



Ohio Revised Code

Section 4123.77 Common law defenses denied to noncomplying employers.

Effective: March 20, 2019

Legislation: House Bill 494 - 132nd General Assembly

Private employers who fail to comply with section 4123.35 of the Revised Code are not entitled to the benefits of sections 4123.01 to 4123.94, inclusive, of the Revised Code, during the period of such noncompliance, but are liable to their employees for damages suffered by reason of personal injuries sustained in the course of employment caused by the wrongful act, neglect, or default of the employer, or any of the employer's officers, agents, or employees, and also to the personal representatives of such employees where death results from such injuries, and in such action the defendant shall not avail self of the following common law defenses:

- (A) The defense of the fellow servant rule;
- (B) The defense of the assumption of risk;
- (C) The defense of contributory negligence.

Such employers are subject to sections 4123.37 and 4123.75 of the Revised Code.
