



*Synopsis of House Committee Amendments**

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Legislative Service Commission

Sub. S.B. 117

126th General Assembly
(H. Judiciary)

House committee changes to provisions of Senate version

Criminal conviction as evidence in civil action

Modifies the provision in the Senate version that generally precludes an offender who is convicted after trial or pleads guilty to *a crime punishable by death or by imprisonment for more than a year* from denying facts essential to the judgment in a subsequent civil suit based on the criminal act to change the type of crime the essential facts of which the offender may not deny in a subsequent civil suit to *an offense of violence*.

House committee additions to Senate version

Damages under Consumer Sales Practices Act

Provides that in an individual action under the Consumer Sales Practices Act a consumer may recover actual economic damages plus noneconomic damages of up to \$5,000 or, in cases where treble damages are recoverable, treble actual economic damages or \$200, whichever is greater, plus noneconomic damages of up to \$5,000.

Provides that nothing in R.C. 1345.09 (damages under the Consumer Sales Practices Act) precludes a consumer from also proceeding with a cause of action under any other theory of law.

Specifies that the amendments to the Consumer Sales Practices Act take effect on July 1, 2007, and to the extent constitutionally permissible apply to cases pending on that date.

* This synopsis does not address amendments that may have been adopted on the House floor.

Ohio Product Liability Act

Defines "product liability claim" as a claim *or cause of action* that meets the other criteria of existing law and expands the definition to include a public nuisance claim or cause of action at common law in which it is alleged that the design, manufacture, supply, marketing, distribution, promotion advertising, labeling, or sale of a product unreasonably interferes with a right common to the general public.

Defines "environment," as used in the Ohio Product Liability Act, as *only* navigable waters, surface water, ground water, drinking water supplies, land surface, subsurface strata, and air.

Requires the claimant in a product liability action to prove that the manufacturer designed, formulated, produced, constructed, created, assembled, or rebuilt the actual product that caused the harm for which the claimant seeks to recover compensatory damages.

Provides that proof that a manufacturer designed, formulated, produced, constructed, created, assembled, or rebuilt the *type* of product in question in a product liability claim is not proof that the manufacturer designed, formulated, produced, constructed, created, assembled, or rebuilt the *actual* defective product in the claim.

Provides that a manufacturer may not be held liable in a product liability action based on market share, enterprise, or industrywide liability.

Declares the General Assembly's intent in amending the Ohio Products Liability Act is (1) to clarify its original intent in enacting the Act abrogate all common law product liability causes of action, including public nuisance causes of action, regardless of how a claim is characterized, and (2) to follow holdings of the Ohio Supreme Court that a plaintiff in a product liability case must identify the particular manufacturer of the product that allegedly caused the plaintiff's harm in order to maintain the claim.

Attorney-client privilege

Provides that if an attorney's client is an insurance company, the attorney may be compelled to testify about communications with the client that relate to the attorney's aiding or furthering an ongoing or future act of bad faith by the client if the person seeking disclosure makes a prima facie showing of bad faith, fraud, or criminal misconduct by the client.