

**As Reported by the House Insurance Committee**

**131st General Assembly**

**Regular Session**

**2015-2016**

**Sub. H.B. No. 279**

**Representative Henne**

**Cosponsors: Representatives Becker, Blessing, Hackett, Buchy, Derickson, Brenner, Johnson, T., Sears, Reineke, Boose, Burkley, Ryan, Perales, Retherford, Ginter, Ruhl, Brinkman, Romanchuk, Thompson, Terhar**

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**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