



# ENACTMENT NEWS

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## House Bill 179 Vicarious Liability in Tort Actions Effective 2024

On, 2024, Governor DeWine signed House Bill 179 (Reps. Mathews, Stewart) into law.

The bill is meant to clarify certain aspects of vicarious liability in light of the 2020 [Clawson](#) decision (Clawson v. Hts. Chiropractic Physicians, L.L.C., Slip Opinion No. 2022-Ohio-4154). Under the bill, if tort liability arises against both parties having a vicarious liability relationship, the injured party may sue either the primarily liable agent, or the secondarily liable principal, or both.

In order for the injured party to prevail in a tort action alleging vicarious liability against a secondarily liable person, both of the following apply:

- A primarily liable person committed the tortious act in the course of, and within the scope of, that person's agency or servant relationship with, or employment by, the secondarily liable person.
- A primarily liable person is not a necessary party to the tort action alleging vicarious liability against a secondarily liable person, unless the tort action is a medical claim against a physician, podiatrist, or physical therapist; a dental claim against a dentist; an optometric claim against an optometrist; a chiropractic claim against a chiropractor; or a legal malpractice claim against an attorney.

In order for a principal, master, or employer to be found liable for the tortious act, an agent, servant, or employee must have committed such tortious act in the course of, or within the scope of, the agent's, servant's, or employee's agency or servant relationship with, or employment by, the principal, master, or employer.

Additionally, the bill provides that a pause in the running of the statute of limitations during a defendant's absence or concealment does not apply to statutes of repose.

The Ohio House passed the bill by a vote of 92-0 on January 10, 2024 and the Senate passed the bill by a vote of 31-0 on June 26, 2024.