

Proposed Ohio Legislation Would Raise Limits on Non-Economic Damages

Article

Amundsen Davis General Liability Alert

January 7, 2026

In September 2025, the Ohio House of Representatives introduced House Bill 447 (HB 477), which aims to increase a plaintiff's maximum recoverable amounts of "non-economic damages" in personal injury lawsuits.

Non-economic damages typically include claims for pain and suffering or mental anguish. These types of damages are inherently subjective, hard to measure, and typically decided by a jury. If the bill is enacted, it would expand potential exposure for defendants.

Current Law and Proposed Changes

Ohio's statutory cap currently caps non-economic damages at the greater of \$250,000 or three times the plaintiff's economic damages (like medical bills). The non-economic damages cannot exceed \$350,000 per plaintiff or \$500,000 for each occurrence.

HB 447, however, aims to significantly raise those statutory caps. The bill proposes the following:

- Raising the cap on a plaintiff's non-economic damages to \$415,000.
- Raising the cap to a maximum of \$580,000 per plaintiff.
- Raising the cap to a maximum of \$830,000 per occurrence.
- Requiring the Ohio Department of Taxation (DOT) to annually adjust these amounts based on the Consumer Price Index to account for inflation.

Implications of Increased Caps on Non-Economic Damages

Increasing the statutory cap would raise exposure for insurers and defendant businesses, particularly in jury trials, while driving up litigation costs and settlement values. Potential effects of HB 447 include:

- **Higher settlement demands.** Increased caps may raise pre-suit demands, which could lead to more difficult valuations of claims and setting of reserves.

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- **Increased jury trial exposure for businesses.** Higher potential awards may incentivize plaintiff's counsel to take more cases to trial rather than settle.

What's Next for HB 447

HB 447 was referred to the House Judiciary Committee on October 1, 2025. We will continue to monitor throughout the legislative process.

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