

As Passed by the House

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Sub. H.B. No. 279

Representatives Henne, Rezabek

Cosponsors: Representatives Becker, Blessing, Hackett, Buchy, Derickson, Brenner, Johnson, T., Sears, Reineke, Boose, Burkley, Perales, Retherford, Ginter, Ruhl, Brinkman, Romanchuk, Thompson, Antani, Schaffer, Smith, R.

A BILL

To enact section 4509.105 of the Revised Code to 1
generally prohibit certain individuals who do 2
not maintain statutory minimum levels of 3
automobile insurance from collecting noneconomic 4
damages for harm sustained in a motor vehicle 5
accident. 6

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

Section 1. That section 4509.105 of the Revised Code be 7
enacted to read as follows: 8

Sec. 4509.105. (A) A driver who fails to maintain proof of 9
financial responsibility as required under this chapter at the 10
time of an accident shall have no cause of action for recovery 11
of damages for noneconomic loss sustained as a proximate result 12
of an accident while operating a motor vehicle if at any time in 13
the seven years preceding the accident the driver's operating 14
privileges and the driver's license were impounded for a 15
violation of division (A) (1) of section 4509.101 of the Revised 16
Code. 17

(B) Division (A) of this section does not apply if the 18
noneconomic loss sustained by the driver is caused by either of 19
the following: 20

(1) An individual who pleads guilty to or is convicted of 21
committing an offense for which four or six points are assessed 22
against that individual under section 4510.036 of the Revised 23
Code; 24

(2) An individual who pleads guilty to or is convicted of 25
texting while driving in violation of section 4511.204 of the 26
Revised Code. 27

(C) Division (A) of this section does not apply to either 28
of the following: 29

(1) An action for wrongful death; 30

(2) An individual who is under the age of eighteen at the 31
time of commencement of the action. 32

(D) As used in this section, "noneconomic loss" has the 33
same meaning as in section 2307.011 of the Revised Code. 34

Section 2. Section 4509.105 of the Revised Code, as 35
enacted by this act, shall take effect ninety days after the 36
effective date of this act. 37