AUTHENTICATED,
OHIO LEGISLATIVE SERVICE
COMMISSION
DOCUMENT #390922

Ohio Revised Code

Section 5303.34 Unlawfully extracting or exploiting minerals of another.

Effective: September 30, 2025
Legislation: House Bill 96 - 136th General Assembly

(A) As used in this section, "bad faith" means a trespass committed with either of the following:

(1) Actual knowledge that the entry onto, and the extraction of minerals from, the property was unlawful;

(2) Willful or wanton disregard for the lawful property or mineral rights of another person and with the intent of depriving the lawful owner of the owner's minerals.

"Bad faith" shall not be presumed and does not include an entry onto property based on a reasonable belief that such entry, or the extraction occurring after such entry, was lawful.

(B) In an action brought by a person who owns mineral rights against any person who trespasses on the land containing such minerals and unlawfully extracts, exploits, or otherwise converts the minerals, damages shall be equal to one of the following:

(1) In the case of minerals, such as coal, stone, or ore, that are extracted by underground or surface mining methods, the revenue received from the sale of the minerals measured at the mouth of the mine, less the cost of extraction, less any sums previously paid;

(2) In the case of minerals, such as hydrocarbons, in liquid or gaseous states that are extracted by drilling, the revenue received from the sale of such minerals measured at the wellhead, less the cost of extraction, less any sums previously paid.

(C) When calculating damages under division (B)(1) or (2) of this section, if the person who trespassed is determined to have trespassed on the land in bad faith, no reduction for the cost of extraction shall be allowed, and the damaged party is entitled to the full revenue received from the sale of the minerals measured at the mouth of the mine or at the wellhead, as applicable, regardless of extraction method, less any sums previously paid. The damaged party is not entitled to punitive

damages.