Fiscal Note & Local Impact Statement

123 rd General Assembly of Ohio

BILL:	**Sub. H.B. 58**	DATE:	**May 18, 1999**
STATUS:	**As Reported by Senate Judiciary**	SPONSOR:	**Rep. Womer Benjamin**

LOCAL IMPACT STATEMENT REQUIRED: **No — No local cost**

CONTENTS: **Prohibits the awarding of attorney's fees under the Declaratory Judgments Law unless a statute expressly authorizes the award in connection with a particular type of declaratory relief action or proceeding and to modify provisions regarding the use of declaratory relief in matters of liability insurance**

State Fiscal Highlights

- No direct fiscal effect on the state.

Local Fiscal Highlights

- No direct fiscal effect on political subdivisions.

Detailed Fiscal Analysis

This bill prohibits a court of record from awarding attorney's fees to any party on a claim for declaratory relief under the General Declaratory Judgments (GDJ) Law unless a statutory provision explicitly authorizes a court of record to award attorney's fees on a claim for declaratory relief under the GDJ Law or unless an award of attorney's fees is authorized by the Frivolous Conduct Law, by the Civil Rules, or by an award of punitive or exemplary damages against the party ordered to pay attorney's fees. This provision attempts to supercede the decision held in *Motorists Mut. Ins. Co. v. Brandenburg* (1995), 72 Ohio St.3d 157 which has allowed for the awarding of attorney's fees. Prior to this ruling, language in Revised Coded section 2721.09 was not held as conferring authority upon an Ohio trial court to award attorney's fees based on a declaratory judgment issued by the court. This change has no direct fiscal effect on the state or local governments.

❑ *LBO staff: Corey C. Schaal, Budget/Policy Analyst*

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