

**As Reported by the House Civil Justice Committee**

**133rd General Assembly**

**Regular Session**

**2019-2020**

**Sub. H. B. No. 421**

**Representatives Smith, T., Blair**

**Cosponsors: Representatives Carruthers, Becker, Seitz, Abrams, O'Brien,  
Hambley, Galonski, Hillyer**

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**A BILL**

To amend sections 2744.01, 2744.02, 2744.05, and 1  
4973.17 of the Revised Code to provide a 2  
municipal corporation or county immunity from 3  
civil and criminal liability in any action that 4  
arises from a hospital police officer acting 5  
directly in the discharge of the person's duties 6  
as a police officer and that occurs on the 7  
premises of the hospital or its affiliates or 8  
subsidiaries or elsewhere in the municipal 9  
corporation or county and to modify the 10  
definition of "emergency call" and the defenses 11  
to a political subdivision's liability for a 12  
peace officer's negligent operation of a motor 13  
vehicle. 14

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

**Section 1.** That sections 2744.01, 2744.02, 2744.05, and 15  
4973.17 of the Revised Code be amended to read as follows: 16

**Sec. 2744.01.** As used in this chapter: 17

(A) "Emergency call" means a ~~call to duty, including, but~~ 18  
~~not limited to, communications communication from eitizensa~~ 19  
~~citizen, a police dispatches dispatch, and or a personal~~ 20  
~~observations observation by a peace officers of officer only if~~ 21  
~~that communication, dispatch, or personal peace officer~~ 22  
~~observation involves or concerns an inherently dangerous~~ 23  
~~situations situation that demand demands an immediate response~~ 24  
on the part of a peace officer. 25

(B) "Employee" means an officer, agent, employee, or 26  
servant, whether or not compensated or full-time or part-time, 27  
who is authorized to act and is acting within the scope of the 28  
officer's, agent's, employee's, or servant's employment for a 29  
political subdivision. "Employee" does not include an 30  
independent contractor and does not include any individual 31  
engaged by a school district pursuant to section 3319.301 of the 32  
Revised Code. "Employee" includes any elected or appointed 33  
official of a political subdivision. "Employee" also includes a 34  
person who has been convicted of or pleaded guilty to a criminal 35  
offense and who has been sentenced to perform community service 36  
work in a political subdivision whether pursuant to section 37  
2951.02 of the Revised Code or otherwise, and a child who is 38  
found to be a delinquent child and who is ordered by a juvenile 39  
court pursuant to section 2152.19 or 2152.20 of the Revised Code 40  
to perform community service or community work in a political 41  
subdivision. 42

(C) (1) "Governmental function" means a function of a 43  
political subdivision that is specified in division (C) (2) of 44  
this section or that satisfies any of the following: 45

(a) A function that is imposed upon the state as an 46  
obligation of sovereignty and that is performed by a political 47

subdivision voluntarily or pursuant to legislative requirement;	48
(b) A function that is for the common good of all citizens of the state;	49 50
(c) A function that promotes or preserves the public peace, health, safety, or welfare; that involves activities that are not engaged in or not customarily engaged in by nongovernmental persons; and that is not specified in division (G) (2) of this section as a proprietary function.	51 52 53 54 55
(2) A "governmental function" includes, but is not limited to, the following:	56 57
(a) The provision or nonprovision of police, fire, emergency medical, ambulance, and rescue services or protection;	58 59
(b) The power to preserve the peace; to prevent and suppress riots, disturbances, and disorderly assemblages; to prevent, mitigate, and clean up releases of oil and hazardous and extremely hazardous substances as defined in section 3750.01 of the Revised Code; and to protect persons and property;	60 61 62 63 64
(c) The provision of a system of public education;	65
(d) The provision of a free public library system;	66
(e) The regulation of the use of, and the maintenance and repair of, roads, highways, streets, avenues, alleys, sidewalks, bridges, aqueducts, viaducts, and public grounds;	67 68 69
(f) Judicial, quasi-judicial, prosecutorial, legislative, and quasi-legislative functions;	70 71
(g) The construction, reconstruction, repair, renovation, maintenance, and operation of buildings that are used in connection with the performance of a governmental function,	72 73 74

including, but not limited to, office buildings and courthouses;	75
(h) The design, construction, reconstruction, renovation,	76
repair, maintenance, and operation of jails, places of juvenile	77
detention, workhouses, or any other detention facility, as	78
defined in section 2921.01 of the Revised Code;	79
(i) The enforcement or nonperformance of any law;	80
(j) The regulation of traffic, and the erection or	81
nonerection of traffic signs, signals, or control devices;	82
(k) The collection and disposal of solid wastes, as	83
defined in section 3734.01 of the Revised Code, including, but	84
not limited to, the operation of solid waste disposal	85
facilities, as "facilities" is defined in that section, and the	86
collection and management of hazardous waste generated by	87
households. As used in division (C)(2)(k) of this section,	88
"hazardous waste generated by households" means solid waste	89
originally generated by individual households that is listed	90
specifically as hazardous waste in or exhibits one or more	91
characteristics of hazardous waste as defined by rules adopted	92
under section 3734.12 of the Revised Code, but that is excluded	93
from regulation as a hazardous waste by those rules.	94
(l) The provision or nonprovision, planning or design,	95
construction, or reconstruction of a public improvement,	96
including, but not limited to, a sewer system;	97
(m) The operation of a job and family services department	98
or agency, including, but not limited to, the provision of	99
assistance to aged and infirm persons and to persons who are	100
indigent;	101
(n) The operation of a health board, department, or	102
agency, including, but not limited to, any statutorily required	103

or permissive program for the provision of immunizations or 104  
other inoculations to all or some members of the public, 105  
provided that a "governmental function" does not include the 106  
supply, manufacture, distribution, or development of any drug or 107  
vaccine employed in any such immunization or inoculation program 108  
by any supplier, manufacturer, distributor, or developer of the 109  
drug or vaccine; 110

(o) The operation of mental health facilities, 111  
developmental disabilities facilities, alcohol treatment and 112  
control centers, and children's homes or agencies; 113

(p) The provision or nonprovision of inspection services 114  
of all types, including, but not limited to, inspections in 115  
connection with building, zoning, sanitation, fire, plumbing, 116  
and electrical codes, and the taking of actions in connection 117  
with those types of codes, including, but not limited to, the 118  
approval of plans for the construction of buildings or 119  
structures and the issuance or revocation of building permits or 120  
stop work orders in connection with buildings or structures; 121

(q) Urban renewal projects and the elimination of slum 122  
conditions, including the performance of any activity that a 123  
county land reutilization corporation is authorized to perform 124  
under Chapter 1724. or 5722. of the Revised Code; 125

(r) Flood control measures; 126

(s) The design, construction, reconstruction, renovation, 127  
operation, care, repair, and maintenance of a township cemetery; 128

(t) The issuance of revenue obligations under section 129  
140.06 of the Revised Code; 130

(u) The design, construction, reconstruction, renovation, 131  
repair, maintenance, and operation of any school athletic 132

facility, school auditorium, or gymnasium or any recreational	133
area or facility, including, but not limited to, any of the	134
following:	135
(i) A park, playground, or playfield;	136
(ii) An indoor recreational facility;	137
(iii) A zoo or zoological park;	138
(iv) A bath, swimming pool, pond, water park, wading pool,	139
wave pool, water slide, or other type of aquatic facility;	140
(v) A golf course;	141
(vi) A bicycle motocross facility or other type of	142
recreational area or facility in which bicycling, skating, skate	143
boarding, or scooter riding is engaged;	144
(vii) A rope course or climbing walls;	145
(viii) An all-purpose vehicle facility in which all-	146
purpose vehicles, as defined in section 4519.01 of the Revised	147
Code, are contained, maintained, or operated for recreational	148
activities.	149
(v) The provision of public defender services by a county	150
or joint county public defender's office pursuant to Chapter	151
120. of the Revised Code;	152
(w) (i) At any time before regulations prescribed pursuant	153
to 49 U.S.C.A 20153 become effective, the designation,	154
establishment, design, construction, implementation, operation,	155
repair, or maintenance of a public road rail crossing in a zone	156
within a municipal corporation in which, by ordinance, the	157
legislative authority of the municipal corporation regulates the	158
sounding of locomotive horns, whistles, or bells;	159

(ii) On and after the effective date of regulations 160  
prescribed pursuant to 49 U.S.C.A. 20153, the designation, 161  
establishment, design, construction, implementation, operation, 162  
repair, or maintenance of a public road rail crossing in such a 163  
zone or of a supplementary safety measure, as defined in 49 164  
U.S.C.A 20153, at or for a public road rail crossing, if and to 165  
the extent that the public road rail crossing is excepted, 166  
pursuant to subsection (c) of that section, from the requirement 167  
of the regulations prescribed under subsection (b) of that 168  
section. 169

(x) A function that the general assembly mandates a 170  
political subdivision to perform. 171

(D) "Law" means any provision of the constitution, 172  
statutes, or rules of the United States or of this state; 173  
provisions of charters, ordinances, resolutions, and rules of 174  
political subdivisions; and written policies adopted by boards 175  
of education. When used in connection with the "common law," 176  
this definition does not apply. 177

(E) "Motor vehicle" has the same meaning as in section 178  
4511.01 of the Revised Code. 179

(F) "Political subdivision" or "subdivision" means a 180  
municipal corporation, township, county, school district, or 181  
other body corporate and politic responsible for governmental 182  
activities in a geographic area smaller than that of the state. 183  
"Political subdivision" includes, but is not limited to, a 184  
county hospital commission appointed under section 339.14 of the 185  
Revised Code, board of hospital commissioners appointed for a 186  
municipal hospital under section 749.04 of the Revised Code, 187  
board of hospital trustees appointed for a municipal hospital 188  
under section 749.22 of the Revised Code, regional planning 189

commission created pursuant to section 713.21 of the Revised Code, county planning commission created pursuant to section 713.22 of the Revised Code, joint planning council created pursuant to section 713.231 of the Revised Code, interstate regional planning commission created pursuant to section 713.30 of the Revised Code, port authority created pursuant to section 4582.02 or 4582.26 of the Revised Code or in existence on December 16, 1964, regional council established by political subdivisions pursuant to Chapter 167. of the Revised Code, emergency planning district and joint emergency planning district designated under section 3750.03 of the Revised Code, joint emergency medical services district created pursuant to section 307.052 of the Revised Code, fire and ambulance district created pursuant to section 505.375 of the Revised Code, joint interstate emergency planning district established by an agreement entered into under that section, county solid waste management district and joint solid waste management district established under section 343.01 or 343.012 of the Revised Code, community school established under Chapter 3314. of the Revised Code, county land reutilization corporation organized under Chapter 1724. of the Revised Code, the county or counties served by a community-based correctional facility and program or district community-based correctional facility and program established and operated under sections 2301.51 to 2301.58 of the Revised Code, a community-based correctional facility and program or district community-based correctional facility and program that is so established and operated, and the facility governing board of a community-based correctional facility and program or district community-based correctional facility and program that is so established and operated.

(G) (1) "Proprietary function" means a function of a

political subdivision that is specified in division (G) (2) of	221
this section or that satisfies both of the following:	222
(a) The function is not one described in division (C) (1)	223
(a) or (b) of this section and is not one specified in division	224
(C) (2) of this section;	225
(b) The function is one that promotes or preserves the	226
public peace, health, safety, or welfare and that involves	227
activities that are customarily engaged in by nongovernmental	228
persons.	229
(2) A "proprietary function" includes, but is not limited	230
to, the following:	231
(a) The operation of a hospital by one or more political	232
subdivisions;	233
(b) The design, construction, reconstruction, renovation,	234
repair, maintenance, and operation of a public cemetery other	235
than a township cemetery;	236
(c) The establishment, maintenance, and operation of a	237
utility, including, but not limited to, a light, gas, power, or	238
heat plant, a railroad, a busline or other transit company, an	239
airport, and a municipal corporation water supply system;	240
(d) The maintenance, destruction, operation, and upkeep of	241
a sewer system;	242
(e) The operation and control of a public stadium,	243
auditorium, civic or social center, exhibition hall, arts and	244
crafts center, band or orchestra, or off-street parking	245
facility.	246
(H) "Public roads" means public roads, highways, streets,	247
avenues, alleys, and bridges within a political subdivision.	248

"Public roads" does not include berms, shoulders, rights-of-way, 249  
or traffic control devices unless the traffic control devices 250  
are mandated by the Ohio manual of uniform traffic control 251  
devices. 252

(I) "State" means the state of Ohio, including, but not 253  
limited to, the general assembly, the supreme court, the offices 254  
of all elected state officers, and all departments, boards, 255  
offices, commissions, agencies, colleges and universities, 256  
institutions, and other instrumentalities of the state of Ohio. 257  
"State" does not include political subdivisions. 258

**Sec. 2744.02.** (A) (1) For the purposes of this chapter, the 259  
functions of political subdivisions are hereby classified as 260  
governmental functions and proprietary functions. Except as 261  
provided in division (B) of this section, a political 262  
subdivision is not liable in damages in a civil action for 263  
injury, death, or loss to person or property allegedly caused by 264  
any act or omission of the political subdivision or an employee 265  
of the political subdivision in connection with a governmental 266  
or proprietary function. 267

(2) The defenses and immunities conferred under this 268  
chapter apply in connection with all governmental and 269  
proprietary functions performed by a political subdivision and 270  
its employees, whether performed on behalf of that political 271  
subdivision or on behalf of another political subdivision. 272

(3) Subject to statutory limitations upon their monetary 273  
jurisdiction, the courts of common pleas, the municipal courts, 274  
and the county courts have jurisdiction to hear and determine 275  
civil actions governed by or brought pursuant to this chapter. 276

(B) Subject to sections 2744.03 and 2744.05 of the Revised 277

Code, a political subdivision is liable in damages in a civil 278  
action for injury, death, or loss to person or property 279  
allegedly caused by an act or omission of the political 280  
subdivision or of any of its employees in connection with a 281  
governmental or proprietary function, as follows: 282

(1) Except as otherwise provided in this division, 283  
political subdivisions are liable for injury, death, or loss to 284  
person or property caused by the negligent operation of any 285  
motor vehicle by their employees when the employees are engaged 286  
within the scope of their employment and authority. The 287  
following are full defenses to that liability: 288

(a) A member of a municipal corporation police department 289  
or any other police agency was operating a motor vehicle while 290  
responding to an emergency call and the operation of the vehicle 291  
did not constitute willful or wanton misconduct; 292

(b) A member of a municipal corporation fire department or 293  
any other firefighting agency was operating a motor vehicle 294  
while engaged in duty at a fire, proceeding toward a place where 295  
a fire is in progress or is believed to be in progress, or 296  
answering any other emergency alarm and the operation of the 297  
vehicle did not constitute willful or wanton misconduct; 298

(c) A member of an emergency medical service owned or 299  
operated by a political subdivision was operating a motor 300  
vehicle while responding to or completing a call for emergency 301  
medical care or treatment, the member was holding a valid 302  
commercial driver's license issued pursuant to Chapter 4506. or 303  
a driver's license issued pursuant to Chapter 4507. of the 304  
Revised Code, the operation of the vehicle did not constitute 305  
willful or wanton misconduct, and the operation complies with 306  
the precautions of section 4511.03 of the Revised Code. 307

(d) A peace officer of a political subdivision negligently 308  
operated a motor vehicle and the plaintiff, at the time of the 309  
alleged negligence, was attempting to flee from that officer or 310  
another peace officer so as to avoid apprehension for a criminal 311  
offense. 312

(2) Except as otherwise provided in sections 3314.07 and 313  
3746.24 of the Revised Code, political subdivisions are liable 314  
for injury, death, or loss to person or property caused by the 315  
negligent performance of acts by their employees with respect to 316  
proprietary functions of the political subdivisions. 317

(3) Except as otherwise provided in section 3746.24 of the 318  
Revised Code, political subdivisions are liable for injury, 319  
death, or loss to person or property caused by their negligent 320  
failure to keep public roads in repair and other negligent 321  
failure to remove obstructions from public roads, except that it 322  
is a full defense to that liability, when a bridge within a 323  
municipal corporation is involved, that the municipal 324  
corporation does not have the responsibility for maintaining or 325  
inspecting the bridge. 326

(4) Except as otherwise provided in section 3746.24 of the 327  
Revised Code, political subdivisions are liable for injury, 328  
death, or loss to person or property that is caused by the 329  
negligence of their employees and that occurs within or on the 330  
grounds of, and is due to physical defects within or on the 331  
grounds of, buildings that are used in connection with the 332  
performance of a governmental function, including, but not 333  
limited to, office buildings and courthouses, but not including 334  
jails, places of juvenile detention, workhouses, or any other 335  
detention facility, as defined in section 2921.01 of the Revised 336  
Code. 337

(5) In addition to the circumstances described in 338  
divisions (B) (1) to (4) of this section, a political subdivision 339  
is liable for injury, death, or loss to person or property when 340  
civil liability is expressly imposed upon the political 341  
subdivision by a section of the Revised Code, including, but not 342  
limited to, sections 2743.02 and 5591.37 of the Revised Code. 343  
Civil liability shall not be construed to exist under another 344  
section of the Revised Code merely because that section imposes 345  
a responsibility or mandatory duty upon a political subdivision, 346  
because that section provides for a criminal penalty, because of 347  
a general authorization in that section that a political 348  
subdivision may sue and be sued, or because that section uses 349  
the term "shall" in a provision pertaining to a political 350  
subdivision. 351

(C) An order that denies a political subdivision or an 352  
employee of a political subdivision the benefit of an alleged 353  
immunity from liability as provided in this chapter or any other 354  
provision of the law is a final order. 355

**Sec. 2744.05.** Notwithstanding any other provisions of the 356  
Revised Code or rules of a court to the contrary, in an action 357  
against a political subdivision to recover damages for injury, 358  
death, or loss to person or property caused by an act or 359  
omission in connection with a governmental or proprietary 360  
function: 361

(A) Punitive or exemplary damages shall not be awarded. 362

(B) (1) If a claimant receives or is entitled to receive 363  
benefits for injuries or loss allegedly incurred from a policy 364  
or policies of insurance or any other source, the benefits shall 365  
be disclosed to the court, and the amount of the benefits shall 366  
be deducted from any award against a political subdivision 367

recovered by that claimant. No insurer or other person is 368  
entitled to bring an action under a subrogation provision in an 369  
insurance or other contract against a political subdivision with 370  
respect to those benefits. 371

The amount of the benefits shall be deducted from an award 372  
against a political subdivision under division (B)(1) of this 373  
section regardless of whether the claimant may be under an 374  
obligation to pay back the benefits upon recovery, in whole or 375  
in part, for the claim. A claimant whose benefits have been 376  
deducted from an award under division (B)(1) of this section is 377  
not considered fully compensated and shall not be required to 378  
reimburse a subrogated claim for benefits deducted from an award 379  
pursuant to division (B)(1) of this section. 380

(2) Nothing in division (B)(1) of this section shall be 381  
construed to do either of the following: 382

(a) Limit the rights of a beneficiary under a life 383  
insurance policy or the rights of sureties under fidelity or 384  
surety bonds; 385

(b) Prohibit the department of medicaid from recovering 386  
from the political subdivision, pursuant to section 5160.37 of 387  
the Revised Code, the cost of medical assistance provided under 388  
a medical assistance program. 389

(C)(1) There shall not be any limitation on compensatory 390  
damages that represent the actual loss of the person who is 391  
awarded the damages. However, except in wrongful death actions 392  
brought pursuant to Chapter 2125. of the Revised Code, damages 393  
that arise from the same cause of action, transaction or 394  
occurrence, or series of transactions or occurrences and that do 395  
not represent the actual loss of the person who is awarded the 396

damages shall not exceed two hundred fifty thousand dollars in 397  
favor of any one person. The limitation on damages that do not 398  
represent the actual loss of the person who is awarded the 399  
damages provided in this division does not apply to court costs 400  
that are awarded to a plaintiff, or to interest on a judgment 401  
rendered in favor of a plaintiff, in an action against a 402  
political subdivision. 403

(2) Any compensatory damages recoverable against a 404  
political subdivision for an employee's negligent operation of a 405  
motor vehicle shall be reduced by the percentage of contributory 406  
fault attributable to the plaintiff or any other parties, 407  
subject to sections 2307.22, 2307.23, and 2315.32 to 2315.36 of 408  
the Revised Code. 409

(3) As used in this division, "the actual loss of the 410  
person who is awarded the damages" includes all of the 411  
following: 412

(a) All wages, salaries, or other compensation lost by the 413  
person injured as a result of the injury, including wages, 414  
salaries, or other compensation lost as of the date of a 415  
judgment and future expected lost earnings of the person 416  
injured; 417

(b) All expenditures of the person injured or another 418  
person on behalf of the person injured for medical care or 419  
treatment, for rehabilitation services, or for other care, 420  
treatment, services, products, or accommodations that were 421  
necessary because of the injury; 422

(c) All expenditures to be incurred in the future, as 423  
determined by the court, by the person injured or another person 424  
on behalf of the person injured for medical care or treatment, 425

for rehabilitation services, or for other care, treatment, 426  
services, products, or accommodations that will be necessary 427  
because of the injury; 428

(d) All expenditures of a person whose property was 429  
injured or destroyed or of another person on behalf of the 430  
person whose property was injured or destroyed in order to 431  
repair or replace the property that was injured or destroyed; 432

(e) All expenditures of the person injured or of the 433  
person whose property was injured or destroyed or of another 434  
person on behalf of the person injured or of the person whose 435  
property was injured or destroyed in relation to the actual 436  
preparation or presentation of the claim involved; 437

(f) Any other expenditures of the person injured or of the 438  
person whose property was injured or destroyed or of another 439  
person on behalf of the person injured or of the person whose 440  
property was injured or destroyed that the court determines 441  
represent an actual loss experienced because of the personal or 442  
property injury or property loss. 443

"The actual loss of the person who is awarded the damages" 444  
does not include any fees paid or owed to an attorney for any 445  
services rendered in relation to a personal or property injury 446  
or property loss, and does not include any damages awarded for 447  
pain and suffering, for the loss of society, consortium, 448  
companionship, care, assistance, attention, protection, advice, 449  
guidance, counsel, instruction, training, or education of the 450  
person injured, for mental anguish, or for any other intangible 451  
loss. 452

**Sec. 4973.17.** (A) (1) Upon the application of any bank; 453  
savings and loan association; savings bank; credit union; or 454

association of banks, savings and loan associations, savings 455  
banks, or credit unions in this state, the secretary of state 456  
may appoint and commission any persons that the bank; savings 457  
and loan association; savings bank; credit union; or association 458  
of banks, savings and loan associations, savings banks, or 459  
credit unions designates, or as many of those persons as the 460  
secretary of state considers proper, to act as police officers 461  
for and on the premises of that bank; savings and loan 462  
association; savings bank; credit union; or association of 463  
banks, savings and loan associations, savings banks, or credit 464  
unions; or elsewhere, when directly in the discharge of their 465  
duties. Police officers so appointed shall be citizens of this 466  
state and of good character. Police officers so appointed who 467  
start to perform their duties on or after April 14, 2006, shall 468  
successfully complete a training program approved by the Ohio 469  
peace officer training commission described in section 109.71 of 470  
the Revised Code and be certified by the commission within six 471  
months after starting to perform their duties. Police officers 472  
so appointed shall hold office for three years, unless, for good 473  
cause shown, their commission is revoked by the secretary of 474  
state, or by the bank; savings and loan association; savings 475  
bank; credit union; or association of banks, savings and loan 476  
associations, savings banks, or credit unions, as provided by 477  
law. 478

(2) Persons commissioned as police officers pursuant to 479  
division (A) of this section prior to April 14, 2006, who have 480  
not successfully completed a training program approved by the 481  
Ohio peace officer training commission, and who have not been 482  
certified by the commission, may be reappointed and re- 483  
commissioned by the secretary of state only during the person's 484  
continuous employment as a police officer by the institution for 485

which the person was employed on April 14, 2006, or by a 486  
successor institution to the institution for which the person 487  
was employed on April 14, 2006. The secretary of state shall 488  
note on such appointments and commissions that the person is not 489  
a peace officer as defined in section 109.71 of the Revised 490  
Code. 491

(3) For the exclusive purpose of assigning break in 492  
service update training as prescribed in rule 109:2-1-12 (D) of 493  
the Administrative Code, a police officer appointed under 494  
division (A) of this section, who began performing police 495  
officer duties on or before April 14, 2006, shall be credited as 496  
holding a valid peace officer appointment retroactive to the 497  
date on which the officer began performing these duties. 498

(B) Upon the application of a company owning or using a 499  
railroad in this state and subject to section 4973.171 of the 500  
Revised Code, the secretary of state may appoint and commission 501  
any persons that the railroad company designates, or as many of 502  
those persons as the secretary of state considers proper, to act 503  
as police officers for and on the premises of the railroad 504  
company, its affiliates or subsidiaries, or elsewhere, when 505  
directly in the discharge of their duties. Police officers so 506  
appointed, within the time set by the Ohio peace officer 507  
training commission, shall successfully complete a commission 508  
approved training program and be certified by the commission. 509  
They shall hold office for three years, unless, for good cause 510  
shown, their commission is revoked by the secretary of state, or 511  
railroad company, as provided by law. 512

Any person holding a similar commission in another state 513  
may be commissioned and may hold office in this state without 514  
completing the approved training program required by this 515

division provided that the person has completed a substantially 516  
equivalent training program in the other state. The Ohio peace 517  
officer training commission shall determine whether a training 518  
program in another state meets the requirements of this 519  
division. 520

(C) Upon the application of any company under contract 521  
with the United States atomic energy commission for the 522  
construction or operation of a plant at a site owned by the 523  
commission, the secretary of state may appoint and commission 524  
persons the company designates, not to exceed one hundred fifty, 525  
to act as police officers for the company at the plant or site 526  
owned by the commission. Police officers so appointed shall be 527  
citizens of this state and of good character. They shall hold 528  
office for three years, unless, for good cause shown, their 529  
commission is revoked by the secretary of state or by the 530  
company, as provided by law. 531

(D) (1) Upon the application of any hospital that is 532  
operated by a public hospital agency or a nonprofit hospital 533  
agency and that employs and maintains its own proprietary police 534  
department or security department and subject to section 535  
4973.171 of the Revised Code, the secretary of state may appoint 536  
and commission any persons that the hospital designates, or as 537  
many of those persons as the secretary of state considers 538  
proper, to act as police officers for the hospital. No person 539  
who is appointed as a police officer under this division shall 540  
engage in any duties or activities as a police officer for the 541  
hospital or any affiliate or subsidiary of the hospital unless 542  
all of the following apply: 543

(a) The chief of police of the municipal corporation in 544  
which the hospital is located or, if the hospital is located in 545

the unincorporated area of a county, the sheriff of that county 546  
has granted approval to the hospital to permit persons appointed 547  
as police officers under this division to engage in those duties 548  
and activities. The approval required by this division is 549  
general in nature and is intended to cover in the aggregate all 550  
persons appointed as police officers for the hospital under this 551  
division; a separate approval is not required for each appointee 552  
on an individual basis. 553

(b) Subsequent to the grant of approval described in 554  
division (D) (1) (a) of this section, the hospital has entered 555  
into a written agreement with the chief of police of the 556  
municipal corporation in which the hospital is located or, if 557  
the hospital is located in the unincorporated area of a county, 558  
with the sheriff of that county, that sets forth the standards 559  
and criteria to govern the interaction and cooperation between 560  
persons appointed as police officers for the hospital under this 561  
division and law enforcement officers serving the agency 562  
represented by the chief of police or sheriff who signed the 563  
agreement in areas of their concurrent jurisdiction. The written 564  
agreement shall be signed by the appointing authority of the 565  
hospital and by the chief of police or sheriff. The standards 566  
and criteria may include, but are not limited to, provisions 567  
governing the reporting of offenses discovered by hospital 568  
police officers to the agency represented by the chief of police 569  
or sheriff, provisions governing investigatory responsibilities 570  
relative to offenses committed on hospital property, and 571  
provisions governing the processing and confinement of persons 572  
arrested for offenses committed on hospital property. The 573  
agreement required by this division is intended to apply in the 574  
aggregate to all persons appointed as police officers for the 575  
hospital under this division; a separate agreement is not 576

required for each appointee on an individual basis. 577

(c) The person has successfully completed a training 578  
program approved by the Ohio peace officer training commission 579  
and has been certified by the commission. A person appointed as 580  
a police officer under this division may attend a training 581  
program approved by the commission and be certified by the 582  
commission regardless of whether the appropriate chief of police 583  
or sheriff has granted the approval described in division (D) (1) 584  
(a) of this section and regardless of whether the hospital has 585  
entered into the written agreement described in division (D) (1) 586  
(b) of this section with the appropriate chief of police or 587  
sheriff. 588

(2) (a) A person who is appointed as a police officer under 589  
division (D) (1) of this section is entitled, upon the grant of 590  
approval described in division (D) (1) (a) of this section and 591  
upon the person's and the hospital's compliance with the 592  
requirements of divisions (D) (1) (b) and (c) of this section, to 593  
act as a police officer for the hospital on the premises of the 594  
hospital and of its affiliates and subsidiaries that are within 595  
the territory of the municipal corporation served by the chief 596  
of police or the unincorporated area of the county served by the 597  
sheriff who signed the written agreement described in division 598  
(D) (1) (b) of this section, whichever is applicable, and anywhere 599  
else within the territory of that municipal corporation or 600  
within the unincorporated area of that county. The authority to 601  
act as a police officer as described in this division is granted 602  
only if the person, when engaging in that activity, is directly 603  
in the discharge of the person's duties as a police officer for 604  
the hospital. The authority to act as a police officer as 605  
described in this division shall be exercised in accordance with 606  
the standards and criteria set forth in the written agreement 607

described in division (D) (1) (b) of this section. 608

(b) Additionally, a person appointed as a police officer 609  
under division (D) (1) of this section is entitled, upon the 610  
grant of approval described in division (D) (1) (a) of this 611  
section and upon the person's and the hospital's compliance with 612  
the requirements of divisions (D) (1) (b) and (c) of this section, 613  
to act as a police officer elsewhere, within the territory of a 614  
municipal corporation or within the unincorporated area of a 615  
county, if the chief of police of that municipal corporation or 616  
the sheriff of that county, respectively, has granted approval 617  
for that activity to the hospital, police department, or 618  
security department served by the person as a police officer and 619  
if the person, when engaging in that activity, is directly in 620  
the discharge of the person's duties as a police officer for the 621  
hospital. The approval described in this division may be general 622  
in nature or may be limited in scope, duration, or 623  
applicability, as determined by the chief of police or sheriff 624  
granting the approval. 625

(3) Police officers appointed under division (D) (1) of 626  
this section shall hold office for three years, unless, for good 627  
cause shown, their commission is revoked by the secretary of 628  
state or by the hospital, as provided by law. 629

(4) Notwithstanding section 2744.02 of the Revised Code, 630  
the municipal corporation in which the hospital is located or, 631  
if the hospital is located in the unincorporated area of a 632  
county, the county is immune from civil or criminal liability in 633  
any action brought under the laws of this state if all of the 634  
following apply: 635

(a) The action arises out of the actions of a police 636  
officer appointed under division (D) (1) of this section. 637

(b) The actions of the police officer are directly in the 638  
discharge of the person's duties as a police officer for the 639  
hospital. 640

(c) The actions of the police officer occur on the 641  
premises of the hospital or its affiliates or subsidiaries that 642  
are within the territory of the municipal corporation served by 643  
the chief of police or the unincorporated area of the county 644  
served by the sheriff who signed the agreement described in 645  
division (D) (1) (b) of this section, whichever is applicable, or 646  
anywhere else within the territory of that municipal corporation 647  
or within the unincorporated area of that county. 648

(5) A court's finding of tort liability of any public 649  
hospital agency or nonprofit hospital agency for any actions of 650  
a police officer appointed for the applicable hospital agency 651  
under division (D) (1) of this section is not subject to 652  
apportionment of tort liability under sections 2307.22 and 653  
2307.23 of the Revised Code with the municipal corporation or 654  
the county in which a written agreement as described in division 655  
(D) (1) (b) is in effect. 656

(6) Nothing in division (D) (4) of this section shall be 657  
construed as granting immunity from civil or criminal liability 658  
for any actions occurring on the premises of any hospital 659  
operated by a public hospital agency or nonprofit hospital 660  
agency or on the premises of that hospital's affiliate or 661  
subsidiary to any of the following: 662

(a) Any police officer appointed under division (D) (1) of 663  
this section; 664

(b) Any hospital operated by a public hospital agency or a 665  
nonprofit hospital agency that applied for the appointment of 666

any police officer under division (D)(1) of this section, or any 667  
affiliate or subsidiary of the hospital; 668

(c) Any other police or security officer who is employed 669  
by, or whose services are utilized by, any hospital operated by 670  
a public hospital agency or a nonprofit hospital agency, or any 671  
affiliate or subsidiary of the hospital; 672

(d) Any entity that supplies the services of police or 673  
security officers to any hospital operated by a public hospital 674  
agency or a nonprofit hospital agency or any affiliate or 675  
subsidiary of the hospital. 676

(7) As used in ~~divisions~~ division (D) ~~(1) to (3)~~ of this 677  
section, "public: 678

(a) "Public hospital agency" and "nonprofit hospital 679  
agency" have the same meanings as in section 140.01 of the 680  
Revised Code. 681

(b) "Tort liability" means the liability of a party as 682  
determined by a court in a tort action as defined in section 683  
2307.011 of the Revised Code. 684

(E) (1) Upon the application of any owner or operator of an 685  
amusement park that has an average yearly attendance in excess 686  
of six hundred thousand guests and that employs and maintains 687  
its own proprietary police department or security department and 688  
subject to section 4973.171 of the Revised Code, any judge of 689  
the municipal court or county court that has territorial 690  
jurisdiction over the amusement park may appoint and commission 691  
any persons that the owner or operator designates, or as many of 692  
those persons as the judge considers proper, to act as police 693  
officers for the amusement park. If the amusement park is 694  
located in more than one county, any judge of the municipal 695

court or county court of any of those counties may make the 696  
appointments and commissions as described in this division. No 697  
person who is appointed as a police officer under this division 698  
shall engage in any duties or activities as a police officer for 699  
the amusement park or any affiliate or subsidiary of the owner 700  
or operator of the amusement park unless all of the following 701  
apply: 702

(a) The appropriate chief or chiefs of police of the 703  
political subdivision or subdivisions in which the amusement 704  
park is located as specified in this division have granted 705  
approval to the owner or operator of the amusement park to 706  
permit persons appointed as police officers under this division 707  
to engage in those duties and activities. If the amusement park 708  
is located in a single municipal corporation or a single 709  
township, the chief of police of that municipal corporation or 710  
township is the appropriate chief of police for the grant of 711  
approval under this division. If the amusement park is located 712  
in two or more townships, two or more municipal corporations, or 713  
one or more townships and one or more municipal corporations, 714  
the chiefs of police of all of the affected townships and 715  
municipal corporations are the appropriate chiefs of police for 716  
the grant of approval under this division, and the approval must 717  
be jointly granted by all of those chiefs of police. The 718  
approval required by this division is general in nature and is 719  
intended to cover in the aggregate all persons appointed as 720  
police officers for the amusement park under this division. A 721  
separate approval is not required for each appointee on an 722  
individual basis. 723

(b) Subsequent to the grant of approval described in 724  
division (E)(1)(a) of this section, the owner or operator has 725  
entered into a written agreement with the appropriate chief or 726

chiefs of police of the political subdivision or subdivisions in 727  
which the amusement park is located as specified in this 728  
division and has provided the sheriff of the county in which the 729  
political subdivision or subdivisions are located with a copy of 730  
the agreement. If the amusement park is located in a single 731  
municipal corporation or a single township, the chief of police 732  
of that municipal corporation or township is the appropriate 733  
chief of police for entering into the written agreement under 734  
this division. If the amusement park is located in two or more 735  
townships, two or more municipal corporations, or one or more 736  
townships and one or more municipal corporations, the chiefs of 737  
police of all of the affected townships and municipal 738  
corporations are the appropriate chiefs of police for entering 739  
into the written agreement under this division, and the written 740  
agreement must be jointly entered into by all of those chiefs of 741  
police. The written agreement between the owner or operator and 742  
the chief or chiefs of police shall address the scope of 743  
activities, the duration of the agreement, and mutual aid 744  
arrangements and shall set forth the standards and criteria to 745  
govern the interaction and cooperation between persons appointed 746  
as police officers for the amusement park under this division 747  
and law enforcement officers serving the agency represented by 748  
the chief of police who signed the agreement. The written 749  
agreement shall be signed by the owner or operator and by the 750  
chief or chiefs of police who enter into it. The standards and 751  
criteria may include, but are not limited to, provisions 752  
governing the reporting of offenses discovered by the amusement 753  
park's police officers to the agency represented by the chief of 754  
police of the municipal corporation or township in which the 755  
offense occurred, provisions governing investigatory 756  
responsibilities relative to offenses committed on amusement 757  
park property, and provisions governing the processing and 758

confinement of persons arrested for offenses committed on 759  
amusement park property. The agreement required by this division 760  
is intended to apply in the aggregate to all persons appointed 761  
as police officers for the amusement park under this division. A 762  
separate agreement is not required for each appointee on an 763  
individual basis. 764

(c) The person has successfully completed a training 765  
program approved by the Ohio peace officer training commission 766  
and has been certified by the commission. A person appointed as 767  
a police officer under this division may attend a training 768  
program approved by the commission and be certified by the 769  
commission regardless of whether the appropriate chief of police 770  
has granted the approval described in division (E) (1) (a) of this 771  
section and regardless of whether the owner or operator of the 772  
amusement park has entered into the written agreement described 773  
in division (E) (1) (b) of this section with the appropriate chief 774  
of police. 775

(2) (a) A person who is appointed as a police officer under 776  
division (E) (1) of this section is entitled, upon the grant of 777  
approval described in section (E) (1) (a) of this section and upon 778  
the person's and the owner or operator's compliance with the 779  
requirements of division (E) (1) (b) and (c) of this section, to 780  
act as a police officer for the amusement park and its 781  
affiliates and subsidiaries that are within the territory of the 782  
political subdivision or subdivisions served by the chief of 783  
police, or respective chiefs of police, who signed the written 784  
agreement described in division (E) (1) (b) of this section, and 785  
upon any contiguous real property of the amusement park that is 786  
covered by the written agreement, whether within or adjacent to 787  
the political subdivision or subdivisions. The authority to act 788  
as a police officer as described in this division is granted 789

only if the person, when engaging in that activity, is directly 790  
in the discharge of the person's duties as a police officer for 791  
the amusement park. The authority to act as a police officer as 792  
described in this division shall be exercised in accordance with 793  
the standards and criteria set forth in the written agreement 794  
described in division (E) (1) (b) of this section. 795

(b) In addition to the authority granted under division 796  
(E) (2) (a) of this section, a person appointed as a police 797  
officer under division (E) (1) of this section is entitled, upon 798  
the grant of approval described in division (E) (1) (a) of this 799  
section and upon the person's and the owner or operator's 800  
compliance with the requirements of divisions (E) (1) (b) and (c) 801  
of this section, to act as a police officer elsewhere within the 802  
territory of a municipal corporation or township if the chief of 803  
police of that municipal corporation or township has granted 804  
approval for that activity to the owner or operator served by 805  
the person as a police officer and if the person, when engaging 806  
in that activity, is directly in the discharge of the person's 807  
duties as a police officer for the amusement park. The approval 808  
described in this division may be general in nature or may be 809  
limited in scope, duration, or applicability, as determined by 810  
the chief of police granting the approval. 811

(3) Police officers appointed under division (E) (1) of 812  
this section shall hold office for five years, unless, for good 813  
cause shown, their commission is revoked by the appointing judge 814  
or the judge's successor or by the owner or operator, as 815  
provided by law. 816

(F) A fee of fifteen dollars for each commission applied 817  
for under this section shall be paid at the time the application 818  
is made, and this amount shall be returned if for any reason a 819

commission is not issued.

820

**Section 2.** That existing sections 2744.01, 2744.02,  
2744.05, and 4973.17 of the Revised Code are hereby repealed.

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