

As Introduced

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H. B. No. 604

Representatives Mathews, A., Kishman

To amend sections 2307.71, 4925.04, and 4925.09 of
the Revised Code to modify the laws related to
transportation network companies.

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

Section 1. That sections 2307.71, 4925.04, and 4925.09 of
the Revised Code be amended to read as follows:

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Sec. 2307.71. (A) As used in sections 2307.71 to 2307.80
of the Revised Code:

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(1) "Claimant" means either of the following:

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(a) A person who asserts a product liability claim or on
whose behalf such a claim is asserted;

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(b) If a product liability claim is asserted on behalf of
the surviving spouse, children, parents, or other next of kin of
a decedent or on behalf of the estate of a decedent, whether as
a claim in a wrongful death action under Chapter 2125. of the
Revised Code or as a survivorship claim, whichever of the
following is appropriate:

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(i) The decedent, if the reference is to the person who
allegedly sustained harm or economic loss for which, or in
connection with which, compensatory damages or punitive or

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exemplary damages are sought to be recovered; 20

(ii) The personal representative of the decedent or the 21
estate of the decedent, if the reference is to the person who is 22
asserting or has asserted the product liability claim. 23

(2) "Economic loss" means direct, incidental, or 24
consequential pecuniary loss, including, but not limited to, 25
damage to the product in question, and nonphysical damage to 26
property other than that product. Harm is not "economic loss." 27

(3) "Environment" means only navigable waters, surface 28
water, ground water, drinking water supplies, land surface, 29
subsurface strata, and air. 30

(4) "Ethical drug" means a prescription drug that is 31
prescribed or dispensed by a physician or any other person who 32
is legally authorized to prescribe or dispense a prescription 33
drug. 34

(5) "Ethical medical device" means a medical device that 35
is prescribed, dispensed, or implanted by a physician or any 36
other person who is legally authorized to prescribe, dispense, 37
or implant a medical device and that is regulated under the 38
"Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040, 21 U.S.C. 39
301-392, as amended. 40

(6) "Foreseeable risk" means a risk of harm that satisfies 41
both of the following: 42

(a) It is associated with an intended or reasonably 43
foreseeable use, modification, or alteration of a product in 44
question. 45

(b) It is a risk that the manufacturer in question should 46
recognize while exercising both of the following: 47

(i) The attention, perception, memory, knowledge, and intelligence that a reasonable manufacturer should possess;

(ii) Any superior attention, perception, memory, knowledge, or intelligence that the manufacturer in question possesses.

(7) "Harm" means death, physical injury to person, serious emotional distress, or physical damage to property other than the product in question. Economic loss is not "harm."

(8) "Hazardous or toxic substances" include, but are not limited to, hazardous waste as defined in section 3734.01 of the Revised Code, hazardous waste as specified in the rules of the director of environmental protection pursuant to division (A) of section 3734.12 of the Revised Code, hazardous substances as defined in section 3716.01 of the Revised Code, and hazardous substances, pollutants, and contaminants as defined in or by regulations adopted pursuant to the "Comprehensive Environmental Response, Compensation, and Liability Act of 1980," 94 Stat. 2767, 42 U.S.C. 9601, as amended.

(9) "Manufacturer" means a person engaged in a business to design, formulate, produce, create, make, construct, assemble, or rebuild a product or a component of a product.

(10) "Person" has the same meaning as in division (C) of section 1.59 of the Revised Code and also includes governmental entities.

(11) "Physician" means a person who is licensed to practice medicine and surgery or osteopathic medicine and surgery by the state medical board.

(12) (a) "Product" means, subject to ~~division~~ divisions (A) (12) (b) and (c) of this section, any object, substance, mixture,

or raw material that constitutes tangible personal property and 77
that satisfies all of the following: 78

(i) It is capable of delivery itself, or as an assembled 79
whole in a mixed or combined state, or as a component or 80
ingredient. 81

(ii) It is produced, manufactured, or supplied for 82
introduction into trade or commerce. 83

(iii) It is intended for sale or lease to persons for 84
commercial or personal use. 85

(b) "Product" does not include human tissue, blood, or 86
organs. 87

(c) "Product" does not include either of the following: 88

(i) A digital network, as defined in section 3942.01 of 89
the Revised Code; 90

(ii) A platform to facilitate delivery network services as 91
defined in section 5739.01 of the Revised Code. 92

(13) "Product liability claim" means a claim or cause of 93
action that is asserted in a civil action pursuant to sections 94
2307.71 to 2307.80 of the Revised Code and that seeks to recover 95
compensatory damages from a manufacturer or supplier for death, 96
physical injury to person, emotional distress, or physical 97
damage to property other than the product in question, that 98
allegedly arose from any of the following: 99

(a) The design, formulation, production, construction, 100
creation, assembly, rebuilding, testing, or marketing of that 101
product; 102

(b) Any warning or instruction, or lack of warning or 103

instruction, associated with that product; 104

(c) Any failure of that product to conform to any relevant 105
representation or warranty. 106

"Product liability claim" also includes any public 107
nuisance claim or cause of action at common law in which it is 108
alleged that the design, manufacture, supply, marketing, 109
distribution, promotion, advertising, labeling, or sale of a 110
product unreasonably interferes with a right common to the 111
general public. 112

(14) "Representation" means an express representation of a 113
material fact concerning the character, quality, or safety of a 114
product. 115

(15) (a) "Supplier" means, subject to division (A) (15) (b) 116
of this section, either of the following: 117

(i) A person that, in the course of a business conducted 118
for the purpose, sells, distributes, leases, prepares, blends, 119
packages, labels, or otherwise participates in the placing of a 120
product in the stream of commerce; 121

(ii) A person that, in the course of a business conducted 122
for the purpose, installs, repairs, or maintains any aspect of a 123
product that allegedly causes harm. 124

(b) "Supplier" does not include any of the following: 125

(i) A manufacturer; 126

(ii) A seller of real property; 127

(iii) A provider of professional services who, incidental 128
to a professional transaction the essence of which is the 129
furnishing of judgment, skill, or services, sells or uses a 130

product; 131

(iv) Any person who acts only in a financial capacity with 132
respect to the sale of a product, or who leases a product under 133
a lease arrangement in which the selection, possession, 134
maintenance, and operation of the product are controlled by a 135
person other than the lessor. 136

(16) "Unavoidably unsafe" means that, in the state of 137
technical, scientific, and medical knowledge at the time a 138
product in question left the control of its manufacturer, an 139
aspect of that product was incapable of being made safe. 140

(B) Sections 2307.71 to 2307.80 of the Revised Code are 141
intended to abrogate all common law product liability claims or 142
causes of action. 143

Sec. 4925.04. (A) Prior to authorizing a person to act as 144
a transportation network company driver, a transportation 145
network company shall do all of the following: 146

(1) Require the person to submit an application to the 147
transportation network company that includes at least all of the 148
following: 149

(a) The person's address; 150

(b) The person's age; 151

(c) The person's driver's license number and information 152
on the person's driving history; 153

(d) A copy of the certificate of motor vehicle 154
registration for the vehicle the person will use to provide 155
transportation network company services; 156

(e) Proof of automobile insurance. 157

(2) Conduct a background check on each applicant, 158
including both of the following: 159

(a) A search of a multi-state/multi-jurisdiction criminal 160
records database, or a similar nationwide criminal records 161
database, and validation of any records through a primary source 162
search; 163

(b) A search of the United States department of justice 164
national sex offender public web site; 165

(3) Obtain and review a driving history report with regard 166
to each applicant. 167

(B) A transportation network company shall not authorize a 168
person to act as a transportation network company driver if any 169
of the following apply to the person: 170

(1) The person does not possess a valid driver's license. 171

(2) The person does not possess a valid certification of 172
motor vehicle registration for the motor vehicle that the person 173
intends to use to provide transportation network company 174
services. 175

(3) The person does not possess automobile liability 176
insurance for the vehicle that the person intends to use to 177
provide transportation network company services that meets the 178
requirements of section 3942.02 of the Revised Code unless the 179
transportation network company provides such insurance on behalf 180
of the driver. 181

(4) The person has not attained the age of nineteen. 182

(5) Within the past three years, the person has been 183
convicted of, or pleaded guilty to, more than three violations 184
of section 4511.194, 4511.204, 4511.21, 4511.211, 4511.251, 185

4511.29, 4511.30, 4511.39, 4511.46, 4511.47, 4511.711, or 186
4511.75 of the Revised Code or an existing or former municipal 187
ordinance or law of this or any other state, or of the United 188
States, that is substantially equivalent to any offense listed 189
in division (B) (5) of this section. 190

(6) Within the past three years, the person has been 191
convicted of, or pleaded guilty to, any serious vehicle-related 192
offense, including a violation of division (B) of section 193
2921.331 of the Revised Code or a violation of section 4510.11, 194
4510.111, 4510.12, 4510.14, 4510.16, 4510.18, 4511.20, or 195
4511.201 of the Revised Code or an existing or former municipal 196
ordinance or law of this or any other state, or of the United 197
States, that is substantially equivalent to any offense listed 198
in division (B) (6) of this section. 199

(7) Within the past seven years, the person has been 200
convicted of, or pleaded guilty to, any of the following: 201

(a) Operating a vehicle while under the influence of 202
alcohol, a drug of abuse, or a combination of both, in violation 203
of section 4511.19 of the Revised Code; 204

(b) The commission of any felony offense while operating, 205
or being a passenger in, a motor vehicle; 206

(c) A theft or fraud offense in violation of section 207
2911.01 or 2911.02 of the Revised Code or any provision of 208
Chapter 2913. of the Revised Code; 209

(d) A property damage offense in violation of section 210
2909.02, 2909.03, 2909.05, 2909.06, 2909.07, 2909.09, 2909.10, 211
or 2909.101 of the Revised Code; 212

(e) A sex offense in violation of any provision of Chapter 213
2907. of the Revised Code; 214

(f) An offense of violence as defined in section 2901.01 215
of the Revised Code; 216

(g) An act of terrorism as defined in section 2909.21 of 217
the Revised Code; 218

(h) A violation of an existing or former municipal 219
ordinance or law of this or any other state, or of the United 220
States, that is substantially equivalent to any offense listed 221
in division (B) (7) of this section. 222

(8) A search of the United States department of justice 223
national sex offender public web site indicates that the person 224
is identified as a sex offender. 225

(C) A transportation network company shall terminate the 226
authorization of a person to act as a transportation network 227
company driver on behalf of the company if any of the conditions 228
specified in division (B) of this section apply to that person 229
according to that person's annual background check conducted in 230
accordance with section 4925.03 of the Revised Code. 231

(D) A transportation network company is not vicariously 232
liable for harm to persons or property caused by a 233
transportation network company driver if both of the following 234
apply: 235

(1) The company did not commit any criminal wrongdoing 236
under federal law or the laws of this state with respect to the 237
incident that gave rise to the harm caused by the transportation 238
network company driver; 239

(2) The transportation network company has fulfilled all 240
legal obligations under Chapter 4925. of the Revised Code with 241
respect to the transportation network company driver. 242

Sec. 4925.09. (A) (1) The regulation of transportation 243
network companies, transportation network company drivers, and 244
transportation network company services is a matter of general 245
statewide interest that requires statewide regulation. Chapter 246
4925. and sections 3942.01 to 3942.04 of the Revised Code 247
constitute a comprehensive plan with respect to all aspects of 248
the regulation of transportation network companies, 249
transportation network company drivers, and transportation 250
network company services. Accordingly, except as authorized in 251
division (A) (2) of this section, it is the intent of the general 252
assembly to preempt any local ordinance, resolution, or other 253
law adopted to license, register, tax, or otherwise regulate 254
transportation network companies, transportation network company 255
drivers, or transportation network company services. 256

(2) The operator of a public-use airport, as defined in 257
section 4563.30 of the Revised Code, may adopt reasonable 258
standards, regulations, procedures, and fees that are applicable 259
to transportation network company services that are provided to 260
any transportation network company rider who requests service 261
to, from, or on the property of the public-use airport. A 262
transportation network company or transportation network company 263
driver shall comply with any applicable standards, regulations, 264
or procedures adopted by a public-use airport and shall pay any 265
applicable fees in a timely manner. 266

(B) With regard to the provision of transportation network 267
company services, no transportation network company or 268
transportation network company driver is subject to regulation 269
as a chauffeured limousine under section 4511.85 of the Revised 270
Code, as a taxicab or vehicle for hire, as a common carrier, or 271
as a for-hire motor carrier under Chapters 4921. and 4923. of 272
the Revised Code. No vehicle used to provide transportation 273

network company services shall be required to register as a 274
chauffeured limousine, taxicab or vehicle for hire, common 275
carrier, commercial car, or for-hire motor carrier in order to 276
provide transportation network company services. 277

Section 2. That existing sections 2307.71, 4925.04, and 278
4925.09 of the Revised Code are hereby repealed. 279