

As Passed by the Senate

136th General Assembly

Regular Session

2025-2026

S. B. No. 342

Senators Landis, Chavez

Cosponsors: Senators Schaffer, Antonio, Cirino, Craig, Reineke

To enact section 6101.162 of the Revised Code to 1
prohibit a conservancy district's board of 2
directors from including certain provisions, 3
such as an indemnification clause, in a contract 4
for the procurement of goods or services. 5

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

Section 1. That section 6101.162 of the Revised Code be 6
enacted to read as follows: 7

Sec. 6101.162. (A) Except as otherwise required or 8
permitted by state or federal law, a contract entered into by a 9
conservancy district for the procurement of goods or services 10
shall not include any of the following: 11

(1) A provision that requires the conservancy district to 12
indemnify or hold harmless another person; 13

(2) A provision that names a venue for any action or 14
dispute against the conservancy district other than a court of 15
proper jurisdiction in the state; 16

(3) A provision that requires the conservancy district to 17
agree to limit the liability for any direct loss to the district 18
for bodily injury, death, or damage to property of the district 19

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