

As Introduced

134th General Assembly

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H. B. No. 408

Representative Young, B.

Cosponsors: Representatives Stoltzfus, Young, T., Hillyer, Miller, J., Creech, Plummer, Seitz, Lanese, Schmidt, Troy, Ghanbari, Weinstein, Stephens, LaRe, Fraizer, Lipps, Jones, Cross, Edwards, Baldrige, Carruthers

A BILL

To amend sections 2913.02, 2913.51, 4737.012, 1
4737.04, 4737.041, 4737.045, 4737.10, 4737.99, 2
4738.07, 4738.12, 4745.01, and 4775.09 and to 3
enact sections 4737.20, 4737.21, 4737.22, 4
4737.23, 4737.24, 4737.25, and 4737.26 of the 5
Revised Code regarding the sale of catalytic 6
converters. 7

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 2913.02, 2913.51, 4737.012, 8
4737.04, 4737.041, 4737.045, 4737.10, 4737.99, 4738.07, 4738.12, 9
4745.01, and 4775.09 be amended and sections 4737.20, 4737.21, 10
4737.22, 4737.23, 4737.24, 4737.25, and 4737.26 of the Revised 11
Code be enacted to read as follows: 12

Sec. 2913.02. (A) No person, with purpose to deprive the 13
owner of property or services, shall knowingly obtain or exert 14
control over either the property or services in any of the 15
following ways: 16

(1) Without the consent of the owner or person authorized to give consent;	17 18
(2) Beyond the scope of the express or implied consent of the owner or person authorized to give consent;	19 20
(3) By deception;	21
(4) By threat;	22
(5) By intimidation.	23
(B) (1) Whoever violates this section is guilty of theft.	24
(2) Except as otherwise provided in this division or division (B) (3), (4), (5), (6), (7), (8), or (9) , <u>or (10)</u> of this section, a violation of this section is petty theft, a misdemeanor of the first degree. If the value of the property or services stolen is one thousand dollars or more and is less than seven thousand five hundred dollars or if the property stolen is any of the property listed in section 2913.71 of the Revised Code, a violation of this section is theft, a felony of the fifth degree. If the value of the property or services stolen is seven thousand five hundred dollars or more and is less than one hundred fifty thousand dollars, a violation of this section is grand theft, a felony of the fourth degree. If the value of the property or services stolen is one hundred fifty thousand dollars or more and is less than seven hundred fifty thousand dollars, a violation of this section is aggravated theft, a felony of the third degree. If the value of the property or services is seven hundred fifty thousand dollars or more and is less than one million five hundred thousand dollars, a violation of this section is aggravated theft, a felony of the second degree. If the value of the property or services stolen is one million five hundred thousand dollars or more, a violation of	25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45

this section is aggravated theft of one million five hundred 46
thousand dollars or more, a felony of the first degree. 47

(3) Except as otherwise provided in division (B) (4), (5), 48
(6), (7), (8), or (9) of this section, if the victim of the 49
offense is an elderly person, disabled adult, active duty 50
service member, or spouse of an active duty service member, a 51
violation of this section is theft from a person in a protected 52
class, and division (B) (3) of this section applies. Except as 53
otherwise provided in this division, theft from a person in a 54
protected class is a felony of the fifth degree. If the value of 55
the property or services stolen is one thousand dollars or more 56
and is less than seven thousand five hundred dollars, theft from 57
a person in a protected class is a felony of the fourth degree. 58
If the value of the property or services stolen is seven 59
thousand five hundred dollars or more and is less than thirty- 60
seven thousand five hundred dollars, theft from a person in a 61
protected class is a felony of the third degree. If the value of 62
the property or services stolen is thirty-seven thousand five 63
hundred dollars or more and is less than one hundred fifty 64
thousand dollars, theft from a person in a protected class is a 65
felony of the second degree. If the value of the property or 66
services stolen is one hundred fifty thousand dollars or more, 67
theft from a person in a protected class is a felony of the 68
first degree. If the victim of the offense is an elderly person, 69
in addition to any other penalty imposed for the offense, the 70
offender shall be required to pay full restitution to the victim 71
and to pay a fine of up to fifty thousand dollars. The clerk of 72
court shall forward all fines collected under division (B) (3) of 73
this section to the county department of job and family services 74
to be used for the reporting and investigation of elder abuse, 75
neglect, and exploitation or for the provision or arrangement of 76

protective services under sections 5101.61 to 5101.71 of the Revised Code. 77
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(4) If the property stolen is a firearm or dangerous ordnance, a violation of this section is grand theft. Except as otherwise provided in this division, grand theft when the property stolen is a firearm or dangerous ordnance is a felony of the third degree, and there is a presumption in favor of the court imposing a prison term for the offense. If the firearm or dangerous ordnance was stolen from a federally licensed firearms dealer, grand theft when the property stolen is a firearm or dangerous ordnance is a felony of the first degree. The offender shall serve a prison term imposed for grand theft when the property stolen is a firearm or dangerous ordnance consecutively to any other prison term or mandatory prison term previously or subsequently imposed upon the offender. 79
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(5) If the property stolen is a motor vehicle, a violation of this section is grand theft of a motor vehicle, a felony of the fourth degree. 92
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(6) If the property stolen is any dangerous drug, a violation of this section is theft of drugs, a felony of the fourth degree, or, if the offender previously has been convicted of a felony drug abuse offense, a felony of the third degree. 95
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(7) If the property stolen is a police dog or horse or an assistance dog and the offender knows or should know that the property stolen is a police dog or horse or an assistance dog, a violation of this section is theft of a police dog or horse or an assistance dog, a felony of the third degree. 99
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(8) If the property stolen is anhydrous ammonia, a violation of this section is theft of anhydrous ammonia, a 104
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felony of the third degree. 106

(9) Except as provided in division (B) (2) of this section 107
with respect to property with a value of seven thousand five 108
hundred dollars or more and division (B) (3) of this section with 109
respect to property with a value of one thousand dollars or 110
more, if the property stolen is a special purpose article as 111
defined in section 4737.04 of the Revised Code or is a bulk 112
merchandise container as defined in section 4737.012 of the 113
Revised Code, a violation of this section is theft of a special 114
purpose article or articles or theft of a bulk merchandise 115
container or containers, a felony of the fifth degree. 116

(10) (a) If the property stolen is a catalytic converter as 117
defined in section 4737.04 of the Revised Code, a violation of 118
this section is theft of a catalytic converter, a felony of the 119
fifth degree. 120

(b) If the offender has previously been convicted of or 121
pleaded guilty to a violation of Chapter 2911., 2913., or 2923. 122
of the Revised Code, theft of a stolen catalytic converter is a 123
felony of the fourth degree. 124

(c) If the property stolen is a catalytic converter as 125
defined in section 4737.04 of the Revised Code and the offender 126
is a business entity, a violation of this section is enterprise 127
theft of a catalytic converter and, notwithstanding section 128
2929.31 of the Revised Code, is punishable by a fine of not less 129
than ten thousand dollars and not more than fifty thousand 130
dollars per violation. 131

(11) In addition to the penalties described in division 132
(B) (2) of this section, if the offender committed the violation 133
by causing a motor vehicle to leave the premises of an 134

establishment at which gasoline is offered for retail sale 135
without the offender making full payment for gasoline that was 136
dispensed into the fuel tank of the motor vehicle or into 137
another container, the court may do one of the following: 138

(a) Unless division ~~(B) (10) (b)~~ (B) (11) (b) of this section 139
applies, suspend for not more than six months the offender's 140
driver's license, probationary driver's license, commercial 141
driver's license, temporary instruction permit, or nonresident 142
operating privilege; 143

(b) If the offender's driver's license, probationary 144
driver's license, commercial driver's license, temporary 145
instruction permit, or nonresident operating privilege has 146
previously been suspended pursuant to division ~~(B) (10) (a)~~ (B) 147
(11) (a) of this section, impose a class seven suspension of the 148
offender's license, permit, or privilege from the range 149
specified in division (A) (7) of section 4510.02 of the Revised 150
Code, provided that the suspension shall be for at least six 151
months. 152

(c) The court, in lieu of suspending the offender's 153
driver's or commercial driver's license, probationary driver's 154
license, temporary instruction permit, or nonresident operating 155
privilege pursuant to division ~~(B) (10) (a)~~ (B) (11) (a) or (b) of 156
this section, instead may require the offender to perform 157
community service for a number of hours determined by the court. 158

~~(11)~~ (12) In addition to the penalties described in 159
division (B) (2) of this section, if the offender committed the 160
violation by stealing rented property or rental services, the 161
court may order that the offender make restitution pursuant to 162
section 2929.18 or 2929.28 of the Revised Code. Restitution may 163
include, but is not limited to, the cost of repairing or 164

replacing the stolen property, or the cost of repairing the 165
stolen property and any loss of revenue resulting from 166
deprivation of the property due to theft of rental services that 167
is less than or equal to the actual value of the property at the 168
time it was rented. Evidence of intent to commit theft of rented 169
property or rental services shall be determined pursuant to the 170
provisions of section 2913.72 of the Revised Code. 171

(C) The sentencing court that suspends an offender's 172
license, permit, or nonresident operating privilege under 173
division ~~(B) (10)~~ (B) (11) of this section may grant the offender 174
limited driving privileges during the period of the suspension 175
in accordance with Chapter 4510. of the Revised Code. 176

Sec. 2913.51. (A) As used in this section: 177

(1) "Bulk merchandise container" has the same meaning as 178
in section 4737.012 of the Revised Code. 179

(2) "Catalytic converter" and "special purchase article" 180
have the same meanings as in section 4737.04 of the Revised 181
Code. 182

(3) "Dangerous drug" has the same meaning as in section 183
4729.01 of the Revised Code. 184

(4) "Dangerous ordnance" and "firearm" have the same 185
meanings as in section 2923.11 of the Revised Code. 186

(5) "Motor vehicle" has the same meaning as in section 187
4501.01 of the Revised Code. 188

(B) No person shall receive, retain, or dispose of 189
property of another knowing or having reasonable cause to 190
believe that the property has been obtained through commission 191
of a theft offense. 192

~~(B)~~ (C) It is not a defense to a charge of receiving 193
stolen property in violation of this section that the property 194
was obtained by means other than through the commission of a 195
theft offense if the property was explicitly represented to the 196
accused person as being obtained through the commission of a 197
theft offense. 198

~~(C)~~ (D) Whoever violates this section is guilty of 199
receiving stolen property. Except as otherwise provided in this 200
division or division ~~(D)~~ (E) or (F) of this section, receiving 201
stolen property is a misdemeanor of the first degree. If the 202
value of the property involved is one thousand dollars or more 203
and is less than seven thousand five hundred dollars, if the 204
property involved is any of the property listed in section 205
2913.71 of the Revised Code, receiving stolen property is a 206
felony of the fifth degree. If the property involved is a motor 207
vehicle, ~~as defined in section 4501.01 of the Revised Code, if~~ 208
~~the property involved is a~~ dangerous drug, a firearm, or 209
dangerous ordnance, as defined in section 4729.01 of the Revised 210
~~Code, or~~ if the value of the property involved is seven thousand 211
five hundred dollars or more and is less than one hundred fifty 212
thousand dollars, ~~or if the property involved is a firearm or~~ 213
~~dangerous ordnance, as defined in section 2923.11 of the Revised~~ 214
~~Code,~~ receiving stolen property is a felony of the fourth 215
degree. If the value of the property involved is one hundred 216
fifty thousand dollars or more, receiving stolen property is a 217
felony of the third degree. 218

~~(D)~~ (E) Except as provided in division ~~(C)~~ (D) of this 219
section with respect to property involved in a violation of this 220
section with a value of seven thousand five hundred dollars or 221
more, if the property involved in violation of this section is a 222
special purchase article ~~as defined in section 4737.04 of the~~ 223

~~Revised Code, other than a catalytic converter, or a bulk~~ 224
~~merchandise container as defined in section 4737.012 of the~~ 225
~~Revised Code, a violation of this section is receiving a stolen~~ 226
special purchase article or articles or receiving a stolen bulk 227
merchandise container or containers, a felony of the fifth 228
degree. 229

(F) (1) Except as otherwise provided in this division, if 230
the property involved is a catalytic converter, a violation of 231
this section is receiving a stolen catalytic converter, a felony 232
of the fifth degree. 233

(2) If the offender has previously been convicted of or 234
pleaded guilty to a violation of Chapter 2911., 2913., or 2923. 235
of the Revised Code, receiving a stolen catalytic converter is a 236
felony of the fourth degree. 237

(3) If the property involved is a catalytic converter and 238
the offender is a business entity, a violation of this section 239
is enterprise receipt of a stolen catalytic converter and, 240
notwithstanding section 2929.31 of the Revised Code, is 241
punishable by a fine of not less than ten thousand dollars and 242
not more than fifty thousand dollars per violation. 243

Sec. 4737.012. (A) Notwithstanding division (A) of section 244
4737.01 of the Revised Code, a dealer who is in the business of 245
purchasing, reselling, exchanging, recycling, shredding, or 246
receiving bulk merchandise containers shall not purchase or 247
receive plastic bulk merchandise containers that are marked with 248
a company name or logo, or more than nine wooden bulk 249
merchandise containers, from any other person at one time, 250
unless the dealer maintains a record book or electronic file in 251
which the dealer keeps an accurate and complete record of all 252
containers purchased or received by the dealer. Every entry in 253

the record book or electronic file shall be numbered 254
consecutively. Until the registry developed by the director of 255
public safety pursuant to section 4737.045 of the Revised Code 256
is operational, a dealer shall maintain the record for each 257
container purchased or received for a minimum period of one year 258
after the date the dealer purchased or received the container. 259
Beginning on the date the registry is operational, a dealer 260
shall maintain the record for each container purchased or 261
received only for a period of sixty days after the date the 262
dealer purchased or received the container. The director shall 263
adopt rules for the format and maintenance of the records 264
required under this division. 265

The records shall contain all of the following: 266

(1) The name and residence of the person from whom the 267
containers were purchased or received, a copy of that person's 268
personal identification card, and, if required, a photograph of 269
the person taken pursuant to division (B)(2) of this section; 270

(2) A description of the containers, including the number 271
purchased or received and, if required, a photograph of the 272
containers taken pursuant to division (B)(1) of this section; 273

(3) The date and time the dealer purchased or received the 274
containers; 275

(4) If the seller or provider of the containers arrives at 276
the dealer's place of business in a motor vehicle, the license 277
plate number of that motor vehicle along with the state that 278
issued the license plate. 279

(B) Every dealer who is in the business of reselling bulk 280
merchandise containers shall take a photograph, in accordance 281
with rules adopted by the director, of both of the following: 282

(1) Each container for which the dealer must make a record	283
under division (A) of this section;	284
(2) Each person who sells or otherwise gives the dealer	285
the containers.	286
The dealer shall take the required photographs at the time	287
the dealer purchases or receives the containers and shall keep	288
the photographs as part of the record in accordance with	289
division (A) of this section.	290
(C) A dealer who is in the business of purchasing,	291
reselling, exchanging, recycling, shredding, or receiving bulk	292
merchandise containers shall fulfill the requirements of section	293
4737.041 of the Revised Code with respect to the containers	294
purchased or received by the dealer for which the dealer must	295
make a record under division (A) of this section. No dealer	296
shall purchase or receive any bulk merchandise container for	297
which the dealer must make a record under division (A) of this	298
section without complying with division (B), (C), or (D)	299
<u>divisions (A) (2) to (4)</u> of section 4737.041 of the Revised Code.	300
(D) As used in this section, "bulk merchandise container"	301
means a plastic or wooden carrier or holder used by a	302
manufacturer or distributor to transport merchandise to	303
wholesale and retail outlets.	304
Sec. 4737.04. (A) As used in this section and sections	305
4737.041, 4737.042, 4737.043, 4737.044, 4737.045, and 4737.99 of	306
the Revised Code:	307
(1) "Scrap metal dealer" means the owner or operator of a	308
business that purchases or receives scrap metal for the purpose	309
of sorting, grading, and shipping metals to third parties for	310
direct or indirect melting into new products.	311

(2) "Special purchase article" means all of the following:	312
(a) Beer kegs;	313
(b) Cable, wire, electrical components, and other equipment used in providing cable service or any utility service, including, but not limited to, copper or aluminum coverings, housings, or enclosures related thereto;	314 315 316 317
(c) Grave markers, sculptures, plaques, and vases made out of metal, the appearance of which suggests that the articles have been obtained from a cemetery;	318 319 320
(d) Guard rails for bridges, highways, and roads; highway and street signs; street light poles and fixtures; worker access hole covers, water meter covers, and other similar types of utility access covers; traffic directional and control signs and light signals, metal marked with the name of a political subdivision of the state, and other metal articles that are purchased and installed for use upon authorization of the state or any political subdivision of the state;	321 322 323 324 325 326 327 328
(e) Historical, commemorative, and memorial markers and plaques made out of metal;	329 330
(f) Four-wheel metal carts, commonly referred to as "grocery carts," that are generally used by individuals to collect and transport consumer goods while shopping;	331 332 333
(g) Four-wheel metal carts, commonly referred to as "metal bossies," that are used to transport or merchandise food products that are stored in crates, shells, or trays;	334 335 336
(h) Railroad material, including journal brasses, rail spikes, rails, tie plates, frogs, and communication wire;	337 338
(i) Metal trays, merchandise containers, or similar	339

transport containers used by a product producer, distributor, 340
retailer, or an agent of a product producer, distributor, or 341
retailer as a means for the bulk transportation, storage, or 342
carrying of retail containers of milk, baked goods, eggs, or 343
bottled beverage products; 344

(j) "Burnt wire," which is any coated metal wire that has 345
been smelted, burned, or melted thereby removing the 346
manufacturer's or owner's identifying marks; 347

(k) Catalytic converters. 348

(3) "Bulk merchandise container" has the same meaning as 349
in section 4737.012 of the Revised Code. 350

(4) "Bulk merchandise container dealer" means a dealer who 351
is subject to section 4737.012 of the Revised Code. 352

(5) "Catalytic converter" includes a catalytic converter
core. 353
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(6) "Common recycled matter" means bottles and other 355
containers made out of steel, tin, or aluminum and other 356
consumer goods that are metal that are recycled by individual 357
consumers and not in the bulk or quantity that could be supplied 358
or recycled by large business establishments. "Common recycled 359
matter" does not include a metal tray used by a product 360
producer, distributor, retailer, or agent of a product producer, 361
distributor, or retailer as a means for the bulk transportation, 362
storage, or carrying of retail containers of milk, baked goods, 363
eggs, or bottled beverage products. 364

~~(6)~~(7) "Consumer goods" has the same meaning as in 365
section 1309.102 of the Revised Code. 366

~~(7)~~(8) "Recyclable materials" means the metal materials 367

described in division (C) (5) of this section, on the condition 368
that those metal materials are not special purchase articles. 369

~~(8)~~ (9) "Motor vehicle" has the same meaning as in section 370
4501.01 of the Revised Code. 371

(B) (1) No person shall engage in the business of scrap 372
metal dealing or act as a bulk merchandise container dealer 373
without first registering with the director of public safety in 374
accordance with section 4737.045 of the Revised Code. 375

(2) No person shall receive, purchase, or sell a special 376
purchase article or a bulk merchandise container except as in 377
accordance with sections 4737.012 and 4737.04 to 4737.045 of the 378
Revised Code. 379

(C) Every scrap metal dealer shall maintain a record book 380
or electronic file, in which the dealer shall keep an accurate 381
and complete record of all articles purchased or received by the 382
dealer in the course of the dealer's daily business. On and 383
after September 11, 2008, every entry in the record book or 384
electronic file shall be numbered consecutively and, on or after 385
September 28, 2012, shall be maintained for inspection in 386
numerical order. Until the registry developed by the director 387
pursuant to section 4737.045 of the Revised Code is operational, 388
a dealer shall maintain the record for each article purchased or 389
received for a minimum period of one year after the date the 390
dealer purchased or received the article, except that the dealer 391
shall maintain the photograph required under division (I) of 392
this section only for a period of sixty days after the dealer 393
purchased or received the article. Beginning on the date the 394
registry is operational, a dealer shall maintain the record for 395
each article purchased or received only for a period of sixty 396
days after the date the dealer purchased or received the 397

article. The director shall adopt rules for the format and 398
maintenance of the records required under this division. 399

The records shall contain all of the following: 400

(1) The name and residence of the person from whom the 401
articles were purchased or received, a copy of that person's 402
personal identification card, and a photograph of the person 403
taken pursuant to division (I) of this section; 404

(2) The date and time the scrap metal dealer purchased or 405
received the articles and the weight of the articles as 406
determined by a licensed commercial scale; 407

(3) If the seller or provider of the articles arrives at 408
the dealer's place of business in a motor vehicle, the license 409
plate number of that motor vehicle along with the state that 410
issued the license plate; 411

(4) For metal articles that are not recyclable materials, 412
a full and accurate description of each article purchased or 413
received by the dealer that includes identifying letters or 414
marks written, inscribed, or otherwise included on the article 415
and the name and maker of the article if known; 416

(5) For recyclable materials that are not special purchase 417
articles, the following category codes to identify the 418
recyclable materials that the dealer receives: 419

(a) "Number one copper," which includes clean copper pipe, 420
clean copper wire, or other number one copper that does not have 421
solder, paint, or coating; 422

(b) "Number two copper," which includes unclean copper 423
pipe, unclean copper wire, or other number two copper; 424

(c) "Sheet copper," which includes copper roofing, copper 425

gutters, copper downspouts, and other sheet copper;	426
(d) "Insulated copper wire";	427
(e) "Aluminum or copper radiators," which includes aluminum radiators, aluminum copper radiators, and copper radiators;	428 429 430
(f) "Red brass," which includes red brass valves and other red brass;	431 432
(g) "Yellow brass," which includes yellow brass fixtures, yellow brass valve and fitting, ornamental brass, and other yellow brass;	433 434 435
(h) "Aluminum sheet";	436
(i) "Aluminum extrusions," which includes aluminum bleachers, aluminum benches, aluminum frames, aluminum pipe, and other aluminum extrusions;	437 438 439
(j) "Cast aluminum," which includes aluminum grills, lawnmower decks made of aluminum, aluminum motor vehicle parts and rims, and other cast aluminum;	440 441 442
(k) "Clean aluminum wire";	443
(l) "Unclean aluminum wire";	444
(m) "Aluminum exteriors," which includes aluminum siding, aluminum gutters and downspouts, aluminum shutters, aluminum trim, and other aluminum exterior items;	445 446 447
(n) "Contaminated aluminum";	448
(o) "Stainless steel," which includes, sinks, appliance housing, dishes, pots, pans, pipe, and other items made out of stainless steel;	449 450 451

(p) "Large appliances," which includes consumer and other appliances;	452 453
(q) "Steel structural," which includes all structural steel such as I-beams, trusses, channel iron, and similar steel from buildings;	454 455 456
(r) "Miscellaneous steel," which includes steel grates, steel farm machinery, steel industrial machinery, steel motor vehicle frames, and other items made out of steel;	457 458 459
(s) "Sheet irons," which includes bicycles, motor vehicle body parts made of iron, and other items made using sheet iron;	460 461
(t) "Motor vehicle nonbody parts," which includes motor vehicle batteries, radiators, and other nonbody motor vehicle parts;	462 463 464
(u) "Catalytic converters";	465
(v) "Lead";	466
(w) <u>(v)</u> "Electric motors";	467
(x) <u>(w)</u> "Electronic scrap," which includes any consumer or commercial electronic equipment such as computers, servers, routers, video displays, and similar products.	468 469 470
(6) For recyclable materials that are special purchase articles, the relevant category provided in division (A) (2) of this section.	471 472 473
(D) Railroad material, including journal brasses, rail spikes, rails, tie plates, frogs, and communication wire, other than purchases and sales under sections 4973.13 to 4973.16 of the Revised Code, shall be held by a scrap metal dealer for a period of thirty days after being purchased or acquired.	474 475 476 477 478

(E) (1) The records required under division (C) of this section or under section 4737.012 of the Revised Code shall be open for inspection by the representative of any law enforcement agency, railroad police officers, and the director of public safety or the director's designated representative during all business hours. A scrap metal dealer or bulk merchandise container dealer shall do ~~both~~ all of the following:

(a) Provide a copy of those records to any law enforcement agency or railroad police officer that requests the records or to the director or director's representative, upon request;

(b) ~~Prepare~~ Except as provided in division (E) (1) (c) of this section, prepare a daily electronic report, the content and format of which shall be established in rules adopted by the director, listing all retail transactions that occurred during the preceding day and containing the information described in division (C) of this section or division (A) of section 4737.012 of the Revised Code, as applicable. The dealer shall electronically transfer, by twelve noon eastern standard time, the report for inclusion in the registry created pursuant to division (E) of section 4737.045 of the Revised Code.

(c) Immediately upon completion of the purchase or receipt of a catalytic converter, submit the information required by division (C) of this section to the director of public safety for inclusion in the registry created pursuant to division (E) of section 4737.045 of the Revised Code.

(2) A law enforcement agency may inspect any photographic records collected and maintained by a scrap metal dealer of either yard operations or individual transactions. Records submitted to any law enforcement agency pursuant to this section are not public records for purposes of section 149.43 of the

Revised Code. 509

(3) Records submitted to any law enforcement agency, 510
railroad police officer, or the director or the director's 511
designated representative as required by section 4737.012 of the 512
Revised Code and sections 4737.04 to 4737.045 of the Revised 513
Code shall not be public records for the purposes of section 514
149.43 of the Revised Code. 515

(4) Notwithstanding division (E) (3) of this section, the 516
names and addresses of scrap metal dealers and bulk merchandise 517
container dealers shall be made available to the public by the 518
director upon request. 519

(5) A person who claims to own a stolen article that may 520
be identified in those records, or an agent of that person, who 521
provides proof of having filed a stolen property report with the 522
appropriate law enforcement agency, may request those records. 523
The law enforcement agency shall provide those records upon a 524
request made by such a person or that person's agent, but the 525
law enforcement agency shall redact information that reveals the 526
name of the seller of any article and the price the dealer paid 527
for any article the dealer purchased or the estimated value of 528
any article the dealer received. The law enforcement agency 529
shall determine which records to provide, based upon the time 530
period that the alleged theft is reported to have taken place. A 531
law enforcement agency may charge or collect a fee for providing 532
records as required by this section. 533

(F) (1) No scrap metal dealer shall purchase or receive any 534
metal articles, and no bulk merchandise container dealer shall 535
purchase or receive any bulk merchandise containers, from a 536
person who refuses to show the dealer the person's personal 537
identification card, or who refuses to allow the dealer to take 538

a photograph of the person as required under division (I) of 539
this section or of the person or container as required under 540
division (B) of section 4737.012 of the Revised Code. 541

(2) The law enforcement agency that serves the 542
jurisdiction in which a scrap metal dealer or a bulk merchandise 543
container dealer is located shall provide to the scrap metal 544
dealer or bulk merchandise container dealer a searchable, 545
electronic list prepared in accordance with rules adopted by the 546
director, as that agency determines appropriate, of the names 547
and descriptions of persons known to be thieves or receivers of 548
stolen property. The law enforcement agency may request the 549
appropriate clerk of courts to provide the list. No scrap metal 550
dealer or bulk merchandise container dealer shall purchase or 551
receive articles from any person who is either identified on the 552
list the dealer receives from the law enforcement agency, or who 553
appears on the lists made available by the director pursuant to 554
division (E) of section 4737.045 of the Revised Code. The law 555
enforcement agency also shall provide the list to the department 556
of public safety, in an electronic format in accordance with 557
rules adopted by the director, for inclusion in the registry 558
created in section 4737.045 of the Revised Code. 559

(3) No scrap metal dealer or bulk merchandise container 560
dealer shall purchase or receive any special purchase articles 561
or bulk merchandise containers from any person who is under 562
eighteen years of age. 563

(4) No scrap metal dealer shall purchase or receive any 564
special purchase article without complying with division (C) and 565
(I) of this section and ~~division (B), (C), or (D)~~ divisions (A) 566
(2) to (4) of section 4737.041 of the Revised Code. 567

(5) No scrap metal dealer shall purchase or receive more 568

than one catalytic converter per day from the same person except 569
from a motor vehicle dealer as defined in section 4517.01 of the 570
Revised Code. 571

(6) No scrap metal dealer shall purchase or receive a beer 572
keg that is marked with a company name or logo except from a 573
manufacturer of beer as described in section 4303.02 of the 574
Revised Code or an agent authorized by the manufacturer to 575
dispose of damaged kegs. 576

(7) No scrap metal dealer shall treat a transaction as 577
exempt from section 4737.04 or 4737.041 of the Revised Code 578
unless the seller provides evidence of satisfying division (D) 579
(3) of section 4737.043 of the Revised Code. 580

(G) (1) Every scrap metal dealer and bulk merchandise 581
container dealer shall post a notice in a conspicuous place on 582
the dealer's premises notifying persons who may wish to transact 583
business with the dealer of the penalties applicable to any 584
person who does any of the following: 585

~~(1)~~ (a) Provides a false personal identification card to 586
the dealer; 587

~~(2)~~ (b) With purpose to defraud, provides any other false 588
information to the dealer in connection with the dealer's duty 589
to maintain the records required under division (C) of this 590
section or under section 4737.012 of the Revised Code; 591

~~(3)~~ (c) Violates section 2913.02 of the Revised Code. 592

(2) Every scrap metal dealer shall post a notice in a 593
conspicuous place on the dealer's premises notifying persons 594
that catalytic converters are special purchase articles. 595

(H) (1) Except as otherwise provided in division (F) (2) of 596

this section, a clerk of courts or an employee of a clerk of courts; a chief of police, marshal, or other chief law enforcement officer; a sheriff, constable, or chief of police of a township police department or police district police force; a deputy, officer, or employee of the law enforcement agency served by the marshal or the municipal or township chief, the office of the sheriff, or the constable; and an employee of the department of public safety is immune from liability in a civil action, including an action for defamation, libel, or slander, to recover damages for injury, death, or loss to persons or property or reputation allegedly caused by an act or omission in connection with compiling and providing the list required by division (F) (2) of this section.

(2) The immunity described in division (H) (1) of this section does not apply to a person described in that division if, in relation to the act or omission in question, any of the following applies:

(a) The act or omission was manifestly outside the scope of the person's employment or official responsibilities.

(b) The act or omission was with malicious purpose, in bad faith, or in a wanton or reckless manner.

(c) Liability for the act or omission is expressly imposed by a section of the Revised Code.

(I) Every scrap metal dealer shall take a photograph, in accordance with rules adopted by the director, of each person who sells or otherwise gives the dealer an article for which the dealer must make record under division (C) of this section.

The dealer shall take the required photograph at the time the dealer purchases or receives the article and shall keep the

photograph as part of the record in accordance with division (C) 626
of this section. 627

(J) (1) An individual listed as a known thief or receiver 628
of stolen property on a list prepared pursuant to division (F) 629
(2) of this section may request that the individual's name be 630
removed from the list by filing an application with the law 631
enforcement agency responsible for preparing the list. 632

(2) A law enforcement agency receiving an application in 633
accordance with division (J) (1) of this section shall remove the 634
applicant's name from the list of known thieves and receivers of 635
stolen property if the individual has not been convicted of or 636
pleaded guilty to either a misdemeanor that is a theft offense, 637
as defined in section 2913.01 of the Revised Code, within three 638
years immediately prior to the date of the application or a 639
felony that is a theft offense within six years immediately 640
prior to the date of the application. 641

Sec. 4737.041. (A) A scrap metal dealer or bulk 642
merchandise container dealer shall do all of the following with 643
respect to each special purchase article the scrap metal dealer 644
purchases or receives or with respect to each bulk merchandise 645
container a bulk merchandise container dealer purchases or 646
receives that is subject to division (A) of section 4737.012 of 647
the Revised Code: 648

~~(A)~~ (1) Comply with the requirements of this section in 649
addition to complying with the applicable requirements of 650
section 4737.012 or 4737.04 of the Revised Code; 651

~~(B)~~ (2) Take a photograph of each special purchase article 652
or bulk merchandise container; 653

~~(C)~~ (3) Obtain from the seller or provider of the special 654

purchase article or bulk merchandise container proof that the 655
seller or provider owns the special purchase article or bulk 656
merchandise container; 657

~~(D)~~ (4) If payment is rendered for the special purchase 658
articles or bulk merchandise containers, issue a check for the 659
purchase of the special purchase articles or bulk merchandise 660
containers; 661

~~(E)~~ (5) Withhold payment for the purchase of the special 662
purchase articles or bulk merchandise containers for a period of 663
two days after the day the special purchase articles or bulk 664
merchandise containers are purchased; 665

~~(F)~~ (6) If an asserted owner of stolen special purchase 666
articles or bulk merchandise containers or that owner's agent 667
provides proof of having filed a stolen property report with the 668
appropriate law enforcement agency, make records describing 669
special purchase articles or bulk merchandise containers the 670
dealer purchased or received after the alleged date of theft 671
available for inspection to the asserted owner or owner's agent 672
for a period of six months after the alleged date of theft of 673
the articles, except that the dealer shall withhold the name of 674
the person from whom the special purchase articles or bulk 675
merchandise containers were purchased or received and the amount 676
paid for the special purchase articles or bulk merchandise 677
containers. 678

(B) A person, other than a scrap metal dealer, including a 679
person licensed or registered under Chapter 4737., 4738., or 680
4775. of the Revised Code, shall meet the requirements of 681
division (A) of this section with respect to each used catalytic 682
converter the person purchases or receives in the same manner as 683
if the person were a scrap metal dealer, including the 684

requirements of divisions (C), (E), and (F) of section 4737.04 685
of the Revised Code. No person described in this division shall 686
recklessly fail to comply with this division. 687

Sec. 4737.045. (A) To register as a scrap metal dealer or 688
a bulk merchandise container dealer with the director of public 689
safety as required by division (B) of section 4737.04 of the 690
Revised Code, a person shall do all of the following: 691

(1) Provide the name and street address of the dealer's 692
place of business; 693

(2) Provide the name of the primary owner of the business, 694
and of the manager of the business, if the manager is not the 695
primary owner; 696

(3) Provide the electronic mail address of the business; 697

(4) Provide confirmation that the dealer has the 698
capabilities to electronically connect with the department of 699
public safety for the purpose of sending and receiving 700
information; 701

(5) Provide any other information required by the director 702
in rules the director adopts pursuant to sections 4737.01 to 703
4737.045 of the Revised Code; 704

(6) Pay an initial registration fee of two hundred 705
dollars. 706

(B) A person engaging in the business of a scrap metal 707
dealer or a bulk merchandise container dealer in this state on 708
or before September 28, 2012, shall register with the director 709
not later than January 1, 2013. With respect to a person who 710
commences engaging in the business of a scrap metal dealer or a 711
bulk merchandise container dealer after September 28, 2012, the 712

person shall register with the director pursuant to this section 713
prior to commencing business as a scrap metal dealer or a bulk 714
merchandise container dealer. 715

(C) A registration issued to a scrap metal dealer or a 716
bulk merchandise container dealer pursuant to this section is 717
valid for a period of one year. A dealer shall renew the 718
registration in accordance with the rules adopted by the 719
director and pay a renewal fee of one hundred fifty dollars to 720
cover the costs of operating and maintaining the registry 721
created pursuant to division (E) of this section. 722

(D) A scrap metal dealer or a bulk merchandise container 723
dealer registered under this section shall prominently display a 724
copy of the annual registration certificate received from the 725
director pursuant to division (E) (2) of this section. 726

(E) The director shall do all of the following: 727

(1) Develop and implement, by January 1, 2014, and 728
maintain as a registry a secure database for use by law 729
enforcement agencies that is capable of all of the following: 730

(a) Receiving and securely storing all of the information 731
required by division (A) of this section and the daily 732
transaction data and catalytic converter transaction data that 733
scrap metal dealers and bulk merchandise dealers are required to 734
send pursuant to division (E) (1) of section 4737.04 of the 735
Revised Code; 736

(b) Providing secure search capabilities to law 737
enforcement agencies for enforcement purposes; 738

(c) Creating a link and retransmission capability for 739
receipt of routine scrap theft alerts published by the institute 740
of scrap recycling industries for transmission to dealers and 741

law enforcement agencies in the state; 742

(d) Making the electronic lists prepared pursuant to 743
division (F) (2) of section 4737.04 of the Revised Code available 744
through an electronic searchable format for individual law 745
enforcement agencies and for dealers in the state; 746

(e) Based on the data submitted under division (E) (1) (c) 747
of section 4737.04 and division (C) of section 4737.26 of the 748
Revised Code, making a list of all persons who, without a 749
license as required under section 4737.21 of the Revised Code, 750
sold catalytic converters in bulk available through an 751
electronic searchable format for individual law enforcement 752
agencies, dealers in this state, and persons who purchase or 753
intend to purchase catalytic converters in this state. The 754
director shall ensure that the list is updated within six hours 755
of the director's receipt of information submitted under 756
division (E) (1) (c) of section 4737.04 or division (C) of section 757
4737.26 of the Revised Code. The director shall remove a person 758
from the list after a period of sixty days has elapsed during 759
which the person did not make another unlicensed bulk sale of 760
catalytic converters. 761

(f) Providing, without charge, interlink programming 762
enabling the transfer of information to dealers. 763

(2) Issue, reissue, or deny registration to dealers; 764

(3) Adopt rules to enforce sections 4737.01 to 4737.045 of 765
the Revised Code, rules establishing procedures to renew a 766
registration issued under this section, rules for the format and 767
maintenance for the records required under division (A) of 768
section 4737.012 of the Revised Code or division (C) of section 769
4737.04 of the Revised Code, and rules regarding the delivery of 770

the report required by division (E)(1) of section 4737.04 of the Revised Code to the registry, which shall be used exclusively by law enforcement agencies.

(F) A scrap metal dealer or bulk merchandise container dealer may search, modify, or update only the dealer's own business data contained within the registry established in division (E) of this section.

(G) All fees received by the director pursuant to this section and division (F) of section 4737.99 of the Revised Code shall be used to develop and maintain the registry required under this section and for the department of public safety's operating expenses. The fees shall be deposited into the infrastructure protection fund which is hereby created in the state treasury.

(H)(1) The director of public safety shall not issue a registration to or renew the registration of a person who was convicted of or pleaded guilty to a violation of section 4737.041 of the Revised Code, a violation of section 2923.03 of the Revised Code when division (H) of section 4737.99 of the Revised Code applies, a violation of section 2913.02 of the Revised Code and sentenced pursuant to division (B)(10) of that section, or a violation of section 2913.51 of the Revised Code and sentenced pursuant to division (F) of that section.

(2) The director of public safety shall revoke the registration of a person who is convicted of or pleads guilty to a violation of section 4737.041 of the Revised Code, a violation of section 2923.03 of the Revised Code when division (H) of section 4737.99 of the Revised Code applies, a violation of section 2913.02 of the Revised Code and sentenced pursuant to division (B)(10) of that section, or a violation of section

2913.51 of the Revised Code and sentenced pursuant to division 801
(F) of that section. 802

Sec. 4737.10. (A) Before a license is granted or renewed 803
under sections 4737.05 to 4737.12 of the Revised Code, the 804
sheriff of each county, or, if the sheriff so designates, a 805
township police officer or constable, and the chief of police of 806
each municipal corporation shall inspect the junk yard within 807
the sheriff's, police officer's, constable's, or chief's 808
respective jurisdiction to determine if it complies with 809
sections 4737.05 to 4737.12 of the Revised Code. The sheriff, or 810
a township police officer or constable, or chief of police shall 811
submit a written report of such examination to the county 812
auditor of the county or the village solicitor or city director 813
of law of the municipal corporation wherein such junk yard is 814
located. 815

(B) In addition, twice annually the sheriff of each 816
county, or, if the sheriff so designates, a township police 817
officer or constable, and the chief of police of each municipal 818
corporation shall inspect every junk yard that is located within 819
the sheriff's, police officer's, constable's, or chief's 820
jurisdiction and for which a license has been issued under 821
sections 4737.05 to 4737.12 of the Revised Code, to obtain 822
information with regard to whether the licensee's activity has 823
been and is being conducted in accordance with sections 4737.01 824
to 4737.12 of the Revised Code. The sheriff, township police 825
officer or constable, or the chief of police shall submit a 826
written report of each such examination to the county auditor of 827
the county or the village solicitor or city director of law of 828
the municipal corporation wherein such junk yard is located. 829

The sheriff, township police officer or constable, or the 830

chief of police shall, for the purpose of these examinations, 831
have free access to the grounds and buildings used or proposed 832
for use in the conduct of the junk yard activity by the 833
applicant or the licensee. 834

Such inspections may be made at any time, at the option of 835
the sheriff, township police officer or constable, or the chief 836
of police during the regular work hours of the licensee or 837
within the hours of eight a.m. and five p.m. Monday through 838
Friday. 839

The director of transportation may also inspect junk yards 840
adjacent to state highways to obtain information with regard to 841
whether the licensee's activity is being conducted in accordance 842
with sections 4737.01 to 4737.12 of the Revised Code. If such 843
inspection indicates that there is a violation of any of the 844
provisions of such sections the director shall advise the 845
attorney general of such alleged violations and request the 846
attorney general to take proper legal action. 847

(C) Whenever it is determined upon any semiannual 848
inspection made under this section that a junk yard is not being 849
conducted in accordance with the requirements of sections 850
4737.01 to 4737.12 of the Revised Code, the sheriff of the 851
county, township police officer or constable, or the chief of 852
police of the municipal corporation within whose jurisdiction 853
the junk yard is located, shall immediately notify the owner of 854
the junk yard of such fact. The notice shall be sent to the 855
owner by registered mail, and shall detail the areas which are 856
not in conformity with the requirements of sections 4737.01 to 857
4737.12 of the Revised Code. A copy of the notice shall also be 858
sent to the auditor of the county, or the village solicitor or 859
city director of law of the municipal corporation within which 860

the junk yard is located. 861

(D) Any owner of a junk yard who receives a notice as 862
provided in this section shall, within sixty days after the 863
mailing of the notice, undertake and complete such changes or 864
improvements as are necessary to conform the junk yard to the 865
requirements of sections 4737.01 to 4737.12 of the Revised Code. 866
At the expiration of the sixty-day period, the sheriff, township 867
police officer or constable, or the chief of police shall make a 868
further inspection of the junk yard, and if the required changes 869
or improvements have not been made, the sheriff, township police 870
officer or constable, or the chief of ~~the~~ police shall send 871
notice of that noncompliance along with an order to suspend the 872
owner's license to the chief executive officer of the 873
municipality or the county auditor of the county in which the 874
licensee's junk yard is located. After receiving that notice and 875
order, the chief executive officer or county auditor, as 876
appropriate, shall suspend the owner's license for ninety days. 877
While the owner's license is suspended, the owner shall 878
undertake and complete such changes or improvements necessary to 879
conform the junk yard to the requirements of sections 4737.01 to 880
4737.12 of the Revised Code. 881

(E) An owner whose license is suspended pursuant to 882
division (D) of this section may appeal the suspension in 883
accordance with Chapter 2506. of the Revised Code. 884

At any time during the ninety days in which an owner's 885
license is suspended, the owner may apply to the sheriff, 886
township police officer or constable, or the chief of ~~the~~ police 887
to have the junk yard inspected. If, after the inspection, the 888
sheriff, township police officer or constable, or the chief of 889
~~the~~ police determines that the junk yard conforms to the 890

requirements of sections 4737.01 to 4737.12 of the Revised Code, 891
the sheriff, township police officer or constable, or the chief 892
of ~~the~~ police, as appropriate, shall send notice of that 893
compliance along with an order to remove the suspension and 894
reinstate the owner's license to the chief executive officer of 895
the municipality or the county auditor of the county in which 896
the licensee's junk yard is located. After receiving that notice 897
and order, the chief executive officer or the county auditor, as 898
appropriate, shall remove the suspension and reinstate the 899
owner's license. 900

(F) (1) An owner may sell junk while the owner's license is 901
suspended. 902

(2) No licensee may accept junk for future resale during 903
the time that the licensee's license is suspended under division 904
(D) of this section. 905

(G) If an owner's license has not been reinstated under 906
division (E) of this section prior to the end of a ninety-day 907
suspension, the sheriff, township police officer or constable, 908
or the chief of police shall make a further inspection of the 909
junk yard. If the owner has not made the required changes or 910
improvements, the sheriff, township police officer or constable, 911
or chief of police shall send notice of that noncompliance along 912
with an order to revoke the owner's license to the chief 913
executive officer of the municipality or the county auditor of 914
the county in which the licensee's junk yard is located. After 915
receiving that notice and order, the chief executive officer or 916
the county auditor shall revoke the owner's license in 917
accordance with the procedures specified in section 4737.07 of 918
the Revised Code. In addition to having the licensee's license 919
revoked, the owner of the junk yard shall be subject to a tax of 920

one hundred dollars for each day after revocation that the 921
violation continues. 922

The sheriff, township police officer or constable, or the 923
chief of police shall certify a return of the imposition of said 924
tax thereon to the county auditor, who shall enter the same as a 925
tax upon the property and against the persons upon which or whom 926
the lien was imposed as and when other taxes are entered. The 927
provisions of the laws relating to the collection of taxes in 928
this state, the delinquency thereof, and sale of property for 929
taxes shall govern in the collection of the tax prescribed in 930
this section insofar as the same are applicable. 931

(H) (1) The chief executive officer of the municipality or 932
the county auditor of the county in which a junk yard is located 933
shall not issue a license to or renew the license of an owner 934
who was convicted of or pleaded guilty to a violation of 935
division (B) of section 4737.041 of the Revised Code, a 936
violation of section 2923.03 of the Revised Code when division 937
(H) of section 4737.99 of the Revised Code applies, a violation 938
of section 2913.02 of the Revised Code and sentenced pursuant to 939
division (B) (10) of that section, or a violation of section 940
2913.51 of the Revised Code and sentenced pursuant to division 941
(F) of that section. 942

(2) The chief executive officer of the municipality or the 943
county auditor of the county in which a junk yard is located 944
shall revoke the license of an owner who is convicted of or 945
pleads guilty to a violation of division (B) of section 4737.041 946
of the Revised Code, a violation of section 2923.03 of the 947
Revised Code and sentenced pursuant to division (H) of section 948
4737.99 of the Revised Code, a violation of section 2913.02 of 949
the Revised Code and sentenced pursuant to division (B) (10) of 950

that section, or a violation of section 2913.51 of the Revised Code and sentenced pursuant to division (F) of that section. 951
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Sec. 4737.20. As used in sections 4737.20 to 4737.26 of the Revised Code, "to sell catalytic converters in bulk" means to sell more than one catalytic converter per day regardless of the number of purchasers. 953
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Sec. 4737.21. (A) Except as provided in division (B) of this section, no person shall sell catalytic converters in bulk without first having obtained a license from the department of public safety. 957
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(B) Notwithstanding any provision in this chapter to the contrary, a person holding a license or registration pursuant to Chapter 4737., 4738., or 4775 of the Revised Code may sell catalytic converters in bulk without being separately licensed pursuant to this chapter. 961
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Sec. 4737.22. The director of public safety shall do all of the following: 966
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(A) Adopt rules in accordance with Chapter 119. of the Revised Code as necessary to carry out the purposes of this chapter; 968
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(B) Determine whether to refuse to issue, refuse to renew, suspend, or revoke a license; 971
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(C) Do all acts and perform all functions as are necessary for the administration and enforcement of sections 4737.20 to 4737.26 of the Revised Code. 973
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Sec. 4737.23. (A) Each person applying for a bulk catalytic converter sales license shall deliver an application to the director of public safety on a form prescribed by the 976
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director and signed by the applicant. The applicant shall 979
include with the application the initial licensing fee set forth 980
in section 4737.24 of the Revised Code. The application shall 981
include all of the following information in addition to any 982
other information the director requires: 983

(1) The name and state tax identification number of the 984
applicant and, if applicable, the location of the applicant's 985
principal place of business. If the applicant has no principal 986
place of business, then the home address of the applicant. 987

(2) The name or style under which the business is to be 988
conducted if any and, if a corporation, the state of 989
incorporation; 990

(3) A statement showing whether the applicant has 991
previously been convicted of or pleaded guilty to an offense 992
that has a direct nexus to bulk catalytic converter sales, 993
including an offense under Chapter 2911., 2913., or 2923. of the 994
Revised Code, provided the director complies with section 9.79 995
of the Revised Code; 996

(4) A statement showing whether the applicant has 997
previously applied for a license under this chapter and the 998
result of the application, and whether the applicant has ever 999
been the holder of any such license that was revoked or 1000
suspended; 1001

(5) If the applicant is a corporation or partnership, a 1002
statement showing whether any of the partners, officers, or 1003
directors have been refused a license under this chapter, or 1004
have been the holder of any such license that was revoked or 1005
suspended. 1006

(B) Upon receipt of the completed application form and 1007

fees and if the director determines that the applicant meets the 1008
requirements for licensure under division (A) of this section, 1009
the director shall issue a license to the applicant. 1010

(C) Each license issued under this section expires 1011
annually on the date of its original issuance and may be renewed 1012
in accordance with the standard renewal procedure of Chapter 1013
4745. of the Revised Code. The application for a renewal shall 1014
be accompanied by the same information and proof as is required 1015
to accompany an initial application under division (A) of this 1016
section and the renewal fee established pursuant to section 1017
4737.24 of the Revised Code. 1018

(D) When a licensee experiences a change in any 1019
information or data required under division (A) of this section 1020
or by rule of the director for licensure as a seller of bulk 1021
catalytic converters, the licensee shall submit written 1022
notification of the change to the director within sixty days 1023
after the date that the previously submitted information becomes 1024
obsolete. If a licensee fails to submit the written notification 1025
of a change in information or data within sixty days after the 1026
change in information or data, the licensee's license is 1027
automatically suspended, except that the director may waive the 1028
suspension for good cause shown. 1029

(E) Notwithstanding section 5703.21 of the Revised Code, 1030
the department of taxation may disclose to the board any 1031
information necessary for the board to verify the existence of 1032
an applicant's valid vendor's license and current state tax 1033
identification number. 1034

Sec. 4737.24. The initial and annual renewal fee for a 1035
bulk catalytic converter sales license is one hundred dollars. 1036
The director of public safety shall adjust the fee as necessary 1037

in order to provide for the expenses associated with carrying 1038
out this chapter. 1039

Sec. 4737.25. (A) In accordance with Chapter 119. of the 1040
Revised Code, the director of public safety may refuse to issue 1041
or renew a license or may determine whether to waive a 1042
suspension of a license as provided in division (D) of section 1043
4737.23 of the Revised Code. 1044

(B) The director shall investigate any alleged violations 1045
of sections 4737.20 to 4737.26 of the Revised Code. 1046

Sec. 4737.26. (A) A person who is required to be licensed 1047
under section 4737.21 of the Revised Code shall maintain 1048
documentation of each catalytic converter the person sells. The 1049
documentation shall include all of the following: 1050

(1) The name and residence of the purchaser to whom each 1051
catalytic converter is sold, or the name and business address of 1052
such purchaser if the purchaser is a business; 1053

(2) The date and time of each sale; 1054

(3) If the purchaser arrives at the seller's residence or 1055
place of business in a motor vehicle, the license plate number 1056
of that motor vehicle along with the state that issued the 1057
license plate; 1058

(4) A full and accurate description of each catalytic 1059
converter sold that includes identifying letters or marks 1060
written, inscribed, or otherwise included on the article and the 1061
name and maker of the catalytic converter if known. 1062

(B) A person who is required to be licensed under section 1063
4737.21 of the Revised Code shall maintain documentation of each 1064
catalytic converter the person purchases or receives. The 1065

documentation shall include all of the following: 1066

(1) The name and residence of the person from whom each catalytic converter was purchased or received, or the name and business address of such person if the person is a business; 1067
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(2) The date and time each purchase or receipt occurred; 1070

(3) If the seller arrives at the purchaser's residence or place of business in a motor vehicle, the license plate number of that motor vehicle along with the state that issued the license plate; 1071
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(4) A full and accurate description of each catalytic converter purchased or received that includes identifying letters or marks written, inscribed, or otherwise included on the article and the name and maker of the catalytic converter if known. 1075
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(C) A person who is required to be licensed under section 4737.21 of the Revised Code shall transmit the information required under divisions (A) and (B) of this section to the director of public safety for inclusion in the registry developed by the director pursuant to section 4737.045 of the Revised Code immediately upon the completion of each transaction. 1080
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Sec. 4737.99. (A) Except as specified in divisions (B), (C), (D), (E), and (F) of this section, whoever violates sections 4737.01 to 4737.11 of the Revised Code, shall be fined not less than twenty-five nor more than one thousand dollars and the costs of prosecution. 1087
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(B) Whoever violates division (F) (2) of section 4737.10 of the Revised Code is guilty of a misdemeanor of the fourth degree. 1092
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~~(C) Whoever~~ (C) (1) Except as provided in division (C) (2) 1095
of this section, whoever fails to comply with or violates 1096
section 4737.01, 4737.012, or 4737.041, division (C), (D), (E), 1097
(F), (G), or (I) of section 4737.04, or division (D) of section 1098
4737.045 of the Revised Code is guilty of a misdemeanor of the 1099
first degree. If the offender one time previously has violated 1100
or failed to comply with section 4737.01, 4737.012, or 4737.041, 1101
division (C), (D), (E), (F), (G), or (I) of section 4737.04, or 1102
division (D) of section 4737.045 of the Revised Code, the 1103
violation or failure is a felony of the fifth degree. If the 1104
offender two or more times previously has violated or failed to 1105
comply with section 4737.01, 4737.012, or 4737.041, division 1106
(C), (D), (E), (F), (G), or (I) of section 4737.04, or division 1107
(D) of section 4737.045 of the Revised Code, the violation or 1108
failure is a felony of the fourth degree. For any second or 1109
subsequent violation of or failure to comply with section 1110
4737.01, 4737.012, or 4737.041, or division (C), (D), (E), (F), 1111
(G), or (I) of section 4737.04, or division (D) of section 1112
4737.045 of the Revised Code, a court may suspend the 1113
registration issued to the scrap metal dealer or bulk 1114
merchandise container dealer under section 4737.045 of the 1115
Revised Code for a period of ninety days, during which time 1116
period the person shall not engage in the business of a scrap 1117
metal dealer or a bulk merchandise container dealer, as 1118
applicable. 1119

(2) A business entity that, with respect to the sale, 1120
purchase, or receipt of a catalytic converter, violates division 1121
(C), (E) (1), (F) (2), (F) (5), or (I) of section 4737.04, division 1122
(B) of section 4737.041, or section 4737.26 of the Revised Code, 1123
notwithstanding section 2929.31 of the Revised Code, shall be 1124
fined not less than ten thousand dollars and not more than fifty 1125

thousand dollars per violation. 1126

(D) Whoever violates division (B) (1) of section 4737.04 of 1127
the Revised Code is guilty of a felony of the fifth degree. The 1128
court also shall enjoin the person from engaging in the business 1129
of a scrap metal dealer or a bulk merchandise dealer. 1130

(E) Whoever violates division (B) (2) of section 4737.04 of 1131
the Revised Code is guilty of a felony of the fifth degree for 1132
the first offense and a felony of the third degree for any 1133
subsequent offense. 1134

(F) Any motor vehicle used in the theft or illegal 1135
transportation of metal shall be impounded for at least thirty 1136
days and not more than sixty days. If the same motor vehicle is 1137
used in connection with a second or subsequent theft or illegal 1138
transportation of metal, the motor vehicle shall be impounded 1139
for at least sixty days and not more than one hundred eighty 1140
days. Any motor vehicle used in the theft or illegal 1141
transportation of a special purchase article or bulk merchandise 1142
container shall be impounded for at least ninety days and not 1143
more than three hundred sixty days. A motor vehicle impounded 1144
pursuant to this division shall be stored at a municipal 1145
corporation impound lot, if available, or at a lot owned by a 1146
private entity or another governmental unit that the municipal 1147
corporation utilizes for the purpose of impounding a motor 1148
vehicle. An impounded motor vehicle may be recovered from the 1149
impound lot at the end of the impound term upon payment of fees. 1150

(G) The director of public safety shall impose upon a 1151
person who violates section 4737.21 of the Revised Code a civil 1152
fine of not more than one thousand dollars on a first offense. 1153
On each subsequent offense, the director shall fine the offender 1154
not less than one thousand nor more than five thousand dollars. 1155

(H) A person is complicit under section 2923.03 of the Revised Code if the person sells a catalytic converter to another person who, in the purchase or receipt of the catalytic converter, violates any of the following: 1156
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(1) Division (F)(1) of section 4737.04 of the Revised Code; 1160
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(2) Division (B) of section 4737.041 of the Revised Code when the violation involves a failure to obtain identifying information of the seller of a catalytic converter or proof of ownership of a catalytic converter; 1162
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(3) Division (A) or (B) of section 4737.26 of the Revised Code. 1166
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Sec. 4738.07. (A) Except as otherwise provided in division (B) of this section, the registrar of motor vehicles shall deny the application of any person for a license under this chapter and refuse to issue the person a license if the registrar finds that the applicant: 1168
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(1) Has made false statement of a material fact in the individual's application; 1173
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(2) Has not complied with sections 4738.01 to 4738.15 of the Revised Code: 1175
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(3) Has habitually defaulted on financial obligations; 1177

(4) Has been convicted of or pleaded guilty to a disqualifying offense, provided the registrar complies with section 9.79 of the Revised Code; 1178
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(5) Has been guilty of a fraudulent act in connection with dealing in salvage motor vehicles or when operating as a motor vehicle salvage dealer, salvage motor vehicle auction, or 1181
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salvage motor vehicle pool; 1184

(6) Is insolvent; 1185

(7) Is of insufficient responsibility to assure the prompt 1186
payment of any final judgments which might reasonably be entered 1187
against the individual because of the transaction of the 1188
individual's business during the period of the license applied 1189
for; 1190

(8) Has no established place of business;~~or~~ 1191

(9) Has less than twelve months prior to said application, 1192
been denied a license under this chapter; 1193

(10) Was convicted of or pleaded guilty to a violation of 1194
division (B) of section 4737.041 of the Revised Code, a 1195
violation of division (H) of section 4737.99 of the Revised 1196
Code, a violation of section 2913.02 of the Revised Code and 1197
sentenced pursuant to division (B)(10) of that section, or a 1198
violation of section 2913.51 of the Revised Code and sentenced 1199
pursuant to division (F) of that section. 1200

~~(B) In~~(1) Except as provided in division (B)(2) of this 1201
section, in considering a renewal of an individual's license, 1202
the registrar shall not consider any conviction or plea of 1203
guilty prior to the initial licensing. However, the registrar 1204
may consider a conviction or plea of guilty if it occurred after 1205
the individual was initially licensed, or after the most recent 1206
license renewal. 1207

(2) The registrar shall not renew an individual's license 1208
if the individual was convicted of or pleaded guilty to a 1209
violation of division (B) of section 4737.041 of the Revised 1210
Code, a violation of division (H) of section 4737.99 of the 1211
Revised Code, a violation of section 2913.02 of the Revised Code 1212

and sentenced pursuant to division (B)(10) of that section, or a 1213
violation of section 2913.51 of the Revised Code and sentenced 1214
pursuant to division (F) of that section. 1215

(C) The registrar may grant a person a conditional license 1216
that lasts for one year. After the one-year period has expired, 1217
the license is no longer considered conditional, and the person 1218
shall be considered fully licensed. 1219

(D) If the applicant is a corporation or partnership, the 1220
registrar may refuse to issue a license if any officer, 1221
director, or partner of the applicant has been guilty of any 1222
disqualifying offense and the refusal is in accordance with 1223
section 9.79 of the Revised Code. The registrar's finding may be 1224
based upon facts contained in the application or upon any other 1225
information which the registrar may have. Immediately upon 1226
denying an application for any of the reasons in this section, 1227
the registrar shall enter a final order together with the 1228
registrar's findings and certify the same to the motor vehicle 1229
salvage dealer's licensing board. 1230

(E) If the registrar refuses an application for a license, 1231
the reasons for such refusal shall be put in writing. An 1232
applicant who has been refused a license may appeal from the 1233
action of the registrar to the motor vehicle salvage dealer's 1234
licensing board in the manner prescribed in section 4738.12 of 1235
the Revised Code. 1236

(F) The registrar of motor vehicles shall not adopt, 1237
maintain, renew, or enforce any rule, or otherwise preclude in 1238
any way, an individual from renewing a license under this 1239
chapter due to any past criminal activity or interpretation of 1240
moral character, except as pursuant to division (B) of this 1241
section. If the registrar denies an individual a license or 1242

license renewal, the reasons for such denial shall be put in 1243
writing. 1244

Sec. 4738.12. The motor vehicle salvage dealer's licensing 1245
board shall hear appeals which may be taken from an order of the 1246
registrar of motor vehicles, refusing to issue a license. All 1247
appeals from any order of the registrar refusing to issue any 1248
license upon proper application made must be taken within thirty 1249
days from the date of the order, or the order is final and 1250
conclusive. All appeals from orders of the registrar must be by 1251
petition in writing and verified under oath by the applicant 1252
whose application for license has been denied, and must set 1253
forth the reason why, in the petitioner's opinion, the order of 1254
the registrar is not correct. In appeals the board may make 1255
investigation to determine the correctness and legality of the 1256
order of the registrar. 1257

The board may make rules governing its actions relative to 1258
the suspension and revocation of licenses and may, upon its own 1259
motion, and shall, upon the verified complaint in writing of any 1260
person, investigate the conduct of any licensee under this 1261
chapter. The board shall suspend or revoke or notify the 1262
registrar to refuse to renew any license if any ground existed 1263
upon which the license would have been refused, or if a ground 1264
exists which would be cause for refusal to issue a license. 1265

The board may suspend or revoke any license if the 1266
licensee has in any manner violated the rules issued pursuant to 1267
sections 4738.01 to 4738.16 of the Revised Code, or has been 1268
convicted of committing a felony or violating any law which in 1269
any way relates to the theft of motor vehicles. 1270

The board shall revoke any license if the licensee is 1271
convicted of or pleads guilty to a violation of division (B) of 1272

section 4737.041 of the Revised Code, a violation of division 1273
(H) of section 4737.99 of the Revised Code, a violation of 1274
section 2913.02 of the Revised Code and sentenced pursuant to 1275
division (B)(10) of that section, or a violation of section 1276
2913.51 of the Revised Code and sentenced pursuant to division 1277
(F) of that section. 1278

Sec. 4745.01. (A) "Standard renewal procedure," as used in 1279
Chapters 905., 907., 909., 911., 913., 915., 918., 921., 923., 1280
927., 942., 943., 953., 1321., 3710., 3713., 3719., 3742., 1281
3748., 3769., 3783., 3921., 3951., 4104., 4105., 4169., 4561., 1282
4703., 4707., 4709., 4713., 4715., 4717., 4723., 4725., 4727., 1283
4728., 4729., 4731., 4733., 4734., 4739., 4741., 4747., 4749., 1284
4752., 4753., 4755., 4757., 4758., 4759., 4761., 4766., 4773., 1285
and 4775. of the Revised Code and section 4737.23 of the Revised 1286
Code, means the license renewal procedures specified in this 1287
chapter. 1288

(B) "Licensing agency," as used in this chapter, means any 1289
department, division, board, section of a board, or other state 1290
governmental unit subject to the standard renewal procedure, as 1291
defined in this section, and authorized by the Revised Code to 1292
issue a license to engage in a specific profession, occupation, 1293
or occupational activity, or to have charge of and operate 1294
certain specified equipment, machinery, or premises. 1295

(C) "License," as used in this chapter, means a license, 1296
certificate, permit, card, or other authority issued or 1297
conferred by a licensing agency by authority of which the 1298
licensee has or claims the privilege to engage in the 1299
profession, occupation, or occupational activity, or to have 1300
control of and operate certain specific equipment, machinery, or 1301
premises, over which the licensing agency has jurisdiction. 1302

(D) "Licensee," as used in this chapter, means either the person to whom the license is issued or renewed by a licensing agency, or the person, partnership, or corporation at whose request the license is issued or renewed.

(E) "Renewal" and "renewed," as used in this chapter and in the chapters of the Revised Code specified in division (A) of this section, includes the continuing licensing procedure provided in Chapter 3748. of the Revised Code and rules adopted under it and in sections 1321.05 and 3921.33 of the Revised Code, and as applied to those continuing licenses any reference in this chapter to the date of expiration of any license shall be construed to mean the due date of the annual or other fee for the continuing license.

Sec. 4775.09. (A) (1) In accordance with Chapter 119. of the Revised Code, the motor vehicle repair board may refuse to issue or renew a registration certificate or may determine whether to waive a suspension of a registration certificate as provided in division (D) of section 4775.07 of the Revised Code.

(2) Within ten days after receipt of an abstract from a county court judge, mayor of a mayor's court, or clerk of a court of record indicating a violation of division (D) of section 4513.241 of the Revised Code, the board shall determine whether the person named in the abstract is registered with the board and, if the person is so registered, shall further determine whether the person previously has been convicted of or pleaded guilty to a violation of that section. If the person previously has been convicted of or pleaded guilty to a violation of that section, the board, in accordance with Chapter 119. of the Revised Code but without a prior hearing, shall suspend the person's registration for a period of not more than

one hundred eighty days. 1333

(B) The court of common pleas of Franklin county has 1334
exclusive jurisdiction over any person who conducts, or attempts 1335
to conduct, business as a motor vehicle repair operator in 1336
violation of this chapter or any rule adopted under this 1337
chapter. The court, on application of the board, may issue an 1338
injunction, a cease and desist order, or other appropriate order 1339
restraining the person from continuing the violation. This 1340
section shall operate in addition to and shall not prohibit the 1341
enforcement of any other law. 1342

(C) Upon the request of the executive director or as a 1343
result of complaints, the board shall investigate the alleged 1344
violation. 1345

(D) No person required to be registered under this chapter 1346
shall have the benefit of any lien for labor or materials unless 1347
the person is registered under this chapter. 1348

(E) No person whose application for registration under 1349
this chapter is denied shall open or operate a facility for 1350
business as a motor vehicle collision repair facility or motor 1351
vehicle window tint installation facility under the name of the 1352
person designated in the application for a registration 1353
certificate or under any other name prior to registering as a 1354
motor vehicle repair operator in accordance with this chapter. 1355

(F) (1) The board shall not issue a registration to or 1356
renew the registration of a person who was convicted of or 1357
pleaded guilty to a violation of division (B) of section 1358
4737.041 of the Revised Code, a violation of division (H) of 1359
section 4737.99 of the Revised Code, a violation of section 1360
2913.02 of the Revised Code and sentenced pursuant to division 1361

(B) (10) of that section, or a violation of section 2913.51 of 1362
the Revised Code and sentenced pursuant to division (F) of that 1363
section. 1364

(2) The board shall revoke the registration of a person 1365
who is convicted of or pleads guilty to a violation of division 1366
(B) of section 4737.041 of the Revised Code, a violation of 1367
division (H) of section 4737.99 of the Revised Code, a violation 1368
of section 2913.02 of the Revised Code and sentenced pursuant to 1369
division (B) (10) of that section, or a violation of section 1370
2913.51 of the Revised Code and sentenced pursuant to division 1371
(F) of that section. 1372

Section 2. That existing sections 2913.02, 2913.51, 1373
4737.012, 4737.04, 4737.041, 4737.045, 4737.10, 4737.99, 1374
4738.07, 4738.12, 4745.01, and 4775.09 of the Revised Code are 1375
hereby repealed. 1376