

As Introduced

**136th General Assembly
Regular Session
2025-2026**

S. B. No. 131

Senator Cutrona

A BILL

To amend section 2315.18 of the Revised Code to 1
clarify compensatory damages for damaged 2
vehicles. 3

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

Section 1. That section 2315.18 of the Revised Code be 4
amended to read as follows: 5

Sec. 2315.18. (A) As used in this section and in section 6
2315.19 of the Revised Code: 7

(1) "Asbestos claim" has the same meaning as in section 8
2307.91 of the Revised Code. 9

(2) "Economic loss" means any of the following types of 10
pecuniary harm: 11

(a) All wages, salaries, or other compensation lost as a 12
result of an injury or loss to person or property that is a 13
subject of a tort action; 14

(b) All expenditures for medical care or treatment, 15
rehabilitation services, or other care, treatment, services, 16
products, or accommodations as a result of an injury or loss to 17
person or property that is a subject of a tort action; 18

(c) Any other expenditures incurred as a result of an injury or loss to person or property that is a subject of a tort action, other than attorney's fees incurred in connection with that action.

(3) "Medical claim," "dental claim," "optometric claim," and "chiropractic claim" have the same meanings as in section 2305.113 of the Revised Code.

(4) "Noneconomic loss" means nonpecuniary harm that results from an injury or loss to person or property that is a subject of a tort action, including, but not limited to, pain and suffering, loss of society, consortium, companionship, care, assistance, attention, protection, advice, guidance, counsel, instruction, training, or education, disfigurement, mental anguish, and any other intangible loss.

(5) "Occurrence" means all claims resulting from or arising out of any one person's bodily injury.

(6) "Product liability claim" has the same meaning as in section 2307.71 of the Revised Code.

(7) "Tort action" means a civil action for damages for injury or loss to person or property. "Tort action" includes a civil action upon a product liability claim or an asbestos claim, a civil action based on an unlawful discriminatory practice relating to employment brought under section 4112.052 of the Revised Code, and a civil action brought under section 4112.14 of the Revised Code. "Tort action" does not include a civil action upon a medical claim, dental claim, optometric claim, or chiropractic claim or a civil action for damages for a breach of contract or another agreement between persons.

(8) "Trier of fact" means the jury or, in a nonjury

action, the court. 48

(B) In a tort action to recover damages for injury or loss 49
to person or property, all of the following apply: 50

~~(1)~~(1) (a) There shall not be any limitation on the amount 51
of compensatory damages that represents the economic loss of the 52
person who is awarded the damages in the tort action. 53

(b) When determining the amount of compensatory damages 54
relating to a damaged vehicle, a court shall award an amount 55
based on the following criteria: 56

(i) The difference between the vehicle's fair market value 57
immediately before and immediately after the damage; 58

(ii) The cost of repair of the vehicle, if the vehicle is 59
repairable, so long as the cost of repair does not exceed the 60
difference in market value of the vehicle before and after the 61
damage; 62

(iii) If the vehicle is repairable within a reasonable 63
amount of time, the loss of use of the vehicle for the 64
reasonable time necessary to make the repairs; 65

(iv) If the vehicle is repairable but the post-repair fair 66
market value is less after repairs than the fair market value 67
before the damage occurred due to accident history or other 68
factors, the difference in the fair market value before the 69
damage and after the repairs; 70

(v) Where a vehicle cannot be repaired, the difference 71
between the fair market value of the vehicle immediately before 72
the damage and the salvage value of the wreckage. 73

(c) In subrogation related to an award of damages for a 74
damaged vehicle determined under this section, an insurer shall 75

only recover for amounts actually distributed to an insured. If 76
an insurer is awarded more than the amount paid out to the 77
insured, then the insurer shall pass on that amount to the 78
insured. 79

(2) Except as otherwise provided in division (B) (3) of 80
this section, the amount of compensatory damages that represents 81
damages for noneconomic loss that is recoverable in a tort 82
action under this section to recover damages for injury or loss 83
to person or property shall not exceed the greater of two 84
hundred fifty thousand dollars or an amount that is equal to 85
three times the economic loss, as determined by the trier of 86
fact, of the plaintiff in that tort action to a maximum of three 87
hundred fifty thousand dollars for each plaintiff in that tort 88
action or a maximum of five hundred thousand dollars for each 89
occurrence that is the basis of that tort action. 90

(3) There shall not be any limitation on the amount of 91
compensatory damages that represents damages for noneconomic 92
loss that is recoverable in a tort action to recover damages for 93
injury or loss to person or property if the noneconomic losses 94
of the plaintiff are for either of the following: 95

(a) Permanent and substantial physical deformity, loss of 96
use of a limb, or loss of a bodily organ system; 97

(b) Permanent physical functional injury that permanently 98
prevents the injured person from being able to independently 99
care for self and perform life-sustaining activities. 100

(C) In determining an award of compensatory damages for 101
noneconomic loss in a tort action, the trier of fact shall not 102
consider any of the following: 103

(1) Evidence of a defendant's alleged wrongdoing, 104

misconduct, or guilt;	105
(2) Evidence of the defendant's wealth or financial resources;	106 107
(3) All other evidence that is offered for the purpose of punishing the defendant, rather than offered for a compensatory purpose.	108 109 110
(D) If a trial is conducted in a tort action to recover damages for injury or loss to person or property and a plaintiff prevails in that action, the court in a nonjury trial shall make findings of fact, and the jury in a jury trial shall return a general verdict accompanied by answers to interrogatories, that shall specify all of the following:	111 112 113 114 115 116
(1) The total compensatory damages recoverable by the plaintiff;	117 118
(2) The portion of the total compensatory damages that represents damages for economic loss;	119 120
(3) The portion of the total compensatory damages that represents damages for noneconomic loss.	121 122
(E) (1) After the trier of fact in a tort action to recover damages for injury or loss to person or property complies with division (D) of this section, the court shall enter a judgment in favor of the plaintiff for compensatory damages for economic loss in the amount determined pursuant to division (D) (2) of this section, and, subject to division (F) (1) of this section, the court shall enter a judgment in favor of the plaintiff for compensatory damages for noneconomic loss. Except as provided in division (B) (3) of this section, in no event shall a judgment for compensatory damages for noneconomic loss exceed the maximum recoverable amount that represents damages for noneconomic loss	123 124 125 126 127 128 129 130 131 132 133

as provided in division (B) (2) of this section. Division (B) of 134
this section shall be applied in a jury trial only after the 135
jury has made its factual findings and determination as to the 136
damages. 137

(2) Prior to the trial in the tort action described in 138
division (D) of this section, any party may seek summary 139
judgment with respect to the nature of the alleged injury or 140
loss to person or property, seeking a determination of the 141
damages as described in division (B) (2) of this section. 142

(F) (1) A court of common pleas has no jurisdiction to 143
enter judgment on an award of compensatory damages for 144
noneconomic loss in excess of the limits set forth in this 145
section. 146

(2) If the trier of fact is a jury, the court shall not 147
instruct the jury with respect to the limit on compensatory 148
damages for noneconomic loss described in division (B) (2) of 149
this section, and neither counsel for any party nor a witness 150
shall inform the jury or potential jurors of that limit. 151

(G) With respect to a tort action to which division (B) (2) 152
of this section applies, any excess amount of compensatory 153
damages for noneconomic loss that is greater than the applicable 154
amount specified in division (B) (2) of this section shall not be 155
reallocated to any other tortfeasor beyond the amount of 156
compensatory damages that the tortfeasor would otherwise be 157
responsible for under the laws of this state. 158

(H) This section does not apply to any of the following: 159

(1) Tort actions that are brought against the state in the 160
court of claims, including, but not limited to, those actions in 161
which a state university or college is a defendant and to which 162

division (B) (3) of section 3345.40 of the Revised Code applies;	163
(2) Tort actions that are brought against political subdivisions of this state and that are commenced under or are subject to Chapter 2744. of the Revised Code. Division (C) of section 2744.05 of the Revised Code applies to recoverable damages in those actions.	164 165 166 167 168
(3) Wrongful death actions brought pursuant to Chapter 2125. of the Revised Code.	169 170
(I) If the provisions regarding the limits on compensatory damages for noneconomic loss set forth in division (B) (2) of this section have been determined to be unconstitutional, then division (C) of this section and section 2315.19 of the Revised Code shall govern the determination of an award of compensatory damages for noneconomic loss in a tort action.	171 172 173 174 175 176
Section 2. That existing section 2315.18 of the Revised Code is hereby repealed.	177 178