Ohio Legislative Service Commission

Garrett Crane

Fiscal Note & Local Impact Statement

Bill: Sub. H.B. 379 of the 130th G.A. **Date**: December 4, 2014

Status: As Reported by Senate Civil Justice **Sponsor**: Reps. Blessing and Landis

Local Impact Statement Procedure Required: No

Contents: Civil immunity for architects, contractors, engineers, surveyors, and tradespersons providing volunteer services during a declared emergency

State Fiscal Highlights

- No direct fiscal effect on the state.

Local Fiscal Highlights

- The bill's qualified immunity may create a savings effect for common pleas, municipal, and county courts, as it could reduce the time and effort spent adjudicating certain civil actions.

Detailed Fiscal Analysis

The bill provides that a volunteer, without a written contract for their services, who is an architect, contractor, engineer, surveyor, or tradesperson, is not liable for damages in a lawsuit related to the performance of their professional services during a declared emergency, with an exception for wanton, willful, or intentional misconduct. Civil actions seeking damages under the previously described circumstances would generally fall under the subject matter jurisdiction of common pleas, municipal, and county courts.[1] As a result of the immunity, it is possible that a case may not get filed, or if filed disposed of more quickly. Arguably, either outcome creates a savings effect, as it reduces the time and effort that a court might otherwise have expended on adjudicating certain civil cases. The magnitude of that savings effect for any given court is uncertain as it is based on at least three unknowns about the future: when a declared emergency will occur, where it will occur, and the conduct of certain persons at that time, including their willingness to volunteer.

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[1] The general division of a court of common pleas has original jurisdiction in all civil cases in which the amount in controversy is more than $15,000. Municipal and county courts have civil jurisdiction that is limited to cases in which the amount of money in dispute does not exceed $15,000.