

As Introduced

136th General Assembly

Regular Session

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H. B. No. 603

Representative Moore

Cosponsors: Representatives Ritter, Johnson, Holmes

To enact section 6101.162 of the Revised Code to
prohibit a conservancy district's board of
directors from including certain provisions,
such as an indemnification clause, in a contract
for the procurement of goods or services.

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

Section 1. That section 6101.162 of the Revised Code be
enacted to read as follows:

Sec. 6101.162. (A) Except as otherwise required or
permitted by state or federal law, a contract entered into by a
conservancy district for the procurement of goods or services
shall not include any of the following:

(1) A provision that requires the conservancy district to
indemnify or hold harmless another person;

(2) A provision that names a venue for any action or
dispute against the conservancy district other than a court of
proper jurisdiction in the state;

(3) A provision that requires the conservancy district to
agree to limit the liability for any direct loss to the district
for bodily injury, death, or damage to property of the district

caused by the negligence, intentional or willful misconduct, 20
fraudulent act, recklessness, or other tortious conduct of a 21
person or a person's employees or agents, or a provision that 22
otherwise imposes an indemnification obligation on the district; 23

(4) A provision that requires the conservancy district to 24
be bound by a term or condition that is unknown to the district 25
at the time of signing a contract, that is not specifically 26
negotiated with the district, that may be unilaterally changed 27
by the other party, or that is electronically accepted by a 28
district employee; 29

(5) A provision that is inconsistent with the conservancy 30
district's obligations under section 149.43 of the Revised Code; 31

(6) A provision that limits the conservancy district's 32
ability to recover the cost for a replacement contractor. 33

(B) If a contract contains a term or condition described 34
in division (A) of this section, the term or condition is void 35
ab initio. The contract containing that term or condition 36
otherwise is enforceable as if it did not contain such term or 37
condition. 38