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S.B. 131
136th General Assembly

Bill Analysis

Version: As Introduced

Primary Sponsor: Sen. Cutrona

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SUMMARY

- Clarifies compensatory damages for damaged vehicles in tort actions.

DETAILED ANALYSIS

Compensatory damages for damaged vehicles

Under the bill, compensatory damages in a tort action relating to a damaged vehicle are awarded in an amount based on the following criteria:¹

- The difference between the vehicle's fair market value immediately before and immediately after the damage;
- The cost of the vehicle's repair, if the vehicle is repairable, so long as the cost of repair does not exceed the difference in the vehicle's market value before and after the damage;
- If the vehicle is repairable within a reasonable amount of time, the loss of use of the vehicle for the reasonable time necessary to make the repairs;
- If the vehicle is repairable but the post-repair fair market value is less after repairs than the fair market value before the damage occurred due to accident history or other factors, the difference in the fair market value before the damage and after the repairs;
- Where a vehicle cannot be repaired, the difference between the vehicle's fair market value immediately before the damage and the salvage value of the wreckage.

In a subrogation related to an award of damages for a damaged vehicle determined under the criteria listed above, an insurer only recovers for amounts actually distributed to an insured.

¹ R.C. 2315.18(B)(1)(b).

If an insurer is awarded more than the amount paid out to the insured, then the insurer must pass on that amount to the insured.²

HISTORY

Action	Date
Introduced	03-04-25

ANSB0131IN-136/ks

² R.C. 2315.18(B)(1)(c).