

As Reported by the House Civil Justice Committee

133rd General Assembly

Regular Session

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Sub. H. B. No. 421

Representatives Smith, T., Blair

**Cosponsors: Representatives Carruthers, Becker, Seitz, Abrams, O'Brien,
Hambley, Galonski, Hillyer**

A BILL

To amend sections 2744.01, 2744.02, 2744.05, and 1
4973.17 of the Revised Code to provide a 2
municipal corporation or county immunity from 3
civil and criminal liability in any action that 4
arises from a hospital police officer acting 5
directly in the discharge of the person's duties 6
as a police officer and that occurs on the 7
premises of the hospital or its affiliates or 8
subsidiaries or elsewhere in the municipal 9
corporation or county and to modify the 10
definition of "emergency call" and the defenses 11
to a political subdivision's liability for a 12
peace officer's negligent operation of a motor 13
vehicle. 14

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 2744.01, 2744.02, 2744.05, and 15
4973.17 of the Revised Code be amended to read as follows: 16

Sec. 2744.01. As used in this chapter: 17

(A) "Emergency call" means a ~~call to duty, including, but~~
~~not limited to, communications communication from eitizensa~~
citizen, a police dispatchesdispatch, and or a personal
~~observations observation by a peace officers of officer only if~~
that communication, dispatch, or personal peace officer
observation involves or concerns an inherently dangerous
~~situations situation that demand demands~~ an immediate response
on the part of a peace officer.

(B) "Employee" means an officer, agent, employee, or
servant, whether or not compensated or full-time or part-time,
who is authorized to act and is acting within the scope of the
officer's, agent's, employee's, or servant's employment for a
political subdivision. "Employee" does not include an
independent contractor and does not include any individual
engaged by a school district pursuant to section 3319.301 of the
Revised Code. "Employee" includes any elected or appointed
official of a political subdivision. "Employee" also includes a
person who has been convicted of or pleaded guilty to a criminal
offense and who has been sentenced to perform community service
work in a political subdivision whether pursuant to section
2951.02 of the Revised Code or otherwise, and a child who is
found to be a delinquent child and who is ordered by a juvenile
court pursuant to section 2152.19 or 2152.20 of the Revised Code
to perform community service or community work in a political
subdivision.

(C) (1) "Governmental function" means a function of a
political subdivision that is specified in division (C) (2) of
this section or that satisfies any of the following:

(a) A function that is imposed upon the state as an
obligation of sovereignty and that is performed by a political

subdivision voluntarily or pursuant to legislative requirement; 48

(b) A function that is for the common good of all citizens 49
of the state; 50

(c) A function that promotes or preserves the public 51
peace, health, safety, or welfare; that involves activities that 52
are not engaged in or not customarily engaged in by 53
nongovernmental persons; and that is not specified in division 54
(G) (2) of this section as a proprietary function. 55

(2) A "governmental function" includes, but is not limited 56
to, the following: 57

(a) The provision or nonprovision of police, fire, 58
emergency medical, ambulance, and rescue services or protection; 59

(b) The power to preserve the peace; to prevent and 60
suppress riots, disturbances, and disorderly assemblages; to 61
prevent, mitigate, and clean up releases of oil and hazardous 62
and extremely hazardous substances as defined in section 3750.01 63
of the Revised Code; and to protect persons and property; 64

(c) The provision of a system of public education; 65

(d) The provision of a free public library system; 66

(e) The regulation of the use of, and the maintenance and 67
repair of, roads, highways, streets, avenues, alleys, sidewalks, 68
bridges, aqueducts, viaducts, and public grounds; 69

(f) Judicial, quasi-judicial, prosecutorial, legislative, 70
and quasi-legislative functions; 71

(g) The construction, reconstruction, repair, renovation, 72
maintenance, and operation of buildings that are used in 73
connection with the performance of a governmental function, 74

including, but not limited to, office buildings and courthouses; 75

(h) The design, construction, reconstruction, renovation, 76
repair, maintenance, and operation of jails, places of juvenile 77
detention, workhouses, or any other detention facility, as 78
defined in section 2921.01 of the Revised Code; 79

(i) The enforcement or nonperformance of any law; 80

(j) The regulation of traffic, and the erection or 81
nonerection of traffic signs, signals, or control devices; 82

(k) The collection and disposal of solid wastes, as 83
defined in section 3734.01 of the Revised Code, including, but 84
not limited to, the operation of solid waste disposal 85
facilities, as "facilities" is defined in that section, and the 86
collection and management of hazardous waste generated by 87
households. As used in division (C)(2)(k) of this section, 88
"hazardous waste generated by households" means solid waste 89
originally generated by individual households that is listed 90
specifically as hazardous waste in or exhibits one or more 91
characteristics of hazardous waste as defined by rules adopted 92
under section 3734.12 of the Revised Code, but that is excluded 93
from regulation as a hazardous waste by those rules. 94

(l) The provision or nonprovision, planning or design, 95
construction, or reconstruction of a public improvement, 96
including, but not limited to, a sewer system; 97

(m) The operation of a job and family services department 98
or agency, including, but not limited to, the provision of 99
assistance to aged and infirm persons and to persons who are 100
indigent; 101

(n) The operation of a health board, department, or 102
agency, including, but not limited to, any statutorily required 103

or permissive program for the provision of immunizations or 104
other inoculations to all or some members of the public, 105
provided that a "governmental function" does not include the 106
supply, manufacture, distribution, or development of any drug or 107
vaccine employed in any such immunization or inoculation program 108
by any supplier, manufacturer, distributor, or developer of the 109
drug or vaccine; 110

(o) The operation of mental health facilities, 111
developmental disabilities facilities, alcohol treatment and 112
control centers, and children's homes or agencies; 113

(p) The provision or nonprovision of inspection services 114
of all types, including, but not limited to, inspections in 115
connection with building, zoning, sanitation, fire, plumbing, 116
and electrical codes, and the taking of actions in connection 117
with those types of codes, including, but not limited to, the 118
approval of plans for the construction of buildings or 119
structures and the issuance or revocation of building permits or 120
stop work orders in connection with buildings or structures; 121

(q) Urban renewal projects and the elimination of slum 122
conditions, including the performance of any activity that a 123
county land reutilization corporation is authorized to perform 124
under Chapter 1724. or 5722. of the Revised Code; 125

(r) Flood control measures; 126

(s) The design, construction, reconstruction, renovation, 127
operation, care, repair, and maintenance of a township cemetery; 128

(t) The issuance of revenue obligations under section 129
140.06 of the Revised Code; 130

(u) The design, construction, reconstruction, renovation, 131
repair, maintenance, and operation of any school athletic 132

facility, school auditorium, or gymnasium or any recreational	133
area or facility, including, but not limited to, any of the	134
following:	135
(i) A park, playground, or playfield;	136
(ii) An indoor recreational facility;	137
(iii) A zoo or zoological park;	138
(iv) A bath, swimming pool, pond, water park, wading pool,	139
wave pool, water slide, or other type of aquatic facility;	140
(v) A golf course;	141
(vi) A bicycle motocross facility or other type of	142
recreational area or facility in which bicycling, skating, skate	143
boarding, or scooter riding is engaged;	144
(vii) A rope course or climbing walls;	145
(viii) An all-purpose vehicle facility in which all-	146
purpose vehicles, as defined in section 4519.01 of the Revised	147
Code, are contained, maintained, or operated for recreational	148
activities.	149
(v) The provision of public defender services by a county	150
or joint county public defender's office pursuant to Chapter	151
120. of the Revised Code;	152
(w) (i) At any time before regulations prescribed pursuant	153
to 49 U.S.C.A 20153 become effective, the designation,	154
establishment, design, construction, implementation, operation,	155
repair, or maintenance of a public road rail crossing in a zone	156
within a municipal corporation in which, by ordinance, the	157
legislative authority of the municipal corporation regulates the	158
sounding of locomotive horns, whistles, or bells;	159

(ii) On and after the effective date of regulations 160
prescribed pursuant to 49 U.S.C.A. 20153, the designation, 161
establishment, design, construction, implementation, operation, 162
repair, or maintenance of a public road rail crossing in such a 163
zone or of a supplementary safety measure, as defined in 49 164
U.S.C.A 20153, at or for a public road rail crossing, if and to 165
the extent that the public road rail crossing is excepted, 166
pursuant to subsection (c) of that section, from the requirement 167
of the regulations prescribed under subsection (b) of that 168
section. 169

(x) A function that the general assembly mandates a 170
political subdivision to perform. 171

(D) "Law" means any provision of the constitution, 172
statutes, or rules of the United States or of this state; 173
provisions of charters, ordinances, resolutions, and rules of 174
political subdivisions; and written policies adopted by boards 175
of education. When used in connection with the "common law," 176
this definition does not apply. 177

(E) "Motor vehicle" has the same meaning as in section 178
4511.01 of the Revised Code. 179

(F) "Political subdivision" or "subdivision" means a 180
municipal corporation, township, county, school district, or 181
other body corporate and politic responsible for governmental 182
activities in a geographic area smaller than that of the state. 183
"Political subdivision" includes, but is not limited to, a 184
county hospital commission appointed under section 339.14 of the 185
Revised Code, board of hospital commissioners appointed for a 186
municipal hospital under section 749.04 of the Revised Code, 187
board of hospital trustees appointed for a municipal hospital 188
under section 749.22 of the Revised Code, regional planning 189

commission created pursuant to section 713.21 of the Revised 190
Code, county planning commission created pursuant to section 191
713.22 of the Revised Code, joint planning council created 192
pursuant to section 713.231 of the Revised Code, interstate 193
regional planning commission created pursuant to section 713.30 194
of the Revised Code, port authority created pursuant to section 195
4582.02 or 4582.26 of the Revised Code or in existence on 196
December 16, 1964, regional council established by political 197
subdivisions pursuant to Chapter 167. of the Revised Code, 198
emergency planning district and joint emergency planning 199
district designated under section 3750.03 of the Revised Code, 200
joint emergency medical services district created pursuant to 201
section 307.052 of the Revised Code, fire and ambulance district 202
created pursuant to section 505.375 of the Revised Code, joint 203
interstate emergency planning district established by an 204
agreement entered into under that section, county solid waste 205
management district and joint solid waste management district 206
established under section 343.01 or 343.012 of the Revised Code, 207
community school established under Chapter 3314. of the Revised 208
Code, county land reutilization corporation organized under 209
Chapter 1724. of the Revised Code, the county or counties served 210
by a community-based correctional facility and program or 211
district community-based correctional facility and program 212
established and operated under sections 2301.51 to 2301.58 of 213
the Revised Code, a community-based correctional facility and 214
program or district community-based correctional facility and 215
program that is so established and operated, and the facility 216
governing board of a community-based correctional facility and 217
program or district community-based correctional facility and 218
program that is so established and operated. 219

(G) (1) "Proprietary function" means a function of a 220

political subdivision that is specified in division (G) (2) of 221
this section or that satisfies both of the following: 222

(a) The function is not one described in division (C) (1) 223
(a) or (b) of this section and is not one specified in division 224
(C) (2) of this section; 225

(b) The function is one that promotes or preserves the 226
public peace, health, safety, or welfare and that involves 227
activities that are customarily engaged in by nongovernmental 228
persons. 229

(2) A "proprietary function" includes, but is not limited 230
to, the following: 231

(a) The operation of a hospital by one or more political 232
subdivisions; 233

(b) The design, construction, reconstruction, renovation, 234
repair, maintenance, and operation of a public cemetery other 235
than a township cemetery; 236

(c) The establishment, maintenance, and operation of a 237
utility, including, but not limited to, a light, gas, power, or 238
heat plant, a railroad, a busline or other transit company, an 239
airport, and a municipal corporation water supply system; 240

(d) The maintenance, destruction, operation, and upkeep of 241
a sewer system; 242

(e) The operation and control of a public stadium, 243
auditorium, civic or social center, exhibition hall, arts and 244
crafts center, band or orchestra, or off-street parking 245
facility. 246

(H) "Public roads" means public roads, highways, streets, 247
avenues, alleys, and bridges within a political subdivision. 248

"Public roads" does not include berms, shoulders, rights-of-way, 249
or traffic control devices unless the traffic control devices 250
are mandated by the Ohio manual of uniform traffic control 251
devices. 252

(I) "State" means the state of Ohio, including, but not 253
limited to, the general assembly, the supreme court, the offices 254
of all elected state officers, and all departments, boards, 255
offices, commissions, agencies, colleges and universities, 256
institutions, and other instrumentalities of the state of Ohio. 257
"State" does not include political subdivisions. 258

Sec. 2744.02. (A) (1) For the purposes of this chapter, the 259
functions of political subdivisions are hereby classified as 260
governmental functions and proprietary functions. Except as 261
provided in division (B) of this section, a political 262
subdivision is not liable in damages in a civil action for 263
injury, death, or loss to person or property allegedly caused by 264
any act or omission of the political subdivision or an employee 265
of the political subdivision in connection with a governmental 266
or proprietary function. 267

(2) The defenses and immunities conferred under this 268
chapter apply in connection with all governmental and 269
proprietary functions performed by a political subdivision and 270
its employees, whether performed on behalf of that political 271
subdivision or on behalf of another political subdivision. 272

(3) Subject to statutory limitations upon their monetary 273
jurisdiction, the courts of common pleas, the municipal courts, 274
and the county courts have jurisdiction to hear and determine 275
civil actions governed by or brought pursuant to this chapter. 276

(B) Subject to sections 2744.03 and 2744.05 of the Revised 277

Code, a political subdivision is liable in damages in a civil 278
action for injury, death, or loss to person or property 279
allegedly caused by an act or omission of the political 280
subdivision or of any of its employees in connection with a 281
governmental or proprietary function, as follows: 282

(1) Except as otherwise provided in this division, 283
political subdivisions are liable for injury, death, or loss to 284
person or property caused by the negligent operation of any 285
motor vehicle by their employees when the employees are engaged 286
within the scope of their employment and authority. The 287
following are full defenses to that liability: 288

(a) A member of a municipal corporation police department 289
or any other police agency was operating a motor vehicle while 290
responding to an emergency call and the operation of the vehicle 291
did not constitute willful or wanton misconduct; 292

(b) A member of a municipal corporation fire department or 293
any other firefighting agency was operating a motor vehicle 294
while engaged in duty at a fire, proceeding toward a place where 295
a fire is in progress or is believed to be in progress, or 296
answering any other emergency alarm and the operation of the 297
vehicle did not constitute willful or wanton misconduct; 298

(c) A member of an emergency medical service owned or 299
operated by a political subdivision was operating a motor 300
vehicle while responding to or completing a call for emergency 301
medical care or treatment, the member was holding a valid 302
commercial driver's license issued pursuant to Chapter 4506. or 303
a driver's license issued pursuant to Chapter 4507. of the 304
Revised Code, the operation of the vehicle did not constitute 305
willful or wanton misconduct, and the operation complies with 306
the precautions of section 4511.03 of the Revised Code. 307

(d) A peace officer of a political subdivision negligently 308
operated a motor vehicle and the plaintiff, at the time of the 309
alleged negligence, was attempting to flee from that officer or 310
another peace officer so as to avoid apprehension for a criminal 311
offense. 312

(2) Except as otherwise provided in sections 3314.07 and 313
3746.24 of the Revised Code, political subdivisions are liable 314
for injury, death, or loss to person or property caused by the 315
negligent performance of acts by their employees with respect to 316
proprietary functions of the political subdivisions. 317

(3) Except as otherwise provided in section 3746.24 of the 318
Revised Code, political subdivisions are liable for injury, 319
death, or loss to person or property caused by their negligent 320
failure to keep public roads in repair and other negligent 321
failure to remove obstructions from public roads, except that it 322
is a full defense to that liability, when a bridge within a 323
municipal corporation is involved, that the municipal 324
corporation does not have the responsibility for maintaining or 325
inspecting the bridge. 326

(4) Except as otherwise provided in section 3746.24 of the 327
Revised Code, political subdivisions are liable for injury, 328
death, or loss to person or property that is caused by the 329
negligence of their employees and that occurs within or on the 330
grounds of, and is due to physical defects within or on the 331
grounds of, buildings that are used in connection with the 332
performance of a governmental function, including, but not 333
limited to, office buildings and courthouses, but not including 334
jails, places of juvenile detention, workhouses, or any other 335
detention facility, as defined in section 2921.01 of the Revised 336
Code. 337

(5) In addition to the circumstances described in 338
divisions (B) (1) to (4) of this section, a political subdivision 339
is liable for injury, death, or loss to person or property when 340
civil liability is expressly imposed upon the political 341
subdivision by a section of the Revised Code, including, but not 342
limited to, sections 2743.02 and 5591.37 of the Revised Code. 343
Civil liability shall not be construed to exist under another 344
section of the Revised Code merely because that section imposes 345
a responsibility or mandatory duty upon a political subdivision, 346
because that section provides for a criminal penalty, because of 347
a general authorization in that section that a political 348
subdivision may sue and be sued, or because that section uses 349
the term "shall" in a provision pertaining to a political 350
subdivision. 351

(C) An order that denies a political subdivision or an 352
employee of a political subdivision the benefit of an alleged 353
immunity from liability as provided in this chapter or any other 354
provision of the law is a final order. 355

Sec. 2744.05. Notwithstanding any other provisions of the 356
Revised Code or rules of a court to the contrary, in an action 357
against a political subdivision to recover damages for injury, 358
death, or loss to person or property caused by an act or 359
omission in connection with a governmental or proprietary 360
function: 361

(A) Punitive or exemplary damages shall not be awarded. 362

(B) (1) If a claimant receives or is entitled to receive 363
benefits for injuries or loss allegedly incurred from a policy 364
or policies of insurance or any other source, the benefits shall 365
be disclosed to the court, and the amount of the benefits shall 366
be deducted from any award against a political subdivision 367

recovered by that claimant. No insurer or other person is 368
entitled to bring an action under a subrogation provision in an 369
insurance or other contract against a political subdivision with 370
respect to those benefits. 371

The amount of the benefits shall be deducted from an award 372
against a political subdivision under division (B)(1) of this 373
section regardless of whether the claimant may be under an 374
obligation to pay back the benefits upon recovery, in whole or 375
in part, for the claim. A claimant whose benefits have been 376
deducted from an award under division (B)(1) of this section is 377
not considered fully compensated and shall not be required to 378
reimburse a subrogated claim for benefits deducted from an award 379
pursuant to division (B)(1) of this section. 380

(2) Nothing in division (B)(1) of this section shall be 381
construed to do either of the following: 382

(a) Limit the rights of a beneficiary under a life 383
insurance policy or the rights of sureties under fidelity or 384
surety bonds; 385

(b) Prohibit the department of medicaid from recovering 386
from the political subdivision, pursuant to section 5160.37 of 387
the Revised Code, the cost of medical assistance provided under 388
a medical assistance program. 389

(C)(1) There shall not be any limitation on compensatory 390
damages that represent the actual loss of the person who is 391
awarded the damages. However, except in wrongful death actions 392
brought pursuant to Chapter 2125. of the Revised Code, damages 393
that arise from the same cause of action, transaction or 394
occurrence, or series of transactions or occurrences and that do 395
not represent the actual loss of the person who is awarded the 396

damages shall not exceed two hundred fifty thousand dollars in 397
favor of any one person. The limitation on damages that do not 398
represent the actual loss of the person who is awarded the 399
damages provided in this division does not apply to court costs 400
that are awarded to a plaintiff, or to interest on a judgment 401
rendered in favor of a plaintiff, in an action against a 402
political subdivision. 403

(2) Any compensatory damages recoverable against a 404
political subdivision for an employee's negligent operation of a 405
motor vehicle shall be reduced by the percentage of contributory 406
fault attributable to the plaintiff or any other parties, 407
subject to sections 2307.22, 2307.23, and 2315.32 to 2315.36 of 408
the Revised Code. 409

(3) As used in this division, "the actual loss of the 410
person who is awarded the damages" includes all of the 411
following: 412

(a) All wages, salaries, or other compensation lost by the 413
person injured as a result of the injury, including wages, 414
salaries, or other compensation lost as of the date of a 415
judgment and future expected lost earnings of the person 416
injured; 417

(b) All expenditures of the person injured or another 418
person on behalf of the person injured for medical care or 419
treatment, for rehabilitation services, or for other care, 420
treatment, services, products, or accommodations that were 421
necessary because of the injury; 422

(c) All expenditures to be incurred in the future, as 423
determined by the court, by the person injured or another person 424
on behalf of the person injured for medical care or treatment, 425

for rehabilitation services, or for other care, treatment, 426
services, products, or accommodations that will be necessary 427
because of the injury; 428

(d) All expenditures of a person whose property was 429
injured or destroyed or of another person on behalf of the 430
person whose property was injured or destroyed in order to 431
repair or replace the property that was injured or destroyed; 432

(e) All expenditures of the person injured or of the 433
person whose property was injured or destroyed or of another 434
person on behalf of the person injured or of the person whose 435
property was injured or destroyed in relation to the actual 436
preparation or presentation of the claim involved; 437

(f) Any other expenditures of the person injured or of the 438
person whose property was injured or destroyed or of another 439
person on behalf of the person injured or of the person whose 440
property was injured or destroyed that the court determines 441
represent an actual loss experienced because of the personal or 442
property injury or property loss. 443

"The actual loss of the person who is awarded the damages" 444
does not include any fees paid or owed to an attorney for any 445
services rendered in relation to a personal or property injury 446
or property loss, and does not include any damages awarded for 447
pain and suffering, for the loss of society, consortium, 448
companionship, care, assistance, attention, protection, advice, 449
guidance, counsel, instruction, training, or education of the 450
person injured, for mental anguish, or for any other intangible 451
loss. 452

Sec. 4973.17. (A) (1) Upon the application of any bank; 453
savings and loan association; savings bank; credit union; or 454

association of banks, savings and loan associations, savings 455
banks, or credit unions in this state, the secretary of state 456
may appoint and commission any persons that the bank; savings 457
and loan association; savings bank; credit union; or association 458
of banks, savings and loan associations, savings banks, or 459
credit unions designates, or as many of those persons as the 460
secretary of state considers proper, to act as police officers 461
for and on the premises of that bank; savings and loan 462
association; savings bank; credit union; or association of 463
banks, savings and loan associations, savings banks, or credit 464
unions; or elsewhere, when directly in the discharge of their 465
duties. Police officers so appointed shall be citizens of this 466
state and of good character. Police officers so appointed who 467
start to perform their duties on or after April 14, 2006, shall 468
successfully complete a training program approved by the Ohio 469
peace officer training commission described in section 109.71 of 470
the Revised Code and be certified by the commission within six 471
months after starting to perform their duties. Police officers 472
so appointed shall hold office for three years, unless, for good 473
cause shown, their commission is revoked by the secretary of 474
state, or by the bank; savings and loan association; savings 475
bank; credit union; or association of banks, savings and loan 476
associations, savings banks, or credit unions, as provided by 477
law. 478

(2) Persons commissioned as police officers pursuant to 479
division (A) of this section prior to April 14, 2006, who have 480
not successfully completed a training program approved by the 481
Ohio peace officer training commission, and who have not been 482
certified by the commission, may be reappointed and re- 483
commissioned by the secretary of state only during the person's 484
continuous employment as a police officer by the institution for 485

which the person was employed on April 14, 2006, or by a 486
successor institution to the institution for which the person 487
was employed on April 14, 2006. The secretary of state shall 488
note on such appointments and commissions that the person is not 489
a peace officer as defined in section 109.71 of the Revised 490
Code. 491

(3) For the exclusive purpose of assigning break in 492
service update training as prescribed in rule 109:2-1-12 (D) of 493
the Administrative Code, a police officer appointed under 494
division (A) of this section, who began performing police 495
officer duties on or before April 14, 2006, shall be credited as 496
holding a valid peace officer appointment retroactive to the 497
date on which the officer began performing these duties. 498

(B) Upon the application of a company owning or using a 499
railroad in this state and subject to section 4973.171 of the 500
Revised Code, the secretary of state may appoint and commission 501
any persons that the railroad company designates, or as many of 502
those persons as the secretary of state considers proper, to act 503
as police officers for and on the premises of the railroad 504
company, its affiliates or subsidiaries, or elsewhere, when 505
directly in the discharge of their duties. Police officers so 506
appointed, within the time set by the Ohio peace officer 507
training commission, shall successfully complete a commission 508
approved training program and be certified by the commission. 509
They shall hold office for three years, unless, for good cause 510
shown, their commission is revoked by the secretary of state, or 511
railroad company, as provided by law. 512

Any person holding a similar commission in another state 513
may be commissioned and may hold office in this state without 514
completing the approved training program required by this 515

division provided that the person has completed a substantially 516
equivalent training program in the other state. The Ohio peace 517
officer training commission shall determine whether a training 518
program in another state meets the requirements of this 519
division. 520

(C) Upon the application of any company under contract 521
with the United States atomic energy commission for the 522
construction or operation of a plant at a site owned by the 523
commission, the secretary of state may appoint and commission 524
persons the company designates, not to exceed one hundred fifty, 525
to act as police officers for the company at the plant or site 526
owned by the commission. Police officers so appointed shall be 527
citizens of this state and of good character. They shall hold 528
office for three years, unless, for good cause shown, their 529
commission is revoked by the secretary of state or by the 530
company, as provided by law. 531

(D) (1) Upon the application of any hospital that is 532
operated by a public hospital agency or a nonprofit hospital 533
agency and that employs and maintains its own proprietary police 534
department or security department and subject to section 535
4973.171 of the Revised Code, the secretary of state may appoint 536
and commission any persons that the hospital designates, or as 537
many of those persons as the secretary of state considers 538
proper, to act as police officers for the hospital. No person 539
who is appointed as a police officer under this division shall 540
engage in any duties or activities as a police officer for the 541
hospital or any affiliate or subsidiary of the hospital unless 542
all of the following apply: 543

(a) The chief of police of the municipal corporation in 544
which the hospital is located or, if the hospital is located in 545

the unincorporated area of a county, the sheriff of that county 546
has granted approval to the hospital to permit persons appointed 547
as police officers under this division to engage in those duties 548
and activities. The approval required by this division is 549
general in nature and is intended to cover in the aggregate all 550
persons appointed as police officers for the hospital under this 551
division; a separate approval is not required for each appointee 552
on an individual basis. 553

(b) Subsequent to the grant of approval described in 554
division (D) (1) (a) of this section, the hospital has entered 555
into a written agreement with the chief of police of the 556
municipal corporation in which the hospital is located or, if 557
the hospital is located in the unincorporated area of a county, 558
with the sheriff of that county, that sets forth the standards 559
and criteria to govern the interaction and cooperation between 560
persons appointed as police officers for the hospital under this 561
division and law enforcement officers serving the agency 562
represented by the chief of police or sheriff who signed the 563
agreement in areas of their concurrent jurisdiction. The written 564
agreement shall be signed by the appointing authority of the 565
hospital and by the chief of police or sheriff. The standards 566
and criteria may include, but are not limited to, provisions 567
governing the reporting of offenses discovered by hospital 568
police officers to the agency represented by the chief of police 569
or sheriff, provisions governing investigatory responsibilities 570
relative to offenses committed on hospital property, and 571
provisions governing the processing and confinement of persons 572
arrested for offenses committed on hospital property. The 573
agreement required by this division is intended to apply in the 574
aggregate to all persons appointed as police officers for the 575
hospital under this division; a separate agreement is not 576

required for each appointee on an individual basis. 577

(c) The person has successfully completed a training 578
program approved by the Ohio peace officer training commission 579
and has been certified by the commission. A person appointed as 580
a police officer under this division may attend a training 581
program approved by the commission and be certified by the 582
commission regardless of whether the appropriate chief of police 583
or sheriff has granted the approval described in division (D)(1) 584
(a) of this section and regardless of whether the hospital has 585
entered into the written agreement described in division (D)(1) 586
(b) of this section with the appropriate chief of police or 587
sheriff. 588

(2)(a) A person who is appointed as a police officer under 589
division (D)(1) of this section is entitled, upon the grant of 590
approval described in division (D)(1)(a) of this section and 591
upon the person's and the hospital's compliance with the 592
requirements of divisions (D)(1)(b) and (c) of this section, to 593
act as a police officer for the hospital on the premises of the 594
hospital and of its affiliates and subsidiaries that are within 595
the territory of the municipal corporation served by the chief 596
of police or the unincorporated area of the county served by the 597
sheriff who signed the written agreement described in division 598
(D)(1)(b) of this section, whichever is applicable, and anywhere 599
else within the territory of that municipal corporation or 600
within the unincorporated area of that county. The authority to 601
act as a police officer as described in this division is granted 602
only if the person, when engaging in that activity, is directly 603
in the discharge of the person's duties as a police officer for 604
the hospital. The authority to act as a police officer as 605
described in this division shall be exercised in accordance with 606
the standards and criteria set forth in the written agreement 607

described in division (D) (1) (b) of this section.

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(b) Additionally, a person appointed as a police officer under division (D) (1) of this section is entitled, upon the grant of approval described in division (D) (1) (a) of this section and upon the person's and the hospital's compliance with the requirements of divisions (D) (1) (b) and (c) of this section, to act as a police officer elsewhere, within the territory of a municipal corporation or within the unincorporated area of a county, if the chief of police of that municipal corporation or the sheriff of that county, respectively, has granted approval for that activity to the hospital, police department, or security department served by the person as a police officer and if the person, when engaging in that activity, is directly in the discharge of the person's duties as a police officer for the hospital. The approval described in this division may be general in nature or may be limited in scope, duration, or applicability, as determined by the chief of police or sheriff granting the approval.

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(3) Police officers appointed under division (D) (1) of this section shall hold office for three years, unless, for good cause shown, their commission is revoked by the secretary of state or by the hospital, as provided by law.

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(4) Notwithstanding section 2744.02 of the Revised Code, the municipal corporation in which the hospital is located or, if the hospital is located in the unincorporated area of a county, the county is immune from civil or criminal liability in any action brought under the laws of this state if all of the following apply:

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(a) The action arises out of the actions of a police officer appointed under division (D) (1) of this section.

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(b) The actions of the police officer are directly in the 638
discharge of the person's duties as a police officer for the 639
hospital. 640

(c) The actions of the police officer occur on the 641
premises of the hospital or its affiliates or subsidiaries that 642
are within the territory of the municipal corporation served by 643
the chief of police or the unincorporated area of the county 644
served by the sheriff who signed the agreement described in 645
division (D) (1) (b) of this section, whichever is applicable, or 646
anywhere else within the territory of that municipal corporation 647
or within the unincorporated area of that county. 648

(5) A court's finding of tort liability of any public 649
hospital agency or nonprofit hospital agency for any actions of 650
a police officer appointed for the applicable hospital agency 651
under division (D) (1) of this section is not subject to 652
apportionment of tort liability under sections 2307.22 and 653
2307.23 of the Revised Code with the municipal corporation or 654
the county in which a written agreement as described in division 655
(D) (1) (b) is in effect. 656

(6) Nothing in division (D) (4) of this section shall be 657
construed as granting immunity from civil or criminal liability 658
for any actions occurring on the premises of any hospital 659
operated by a public hospital agency or nonprofit hospital 660
agency or on the premises of that hospital's affiliate or 661
subsidiary to any of the following: 662

(a) Any police officer appointed under division (D) (1) of 663
this section; 664

(b) Any hospital operated by a public hospital agency or a 665
nonprofit hospital agency that applied for the appointment of 666

any police officer under division (D)(1) of this section, or any
affiliate or subsidiary of the hospital;

(c) Any other police or security officer who is employed
by, or whose services are utilized by, any hospital operated by
a public hospital agency or a nonprofit hospital agency, or any
affiliate or subsidiary of the hospital;

(d) Any entity that supplies the services of police or
security officers to any hospital operated by a public hospital
agency or a nonprofit hospital agency or any affiliate or
subsidiary of the hospital.

(7) As used in ~~divisions~~ division (D) ~~(1) to (3)~~ of this
section, "public:

(a) "Public hospital agency" and "nonprofit hospital
agency" have the same meanings as in section 140.01 of the
Revised Code.

(b) "Tort liability" means the liability of a party as
determined by a court in a tort action as defined in section
2307.011 of the Revised Code.

(E) (1) Upon the application of any owner or operator of an
amusement park that has an average yearly attendance in excess
of six hundred thousand guests and that employs and maintains
its own proprietary police department or security department and
subject to section 4973.171 of the Revised Code, any judge of
the municipal court or county court that has territorial
jurisdiction over the amusement park may appoint and commission
any persons that the owner or operator designates, or as many of
those persons as the judge considers proper, to act as police
officers for the amusement park. If the amusement park is
located in more than one county, any judge of the municipal

court or county court of any of those counties may make the 696
appointments and commissions as described in this division. No 697
person who is appointed as a police officer under this division 698
shall engage in any duties or activities as a police officer for 699
the amusement park or any affiliate or subsidiary of the owner 700
or operator of the amusement park unless all of the following 701
apply: 702

(a) The appropriate chief or chiefs of police of the 703
political subdivision or subdivisions in which the amusement 704
park is located as specified in this division have granted 705
approval to the owner or operator of the amusement park to 706
permit persons appointed as police officers under this division 707
to engage in those duties and activities. If the amusement park 708
is located in a single municipal corporation or a single 709
township, the chief of police of that municipal corporation or 710
township is the appropriate chief of police for the grant of 711
approval under this division. If the amusement park is located 712
in two or more townships, two or more municipal corporations, or 713
one or more townships and one or more municipal corporations, 714
the chiefs of police of all of the affected townships and 715
municipal corporations are the appropriate chiefs of police for 716
the grant of approval under this division, and the approval must 717
be jointly granted by all of those chiefs of police. The 718
approval required by this division is general in nature and is 719
intended to cover in the aggregate all persons appointed as 720
police officers for the amusement park under this division. A 721
separate approval is not required for each appointee on an 722
individual basis. 723

(b) Subsequent to the grant of approval described in 724
division (E)(1)(a) of this section, the owner or operator has 725
entered into a written agreement with the appropriate chief or 726

chiefs of police of the political subdivision or subdivisions in 727
which the amusement park is located as specified in this 728
division and has provided the sheriff of the county in which the 729
political subdivision or subdivisions are located with a copy of 730
the agreement. If the amusement park is located in a single 731
municipal corporation or a single township, the chief of police 732
of that municipal corporation or township is the appropriate 733
chief of police for entering into the written agreement under 734
this division. If the amusement park is located in two or more 735
townships, two or more municipal corporations, or one or more 736
townships and one or more municipal corporations, the chiefs of 737
police of all of the affected townships and municipal 738
corporations are the appropriate chiefs of police for entering 739
into the written agreement under this division, and the written 740
agreement must be jointly entered into by all of those chiefs of 741
police. The written agreement between the owner or operator and 742
the chief or chiefs of police shall address the scope of 743
activities, the duration of the agreement, and mutual aid 744
arrangements and shall set forth the standards and criteria to 745
govern the interaction and cooperation between persons appointed 746
as police officers for the amusement park under this division 747
and law enforcement officers serving the agency represented by 748
the chief of police who signed the agreement. The written 749
agreement shall be signed by the owner or operator and by the 750
chief or chiefs of police who enter into it. The standards and 751
criteria may include, but are not limited to, provisions 752
governing the reporting of offenses discovered by the amusement 753
park's police officers to the agency represented by the chief of 754
police of the municipal corporation or township in which the 755
offense occurred, provisions governing investigatory 756
responsibilities relative to offenses committed on amusement 757
park property, and provisions governing the processing and 758

confinement of persons arrested for offenses committed on 759
amusement park property. The agreement required by this division 760
is intended to apply in the aggregate to all persons appointed 761
as police officers for the amusement park under this division. A 762
separate agreement is not required for each appointee on an 763
individual basis. 764

(c) The person has successfully completed a training 765
program approved by the Ohio peace officer training commission 766
and has been certified by the commission. A person appointed as 767
a police officer under this division may attend a training 768
program approved by the commission and be certified by the 769
commission regardless of whether the appropriate chief of police 770
has granted the approval described in division (E) (1) (a) of this 771
section and regardless of whether the owner or operator of the 772
amusement park has entered into the written agreement described 773
in division (E) (1) (b) of this section with the appropriate chief 774
of police. 775

(2) (a) A person who is appointed as a police officer under 776
division (E) (1) of this section is entitled, upon the grant of 777
approval described in section (E) (1) (a) of this section and upon 778
the person's and the owner or operator's compliance with the 779
requirements of division (E) (1) (b) and (c) of this section, to 780
act as a police officer for the amusement park and its 781
affiliates and subsidiaries that are within the territory of the 782
political subdivision or subdivisions served by the chief of 783
police, or respective chiefs of police, who signed the written 784
agreement described in division (E) (1) (b) of this section, and 785
upon any contiguous real property of the amusement park that is 786
covered by the written agreement, whether within or adjacent to 787
the political subdivision or subdivisions. The authority to act 788
as a police officer as described in this division is granted 789

only if the person, when engaging in that activity, is directly 790
in the discharge of the person's duties as a police officer for 791
the amusement park. The authority to act as a police officer as 792
described in this division shall be exercised in accordance with 793
the standards and criteria set forth in the written agreement 794
described in division (E) (1) (b) of this section. 795

(b) In addition to the authority granted under division 796
(E) (2) (a) of this section, a person appointed as a police 797
officer under division (E) (1) of this section is entitled, upon 798
the grant of approval described in division (E) (1) (a) of this 799
section and upon the person's and the owner or operator's 800
compliance with the requirements of divisions (E) (1) (b) and (c) 801
of this section, to act as a police officer elsewhere within the 802
territory of a municipal corporation or township if the chief of 803
police of that municipal corporation or township has granted 804
approval for that activity to the owner or operator served by 805
the person as a police officer and if the person, when engaging 806
in that activity, is directly in the discharge of the person's 807
duties as a police officer for the amusement park. The approval 808
described in this division may be general in nature or may be 809
limited in scope, duration, or applicability, as determined by 810
the chief of police granting the approval. 811

(3) Police officers appointed under division (E) (1) of 812
this section shall hold office for five years, unless, for good 813
cause shown, their commission is revoked by the appointing judge 814
or the judge's successor or by the owner or operator, as 815
provided by law. 816

(F) A fee of fifteen dollars for each commission applied 817
for under this section shall be paid at the time the application 818
is made, and this amount shall be returned if for any reason a 819

commission is not issued. 820

Section 2. That existing sections 2744.01, 2744.02, 821
2744.05, and 4973.17 of the Revised Code are hereby repealed. 822