

## Executive

## CLACD1            State Waiver of Immunity from Liability and Recovery Standards

## R.C.            2743.02

Provides that, in any action in the Court of Claims against the state for damages for injury, death, or loss to person or property caused by the state, a state officer or employee, or a person authorized to act on behalf of the state, the following apply: (1) punitive or exemplary damages cannot be awarded, (2) recoveries against the state are to be reduced by benefits (instead of "insurance proceeds, disability awards" in existing law) or other collateral recovery (existing law) ("benefits" and "collateral recovery" are defined), (3) no person may bring a civil action under a subrogation provision in an insurance or other contract against the state with respect to those benefits, (4) there is no limitation on compensatory damages representing "the actual loss of the person who is awarded the damages," as defined, (5) except in wrongful death actions, damages that do not represent the actual loss of the person who is awarded the damages cannot exceed \$250,000 in favor of any one person, and (6) the above limitation does not apply to court costs awarded to a claimant or to interest on a judgment.

**Fiscal effect: Limits the amount of recovery that could be paid by the state in a liability action against the state.**

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