



**County
Commissioners
Association of Ohio**

Serving Ohio Counties Since 1880

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TO: House Civil Justice Committee

FROM: John R. Leutz, Esq., CCAO Legislative Counsel

SUBJECT: CCAO and CORSA opposition to House Bill 27

Chairman Hambley, Vice Chair Patton, Ranking Member Brown, and members of the House Civil Justice Committee, the County Commissioners Association of Ohio wishes to express our opposition to House Bill 27.

Ohio law currently eliminates immunity for auto accidents where a driver is employed by an Ohio Political Subdivision. (See R.C. §2744.02(B)(1)). The only exception is for first responders who, in making emergency runs, are permitted some leeway unless their emergency driving is “willful or wanton.” (R.C. §2744.02(B)(1)(a)-(c)) Therefore, those putting themselves at risk to protect persons in emergency situations are protected from a plaintiff lawyer arguing their driving was “negligent.”

HB 27 proposes to completely strip immunity from fire and EMS for negligent operation of a vehicle, and limit immunity for law enforcement to only those situations when a plaintiff is fleeing apprehension for a criminal offense. Passage of this proposal would completely undermine the well-reasoned doctrine of sovereign immunity and expose first responders, due to the inherent nature of their responsibilities, to significant risk of liability. The erosion of the current statutory provisions protecting first responders from liability for negligence would result in a significant increase in liability claims against political subdivisions.

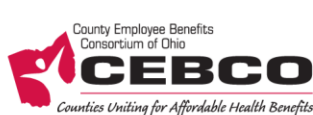
Prudent governments would seek to insure against this increased risk and incur significantly greater insurance costs to adequately protect the entity from the increased liability for accidents involving first responders. This expansion of liability and the expenditures incurred to insure a political subdivision would be directly absorbed by political subdivisions, and ultimately, their constituents.

For these reasons CCAO and our county risk pool the County Risk Sharing Authority (CORSA) strongly oppose this proposal.



County Risk
Sharing Authority

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