CLIENT ALERTS & INSIGHTS

Raising the Bar: Ohio Moves to Increase Tort Damages Caps for the First Time in Two Decades

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Authors: Laura E. Kogan, Dave Walters

Featured Practices: Litigation, Commercial Litigation & Disputes

Key Takeaways

- The Ohio Legislature is advancing bills that would significantly raise caps on noneconomic and punitive damages in tort cases, with future increases tied to inflation.
- If enacted, these changes could increase litigation exposure and costs for Ohio businesses and insurers, while allowing greater recovery for plaintiffs.
- Businesses and other impacted parties should monitor the progress of these bills, consider submitting testimony, and review risk management strategies that might help offset increased exposure risks.

The General Assembly is making progress on a pair of bills that would increase Ohio's statutory caps on noneconomic damages in tort cases. House Bill 447 ("H.B. 447") and its counterpart, Senate Bill 292 ("S.B. 292"), were introduced in September and October 2025, respectively. H.B. 447 had three hearings before the Judiciary Committee in October and November. At the end of March, the Ohio Senate Judiciary Committee held the first hearing on S.B. 292.

These bills would increase certain statutory damages caps and then would tie them going forward to the U.S. Bureau of Labor Statistics Consumer Price Index (as assessed at the beginning of each year by the Ohio Department of Taxation). The proposed initial changes include the following:

- R.C. 2315.18(B)(2), addressing noneconomic losses in tort cases, presently limits such damages to the greater of (a) triple the economic loss or (b) $250,000. H.B. 447 and S.B. 292 would raise the latter cap to $415,000.
    - Where economic loss is involved, the caps on damages based on tripling that amount would go up to $580,000 (from $350,000) for each plaintiff and to $830,000 (from $500,000) for each occurrence.
- R.C. 2315.21(D)(2)(b) currently limits to $350,000 the amount of punitive damages available against small employers and individuals. This cap would increase to $580,000.

- R.C. 2744.05 and R.C. 3345.40 currently limit to $250,000 noneconomic compensatory damages in actions (except for wrongful-death claims) against, respectively, political subdivisions and state higher-education institutions. These caps would increase to $415,000.

Proponents argue that these changes are necessary to account for inflation, since the caps were implemented in 2005. Opponents contend that the bills would increase the cost of doing business in Ohio, increasing the risk that employers, insurance companies and healthcare providers will face subjective verdicts that are out of proportion with the harm being addressed.

These bills follow H.B. 179, which was signed into law in 2024. It amended R.C. 2305.15 to exempt statutes of repose from Ohio's tolling statute, solidifying the Legislature's disagreement with the Supreme Court of Ohio's decision in Elliot v. Durrani, 2022-Ohio-4190. The bill also created R.C. 2307.241, which codified a previously precedential rule that vicarious liability actions may be brought against an employer or principal without needing to join the employee or agent as a necessary party. It remains to be seen whether this legislation collectively indicates a trend toward a more plaintiff-friendly landscape in Ohio.

S.B. 292 has not yet been scheduled for a second hearing, but opportunities for testimony are expected. Impacted parties may want to work with legal counsel in preparing testimony, and Benesch attorneys are available to assist.