



Sub. S.B. 65

124th General Assembly
(As Passed by the General Assembly)

Sens. Mumper, Jacobson, Harris, Spada

Reps. Willamowski, Latta, Seitz, Lendrum, Niehaus, Reidelbach, Hagan, Damschroder, Schmidt, Widowfield, Schneider

Effective date: *

ACT SUMMARY

- Creates a specified civil immunity from tort liability for a water supplier that acquires ownership of an existing water system, enters into a written agreement with the Ohio Environmental Protection Agency, and complies with certain conditions in the agreement.
- Creates a specified civil immunity from tort liability with respect to a person, for a water supplier that operates a public water system, that has not been found to be in significant noncompliance with drinking water standards, and that during the period of time when the water supplier supplies water to the person the water supplied by the water supplier meets all applicable drinking water standards.

CONTENT AND OPERATION

Tort immunity for acquiring water suppliers

The act provides that an acquiring water supplier that acquires ownership of an existing water system is not liable in damages in a civil action for injury, death, or loss to person or property (tort action) allegedly caused by the failure of the previous water supplier to comply with drinking water standards if the acquiring water supplier does both of the following: (1) enters into a written agreement with

* *The Legislative Service Commission had not received formal notification of the effective date at the time this analysis was prepared. Additionally, the analysis may not reflect action taken by the Governor.*

the Ohio Environmental Protection Agency (OEPA) to bring the acquired water system into compliance with drinking water standards within a specified period of time, and (2) brings the acquired water system into compliance with drinking water standards within that time period (sec. 6109.35(B)).

Tort immunity for existing water suppliers

The act provides that a water supplier that operates a public water system is not liable in a tort action that allegedly arises from the person's consumption of water supplied by the water supplier if all of the following apply: (1) during the period of time that the water supplier supplies water to the person, the water supplied by the water supplier meets all applicable drinking water standards, (2) the water supplier has not been found to be in significant noncompliance with drinking water standards, and (3) the injury, death, or loss to person or property is alleged to be caused by a substance for which drinking water standards have been established. (Sec. 6109.35(C).)

Non-preemption provision

The immunities created by the act do not affect any immunities from civil liability or defenses established by another section of the Revised Code or available at common law to which a water supplier may be entitled under circumstances not specifically covered above. Additionally, the immunities in the act do not create a new cause of action or substantive legal right against a water supplier. Finally, the immunities created by the act do not create an immunity from civil liability for violations of the Safe Drinking Water Law. (Sec. 6109.35(D).)

Definitions

The act defines the following terms for its purposes:

(1) "Water supplier" means an entity that is subject to the Safe Drinking Water Law and rules adopted under it and that supplies drinking water through pipes, through tubing, or in a similar manner to consumers within this state.

(2) "Acquiring water supplier" means a water supplier that satisfies both of the following: (a) the water supplier acquires ownership of an existing water supplier, and (b) the water supplier and the acquired existing water supplier do not have any mutual directors, officers, controlling shareholders, or other persons with an ownership interest prior to the acquisition.

(3) "Drinking water standards" means safe drinking water standards established by OEPA under the Safe Drinking Water Law or by the United States



Environmental Protection Agency under the Safe Drinking Water Act. (Sec. 6109.35(A).)

HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	03-06-01	p. 190
Reported, S. Judiciary on Civil Justice	06-21-01	p. 687
Passed Senate (32-0)	06-27-01	p. 716
Recommended re-referral to Rules & Reference, H. Energy & Environment	10-16-01	p. 925
Reported & referred to H. Civil & Commercial Law, H. Rules & Reference	10-17-01	p. 948
Reported, H. Civil & Commercial Law	01-16-02	p. 1238
Passed House (89-5)	02-12-02	p. 1378

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