128  
bodily injury, including death, shall collectively be subject to 129  
the limit of the policy applicable to bodily injury, including 130  
death, sustained by one person, and, for the purpose of such 131  
policy limit shall constitute a single claim. Any such policy 132  
limit shall be enforceable regardless of the number of insureds, 133  
claims made, vehicles or premiums shown in the declarations or 134  
policy, or vehicles involved in the accident. 135

(H) Any policy of insurance that includes uninsured 136  
motorist coverage, underinsured motorist coverage, or both 137  
uninsured and underinsured motorist coverages may include terms 138

and conditions requiring that, so long as the insured has not 139  
prejudiced the insurer's subrogation rights, each claim or suit 140  
for uninsured motorist coverage, underinsured motorist coverage, 141  
or both uninsured and underinsured motorist coverages be made or 142  
brought within three years after the date of the accident 143  
causing the bodily injury, sickness, disease, or death, or 144  
within one year after the liability insurer for the owner or 145  
operator of the motor vehicle liable to the insured has become 146  
the subject of insolvency proceedings in any state, whichever is 147  
later. 148

(I) Any policy of insurance that includes uninsured 149  
motorist coverage, underinsured motorist coverage, or both 150  
uninsured and underinsured motorist coverages may, subject to 151  
section 3937.46 of the Revised Code, include terms and 152  
conditions that preclude coverage for bodily injury or death 153  
suffered by an insured under specified circumstances, including 154  
but not limited to any of the following circumstances: 155

(1) While the insured is operating or occupying a motor 156  
vehicle owned by, furnished to, or available for the regular use 157  
of a named insured, a spouse, or a resident relative of a named 158  
insured, if the motor vehicle is not specifically identified in 159  
the policy under which a claim is made, or is not a newly 160  
acquired or replacement motor vehicle covered under the terms of 161  
the policy under which the uninsured motorist coverage, 162  
underinsured motorist coverage, or both uninsured and 163  
underinsured motorist coverages are provided; 164

(2) While the insured is operating or occupying a motor 165  
vehicle without a reasonable belief that the insured is entitled 166  
to do so, provided that under no circumstances will an insured 167  
whose license has been suspended, revoked, or never issued, be 168

held to have a reasonable belief that the insured is entitled to 169  
operate a motor vehicle; 170

(3) When the bodily injury or death is caused by a motor 171  
vehicle operated by any person who is specifically excluded from 172  
coverage for bodily injury liability in the policy under which 173  
the uninsured motorist coverage, underinsured motorist coverage, 174  
or both uninsured and underinsured motorist coverages are 175  
provided; 176

(4) While any employee, officer, director, partner, 177  
trustee, member, executor, administrator, or beneficiary of the 178  
named insured, or any relative of any such person, is operating 179  
or occupying a motor vehicle, unless the employee, officer, 180  
director, partner, trustee, member, executor, administrator, 181  
beneficiary, or relative is operating or occupying a motor 182  
vehicle for which uninsured motorist coverage, underinsured 183  
motorist coverage, or both uninsured and underinsured motorist 184  
coverages are provided in the policy; 185

(5) When the person actually suffering the bodily injury, 186  
sickness, disease, or death is not an insured under the policy. 187

(J) In the event of payment to any person under the 188  
uninsured motorist coverage, underinsured motorist coverage, or 189  
both uninsured and underinsured motorist coverages, and subject 190  
to the terms and conditions of that coverage, the insurer making 191  
such payment is entitled, to the extent of the payment, to the 192  
proceeds of any settlement or judgment resulting from the 193  
exercise of any rights of recovery of that person against any 194  
person or organization legally responsible for the bodily injury 195  
or death for which the payment is made, including any amount 196  
recoverable from an insurer that is or becomes the subject of 197  
insolvency proceedings, through such proceedings or in any other 198

lawful manner. No insurer shall attempt to recover any amount 199  
against the insured of an insurer that is or becomes the subject 200  
of insolvency proceedings, to the extent of those rights against 201  
the insurer that the insured assigns to the paying insurer. 202

(K) Nothing in this section shall prohibit the inclusion 203  
of underinsured motorist coverage in any uninsured motorist 204  
coverage included in a policy of insurance. 205

(L) The superintendent of insurance shall study the market 206  
availability of, and competition for, uninsured and underinsured 207  
motorist coverages in this state and shall, from time to time, 208  
prepare status reports containing the superintendent's findings 209  
and any recommendations. The first status report shall be 210  
prepared not later than two years after October 31, 2001. To 211  
assist in preparing these status reports, the superintendent may 212  
require insurers and rating organizations operating in this 213  
state to collect pertinent data and to submit that data to the 214  
superintendent. 215

The superintendent shall submit a copy of each status 216  
report to the governor, the speaker of the house of 217  
representatives, the president of the senate, and the 218  
chairpersons of the committees of the general assembly having 219  
primary jurisdiction over issues relating to automobile 220  
insurance. 221

**Section 2.** That existing section 3937.18 of the Revised 222  
Code is hereby repealed. 223