



A. Statute of Limitations

- **Personal Injury:** Two years from the date of the accident – O.R.C. § 2305.10
- **Property Damage:** Two years from the date of the accident – O.R.C. § 2305.10
- **PIP Subrogation:** PIP is not available in Ohio. Ohio is an “at-fault” state, which means at least one driver is found to be at fault after a collision.
- **Wrongful Death:** Two years from death – O.R.C. § 2125.02
- **Action Against Municipality:** Two years from the date of accident – O.R.C. § 2744.04

B. Comparative Negligence

Ohio follows a modified comparative fault system wherein negligence is apportioned in accordance with the percentage of fault a jury assigns to each party. If the plaintiff is deemed 51% at fault, he or she is barred from any recovery.

C. Joint & Several Liability

Ohio follows a modified joint and several liability system. In Ohio, if a defendant is more than 50% at fault that defendant is jointly and severally liable for all plaintiff's economic damages. If a defendant is less than 50% at fault, that defendant is only liable for its percentage of the plaintiff's total economic damages. Thus, if two or more defendants are deemed liable for the plaintiff's injuries each defendant will be responsible for its percentage share of fault for the plaintiff's non-economic damages.

D. Damages Cap

In Ohio, a plaintiff does not need to establish that they suffered a “serious injury” to recover non-economic damages in a motor vehicle accident. However, Ohio caps non-economic damages at the greater of (a) \$250,000 or (b) three times economic damages, which is subject to a maximum of \$350,000 per person or \$500,000 per accident. Ohio law provides an exception to the cap where the plaintiff sustained a catastrophic loss, such as a substantial and permanent physical deformity, including the lost use of a limb or a permanent physical functional injury that prevents the injured person from being able to independently care for one's self and perform life-sustaining activities.

E. Graves Amendment

Under the Graves Amendment, the owner of a leased vehicle cannot be held vicariously liable for the negligent operation of that vehicle. The owner of the leased vehicle can only be liable for if it was directly

negligent or engaged in criminal conduct. As long as the owner demonstrates it was engaged in the business of renting or leasing motor vehicles and was not otherwise directly negligent, the owner/lessor will be dismissed from the litigation pursuant to the Graves Amendment. *See. Moran v. Ruan Logistics*, S.D. Ohio No. 1:18-CV-223, 2018 WL 4491376 (Sept. 19, 2018).

Pursuant to Federal statute 49 USC § 30106, the Graves Amendment preempts all state statutory and common law to the extent those laws hold owners in the business of renting or leasing motor vehicles, vicariously liable for the negligence of drivers.

49 USC § 30106(a) states:

- (a) In general. – An owner of a motor vehicle that rents or leases the vehicle to a person (or an affiliate of the owner) shall not be liable under the law of any State or political subdivision thereof, by reason of being the owner of the vehicle (or an affiliate of the owner), for harm to persons or property at results or arises out of the use, operation, or possession of the vehicle during the period of the rental or lease, if –
 - (1) the owner (or an affiliate of the owner) is engaged in the trade or business of renting or leasing motor vehicles; and
 - (2) there is no negligence or criminal wrongdoing on the part of the owner (or an affiliate of the owner).