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OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research
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Office

H.B. 279
134th General Assembly

Fiscal Note & Local Impact Statement

[Click here for H.B. 279's Bill Analysis](#)

Version: As Reported by Senate Judiciary

Primary Sponsors: Reps. Brown and Oelslager

Local Impact Statement Procedure Required: No

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Highlights

- The bill may affect the number of case filings in a county probate court or the Ohio Court of Claims, specifically pertaining to wrongful death claims. Fewer case filings may result in a decreased caseload for a court and thus a potential minimal operating cost savings.
- To the degree that the bill affects wrongful death claims involving either the state or a political subdivision as a defendant, it may be to reduce litigation and settlement costs.

Detailed Analysis

The bill:

- Shortens, from two years to one year generally, the time within which extended family or other next of kin may present claims in a wrongful death action where the decedent is survived by immediate family after the wrongful death;¹
- Creates a procedure in which an executor or administrator may accelerate the claim process; and
- Bars claims from extended family who do not timely present a claim.

Wrongful death case filings

The bill will affect wrongful death case filings in county-operated probate courts and the Ohio Court of Claims (for cases involving a state agency) through shortened periods for filing claims and the barring of claims from family members or other next of kin who do not meet the

¹ This change only applies to deaths that occur on or after the bill's effective date.

new deadlines. “Other next of kin” is defined in the bill as nearest surviving relatives to the decedent after accounting for parents, children, or spouse. While the bill’s accelerated process includes documentation and notification requirements, it is likely the courts can incorporate these provisions into their daily operations with no discernible ongoing fiscal effect. In terms of filings, wrongful death claims may be filed sooner or barred for failing to present a timely claim. Claims that are barred saves a court time and effort that would otherwise have been expended to adjudicate those claims.

In calendar year (CY) 2020, there were 892 wrongful death cases filed in probates courts across the state. For the Ohio Court of Claims, there were 14 wrongful death claims filed in CY 2020 (primarily related to medical institutions, the Department of Rehabilitation and Correction, and the Department of Transportation). It is unclear how long after the death these cases were filed relative to the current time limitation. That said, the bill may result in reduced case filings or more expedient dispositions. There is also the potential the number of filings remains the same, as individuals may file in a timelier manner.

Based on discussions with the Ohio Judicial Conference (OJC), it appears that the bill generally helps to eliminate some confusion as to the current notice requirements. According to OJC staff, the bill clarifies what constitutes “other next of kin.” Based on what the probate judges’ view as a procedural change to wrongful death law, the bill has the potential to reduce litigation costs.

To the degree that the bill affects wrongful death claims involving either the state or a political subdivision as a defendant, it may be to reduce litigation and settlement costs.