

**As Introduced**

**135th General Assembly**

**Regular Session**

**2023-2024**

**H. B. No. 110**

**Representatives Young, B., Roemer**

**Cosponsors: Representatives Lampton, Young, T., Johnson, Swearingen, White, Seitz, Creech, Ghanbari, Mathews, Dell'Aquila, Carruthers, Lipps, Jones, Cross, Cutrona, Schmidt, Brown, Weinstein, Dean, LaRe, Plummer, Stoltzfus, Hillyer, Humphrey, Troy, Miller, K., Dobos, Williams**

---

**A BILL**

To amend sections 2913.02, 2913.51, 4737.012, 1  
4737.04, 4737.041, 4737.045, 4737.99, 4738.03, 2  
4738.07, 4738.12, 4745.01, 4775.09, and 5703.21 3  
and to enact sections 4737.046, 4737.20, 4  
4737.21, 4737.22, 4737.23, 4737.24, 4737.25, and 5  
4737.98 of the Revised Code regarding the sale 6  
of used catalytic converters, and to make an 7  
appropriation. 8

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

**Section 1.** That sections 2913.02, 2913.51, 4737.012, 9  
4737.04, 4737.041, 4737.045, 4737.99, 4738.03, 4738.07, 4738.12, 10  
4745.01, 4775.09, and 5703.21 be amended and sections 4737.046, 11  
4737.20, 4737.21, 4737.22, 4737.23, 4737.24, 4737.25, and 12  
4737.98 of the Revised Code be enacted to read as follows: 13

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

following ways:	17
(1) Without the consent of the owner or person authorized to give consent;	18 19
(2) Beyond the scope of the express or implied consent of the owner or person authorized to give consent;	20 21
(3) By deception;	22
(4) By threat;	23
(5) By intimidation.	24
(B) (1) Whoever violates this section is guilty of theft.	25
(2) Except as otherwise provided in this division or division (B) (3), (4), (5), (6), (7), (8), <del>or (9)</del> , <u>or (10)</u> of this section, a violation of this section is misdemeanor 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	26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45

services stolen is one million five hundred thousand dollars or 46  
more, a violation of this section is aggravated theft of one 47  
million five hundred thousand dollars or more, a felony of the 48  
first degree. 49

(3) Except as otherwise provided in division (B) (4), (5), 50  
(6), (7), (8), ~~or (9)~~, or (10) of this section, if the victim of 51  
the offense is an elderly person, disabled adult, active duty 52  
service member, or spouse of an active duty service member, a 53  
violation of this section is theft from a person in a protected 54  
class, and division (B) (3) of this section applies. Except as 55  
otherwise provided in this division, theft from a person in a 56  
protected class is a felony of the fifth degree. If the value of 57  
the property or services stolen is one thousand dollars or more 58  
and is less than seven thousand five hundred dollars, theft from 59  
a person in a protected class is a felony of the fourth degree. 60  
If the value of the property or services stolen is seven 61  
thousand five hundred dollars or more and is less than thirty- 62  
seven thousand five hundred dollars, theft from a person in a 63  
protected class is a felony of the third degree. If the value of 64  
the property or services stolen is thirty-seven thousand five 65  
hundred dollars or more and is less than one hundred fifty 66  
thousand dollars, theft from a person in a protected class is a 67  
felony of the second degree. If the value of the property or 68  
services stolen is one hundred fifty thousand dollars or more, 69  
theft from a person in a protected class is a felony of the 70  
first degree. If the victim of the offense is an elderly person, 71  
in addition to any other penalty imposed for the offense, the 72  
offender shall be required to pay full restitution to the victim 73  
and to pay a fine of up to fifty thousand dollars. The clerk of 74  
court shall forward all fines collected under division (B) (3) of 75  
this section to the county department of job and family services 76

to be used for the reporting and investigation of elder abuse, 77  
neglect, and exploitation or for the provision or arrangement of 78  
protective services under sections 5101.61 to 5101.71 of the 79  
Revised Code. 80

(4) If the property stolen is a firearm or dangerous 81  
ordnance, a violation of this section is grand theft. Except as 82  
otherwise provided in this division, grand theft when the 83  
property stolen is a firearm or dangerous ordnance is a felony 84  
of the third degree, and there is a presumption in favor of the 85  
court imposing a prison term for the offense. If the firearm or 86  
dangerous ordnance was stolen from a federally licensed firearms 87  
dealer, grand theft when the property stolen is a firearm or 88  
dangerous ordnance is a felony of the first degree. The offender 89  
shall serve a prison term imposed for grand theft when the 90  
property stolen is a firearm or dangerous ordnance consecutively 91  
to any other prison term or mandatory prison term previously or 92  
subsequently imposed upon the offender. 93

(5) If the property stolen is a motor vehicle, a violation 94  
of this section is grand theft of a motor vehicle, a felony of 95  
the fourth degree. 96

(6) If the property stolen is any dangerous drug, a 97  
violation of this section is theft of drugs, a felony of the 98  
fourth degree, or, if the offender previously has been convicted 99  
of a felony drug abuse offense, a felony of the third degree. 100

(7) If the property stolen is a police dog or horse or an 101  
assistance dog and the offender knows or should know that the 102  
property stolen is a police dog or horse or an assistance dog, a 103  
violation of this section is theft of a police dog or horse or 104  
an assistance dog, a felony of the third degree. 105

(8) If the property stolen is anhydrous ammonia, a 106  
violation of this section is theft of anhydrous ammonia, a 107  
felony of the third degree. 108

(9) Except as provided in division (B) (2) of this section 109  
with respect to property with a value of seven thousand five 110  
hundred dollars or more and division (B) (3) of this section with 111  
respect to property with a value of one thousand dollars or 112  
more, if the property stolen is a special purpose article as 113  
defined in section 4737.04 of the Revised Code or is a bulk 114  
merchandise container as defined in section 4737.012 of the 115  
Revised Code, a violation of this section is theft of a special 116  
purpose article or articles or theft of a bulk merchandise 117  
container or containers, a felony of the fifth degree. 118

~~(10)~~ (10) (a) If the property stolen is a catalytic 119  
converter, a violation of this section is theft of a catalytic 120  
converter, a felony of the fifth degree. 121

(b) If the offender has previously been convicted of or 122  
pleaded guilty to a violation of Chapter 2911., 2913., or 2923. 123  
of the Revised Code, theft of a catalytic converter is a felony 124  
of the fourth degree. 125

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

(d) The clerk of the court shall pay any fine imposed 132  
pursuant to division (B) (10) of this section to the county, 133  
township, municipal corporation, park district as created 134

pursuant to section 511.18 or 1545.04 of the Revised Code, or 135  
state law enforcement agencies in this state that primarily were 136  
responsible for, or involved in, arresting and prosecuting the 137  
offender. 138

(e) As used in division (B) (10) of this section, 139  
"catalytic converter" has the same meaning as in section 4737.04 140  
of the Revised Code. 141

(11) In addition to the penalties described in division 142  
(B) (2) of this section, if the offender committed the violation 143  
by causing a motor vehicle to leave the premises of an 144  
establishment at which gasoline is offered for retail sale 145  
without the offender making full payment for gasoline that was 146  
dispensed into the fuel tank of the motor vehicle or into 147  
another container, the court may do one of the following: 148

(a) Unless division ~~(B) (10) (b)~~ (B) (11) (b) of this section 149  
applies, suspend for not more than six months the offender's 150  
driver's license, probationary driver's license, commercial 151  
driver's license, temporary instruction permit, or nonresident 152  
operating privilege; 153

(b) If the offender's driver's license, probationary 154  
driver's license, commercial driver's license, temporary 155  
instruction permit, or nonresident operating privilege has 156  
previously been suspended pursuant to division ~~(B) (10) (a)~~ (B) 157  
(11) (a) of this section, impose a class seven suspension of the 158  
offender's license, permit, or privilege from the range 159  
specified in division (A) (7) of section 4510.02 of the Revised 160  
Code, provided that the suspension shall be for at least six 161  
months. 162

(c) The court, in lieu of suspending the offender's 163

driver's or commercial driver's license, probationary driver's 164  
license, temporary instruction permit, or nonresident operating 165  
privilege pursuant to division ~~(B) (10) (a)~~ (B) (11) (a) or (b) of 166  
this section, instead may require the offender to perform 167  
community service for a number of hours determined by the court. 168

~~(11)~~ (12) In addition to the penalties described in 169  
division (B) (2) of this section, if the offender committed the 170  
violation by stealing rented property or rental services, the 171  
court may order that the offender make restitution pursuant to 172  
section 2929.18 or 2929.28 of the Revised Code. Restitution may 173  
include, but is not limited to, the cost of repairing or 174  
replacing the stolen property, or the cost of repairing the 175  
stolen property and any loss of revenue resulting from 176  
deprivation of the property due to theft of rental services that 177  
is less than or equal to the actual value of the property at the 178  
time it was rented. Evidence of intent to commit theft of rented 179  
property or rental services shall be determined pursuant to the 180  
provisions of section 2913.72 of the Revised Code. 181

(C) The sentencing court that suspends an offender's 182  
license, permit, or nonresident operating privilege under 183  
division ~~(B) (10)~~ (B) (11) of this section may grant the offender 184  
limited driving privileges during the period of the suspension 185  
in accordance with Chapter 4510. of the Revised Code. 186

**Sec. 2913.51.** (A) As used in this section: 187

(1) "Bulk merchandise container" has the same meaning as 188  
in section 4737.012 of the Revised Code. 189

(2) "Catalytic converter" and "special purchase article" 190  
have the same meanings as in section 4737.04 of the Revised 191  
Code. 192

<u>(3) "Dangerous drug" has the same meaning as in section</u>	193
<u>4729.01 of the Revised Code.</u>	194
<u>(4) "Dangerous ordnance" and "firearm" have the same</u>	195
<u>meanings as in section 2923.11 of the Revised Code.</u>	196
<u>(5) "Motor vehicle" has the same meaning as in section</u>	197
<u>4501.01 of the Revised Code.</u>	198
<u>(B) No person shall receive, retain, or dispose of</u>	199
<u>property of another knowing or having reasonable cause to</u>	200
<u>believe that the property has been obtained through commission</u>	201
<u>of a theft offense.</u>	202
<del>(B)</del> <u>(C) It is not a defense to a charge of receiving</u>	203
<u>stolen property in violation of this section that the property</u>	204
<u>was obtained by means other than through the commission of a</u>	205
<u>theft offense if the property was explicitly represented to the</u>	206
<u>accused person as being obtained through the commission of a</u>	207
<u>theft offense.</u>	208
<del>(C)</del> <u>(D) Whoever violates this section is guilty of</u>	209
<u>receiving stolen property. Except as otherwise provided in this</u>	210
<u>division or division <del>(D)</del> <u>(E) or (F) of this section, receiving</u></u>	211
<u>stolen property is a misdemeanor of the first degree. If the</u>	212
<u>value of the property involved is one thousand dollars or more</u>	213
<u>and is less than seven thousand five hundred dollars, if the</u>	214
<u>property involved is any of the property listed in section</u>	215
<u>2913.71 of the Revised Code, receiving stolen property is a</u>	216
<u>felony of the fifth degree. If the property involved is a motor</u>	217
<u>vehicle, as defined in section 4501.01 of the Revised Code, if</u>	218
<u>the property involved is a dangerous drug, a firearm, or</u>	219
<u>dangerous ordnance, as defined in section 4729.01 of the Revised</u>	220
<u>Code, or if the value of the property involved is seven thousand</u>	221



five hundred dollars or more and is less than one hundred fifty 222  
thousand dollars, ~~or if the property involved is a firearm or~~ 223  
~~dangerous ordnance, as defined in section 2923.11 of the Revised~~ 224  
~~Code,~~ receiving stolen property is a felony of the fourth 225  
degree. If the value of the property involved is one hundred 226  
fifty thousand dollars or more, receiving stolen property is a 227  
felony of the third degree. 228

~~(D)~~ (E) Except as provided in division ~~(C)~~ (D) of this 229  
section with respect to property involved in a violation of this 230  
section with a value of seven thousand five hundred dollars or 231  
more, if the property involved in violation of this section is a 232  
special purchase article ~~as defined in section 4737.04 of the~~ 233  
~~Revised Code,~~ other than a catalytic converter, or a bulk 234  
merchandise container ~~as defined in section 4737.012 of the~~ 235  
~~Revised Code,~~ a violation of this section is receiving a stolen 236  
special purchase article or articles or receiving a stolen bulk 237  
merchandise container or containers, a felony of the fifth 238  
degree. 239

(F) (1) Except as otherwise provided in this division, if 240  
the property involved is a catalytic converter, a violation of 241  
this section is receiving a stolen catalytic converter, a felony 242  
of the fifth degree. 243

(2) If the offender has previously been convicted of or 244  
pleaded guilty to a violation of Chapter 2911. or 2913. of the 245  
Revised Code, receiving a stolen catalytic converter is a felony 246  
of the fourth degree. 247

(3) If the property involved is a catalytic converter and 248  
the offender is a business entity, a violation of this section 249  
is enterprise receipt of a stolen catalytic converter and, 250  
notwithstanding section 2929.31 of the Revised Code, is 251

punishable by a fine of not less than ten thousand dollars and 252  
not more than fifty thousand dollars per violation. 253

(4) The clerk of the court shall pay any fine imposed 254  
pursuant to division (F) of this section to the county, 255  
township, municipal corporation, park district, as created 256  
pursuant to section 511.18 or 1545.04 of the Revised Code, or 257  
state law enforcement agencies in this state that primarily were 258  
responsible for or involved in arresting and prosecuting the 259  
offender. 260

**Sec. 4737.012.** (A) Notwithstanding ~~division (A) of~~ section 261  
4737.01 of the Revised Code, a dealer who is in the business of 262  
purchasing, reselling, exchanging, recycling, shredding, or 263  
receiving bulk merchandise containers shall not purchase or 264  
receive plastic bulk merchandise containers that are marked with 265  
a company name or logo, or more than nine wooden bulk 266  
merchandise containers, from any other person at one time, 267  
unless the dealer maintains a record book or electronic file in 268  
which the dealer keeps an accurate and complete record of all 269  
containers purchased or received by the dealer. Every entry in 270  
the record book or electronic file shall be numbered 271  
consecutively. Until the registry developed by the director of 272  
public safety pursuant to section 4737.045 of the Revised Code 273  
is operational, a dealer shall maintain the record for each 274  
container purchased or received for a minimum period of one year 275  
after the date the dealer purchased or received the container. 276  
Beginning on the date the registry is operational, a dealer 277  
shall maintain the record for each container purchased or 278  
received only for a period of sixty days after the date the 279  
dealer purchased or received the container. The director shall 280  
adopt rules for the format and maintenance of the records 281  
required under this division. 282

The records shall contain all of the following:	283
(1) The name and residence of the person from whom the containers were purchased or received, a copy of that person's personal identification card, and, if required, a photograph of the person taken pursuant to division (B) (2) of this section;	284 285 286 287
(2) A description of the containers, including the number purchased or received and, if required, a photograph of the containers taken pursuant to division (B) (1) of this section;	288 289 290
(3) The date and time the dealer purchased or received the containers;	291 292
(4) If the seller or provider of the containers arrives at the dealer's place of business in a motor vehicle, the license plate number of that motor vehicle along with the state that issued the license plate.	293 294 295 296
(B) Every dealer who is in the business of reselling bulk merchandise containers shall take a photograph, in accordance with rules adopted by the director, of both of the following:	297 298 299
(1) Each container for which the dealer must make a record under division (A) of this section;	300 301
(2) Each person who sells or otherwise gives the dealer the containers.	302 303
The dealer shall take the required photographs at the time the dealer purchases or receives the containers and shall keep the photographs as part of the record in accordance with division (A) of this section.	304 305 306 307
(C) A dealer who is in the business of purchasing, reselling, exchanging, recycling, shredding, or receiving bulk merchandise containers shall fulfill the requirements of section	308 309 310

4737.041 of the Revised Code with respect to the containers 311  
purchased or received by the dealer for which the dealer must 312  
make a record under division (A) of this section. No dealer 313  
shall purchase or receive any bulk merchandise container for 314  
which the dealer must make a record under division (A) of this 315  
section without complying with ~~division (B), (C), or (D)~~ 316  
divisions (A) (2) to (4) of section 4737.041 of the Revised Code. 317

(D) As used in this section, "bulk merchandise container" 318  
means a plastic or wooden carrier or holder used by a 319  
manufacturer or distributor to transport merchandise to 320  
wholesale and retail outlets. 321

**Sec. 4737.04.** (A) As used in this section and sections 322  
4737.041, 4737.042, 4737.043, 4737.044, 4737.045, 4737.046, and 323  
4737.99 of the Revised Code: 324

(1) "Scrap metal dealer" means the owner or operator of a 325  
business that purchases or receives scrap metal for the purpose 326  
of sorting, grading, and shipping metals to third parties for 327  
direct or indirect melting into new products. 328

(2) "Special purchase article" means all of the following: 329

(a) Beer kegs; 330

(b) Cable, wire, electrical components, and other 331  
equipment used in providing cable service or any utility 332  
service, including, but not limited to, copper or aluminum 333  
coverings, housings, or enclosures related thereto; 334

(c) Grave markers, sculptures, plaques, and vases made out 335  
of metal, the appearance of which suggests that the articles 336  
have been obtained from a cemetery; 337

(d) Guard rails for bridges, highways, and roads; highway 338

and street signs; street light poles and fixtures; worker access	339
hole covers, water meter covers, and other similar types of	340
utility access covers; traffic directional and control signs and	341
light signals, metal marked with the name of a political	342
subdivision of the state, and other metal articles that are	343
purchased and installed for use upon authorization of the state	344
or any political subdivision of the state;	345
(e) Historical, commemorative, and memorial markers and	346
plaques made out of metal;	347
(f) Four-wheel metal carts, commonly referred to as	348
"grocery carts," that are generally used by individuals to	349
collect and transport consumer goods while shopping;	350
(g) Four-wheel metal carts, commonly referred to as "metal	351
bossies," that are used to transport or merchandise food	352
products that are stored in crates, shells, or trays;	353
(h) Railroad material, including journal brasses, rail	354
spikes, rails, tie plates, frogs, and communication wire;	355
(i) Metal trays, merchandise containers, or similar	356
transport containers used by a product producer, distributor,	357
retailer, or an agent of a product producer, distributor, or	358
retailer as a means for the bulk transportation, storage, or	359
carrying of retail containers of milk, baked goods, eggs, or	360
bottled beverage products;	361
(j) "Burnt wire," which is any coated metal wire that has	362
been smelted, burned, or melted thereby removing the	363
manufacturer's or owner's identifying marks;	364
<u>(k) Catalytic converters.</u>	365
(3) "Bulk merchandise container" has the same meaning as	366

in section 4737.012 of the Revised Code.	367
(4) "Bulk merchandise container dealer" means a dealer who is subject to section 4737.012 of the Revised Code.	368 369
(5) <u>"Catalytic converter" includes a catalytic converter core.</u>	370 371
<u>(6)</u> "Common recycled matter" means bottles and other containers made out of steel, tin, or aluminum and other consumer goods that are metal that are recycled by individual consumers and not in the bulk or quantity that could be supplied or recycled by large business establishments. "Common recycled matter" does not include a metal tray used by a product producer, distributor, retailer, or agent of a product producer, distributor, or retailer as a means for the bulk transportation, storage, or carrying of retail containers of milk, baked goods, eggs, or bottled beverage products.	372 373 374 375 376 377 378 379 380 381
<del>(6)</del> <del>(7)</del> "Consumer goods" has the same meaning as in section 1309.102 of the Revised Code.	382 383
<del>(7)</del> <del>(8)</del> "Recyclable materials" means the metal materials described in division (C) (5) of this section, on the condition that those metal materials are not special purchase articles.	384 385 386
<del>(8)</del> <del>(9)</del> "Motor vehicle" has the same meaning as in section 4501.01 of the Revised Code.	387 388
(B) (1) No person shall engage in the business of scrap metal dealing or act as a bulk merchandise container dealer without first registering with the director of public safety in accordance with section 4737.045 of the Revised Code.	389 390 391 392
(2) No person shall receive, purchase, or sell a special purchase article or a bulk merchandise container except as in	393 394

accordance with sections 4737.012 and 4737.04 to ~~4737.045~~ 395  
4737.046 of the Revised Code. 396

(C) Every scrap metal dealer shall maintain a record book 397  
or electronic file, in which the dealer shall keep an accurate 398  
and complete record of all articles purchased or received by the 399  
dealer in the course of the dealer's daily business. The record 400  
shall include a copy of any check issued pursuant to division 401  
(A) (4) of section 4737.041 of the Revised Code. On and after 402  
September 11, 2008, every entry in the record book or electronic 403  
file shall be numbered consecutively and, on or after September 404  
28, 2012, shall be maintained for inspection in numerical order. 405  
Until the registry developed by the director pursuant to section 406  
4737.045 of the Revised Code is operational, a dealer shall 407  
maintain the record for each article purchased or received for a 408  
minimum period of one year after the date the dealer purchased 409  
or received the article, except that the dealer shall maintain 410  
the photograph required under division (I) of this section only 411  
for a period of sixty days after the dealer purchased or 412  
received the article. Beginning on the date the registry is 413  
operational, a dealer shall maintain the record for each article 414  
purchased or received only for a period of sixty days after the 415  
date the dealer purchased or received the article. The director 416  
shall adopt rules for the format and maintenance of the records 417  
required under this division. 418

The records shall contain all of the following: 419

(1) The name and residence of the person from whom the 420  
articles were purchased or received, a copy of that person's 421  
personal identification card, and a photograph of the person 422  
taken pursuant to division (I) of this section; 423

(2) The date and time the scrap metal dealer purchased or 424

received the articles and the weight of the articles as 425  
determined by a licensed commercial scale; 426

(3) If the seller or provider of the articles arrives at 427  
the dealer's place of business in a motor vehicle, the license 428  
plate number of that motor vehicle along with the state that 429  
issued the license plate; 430

(4) For metal articles that are not recyclable materials, 431  
a full and accurate description of each article purchased or 432  
received by the dealer that includes identifying letters or 433  
marks written, inscribed, or otherwise included on the article 434  
and the name and maker of the article if known; 435

(5) For recyclable materials that are not special purchase 436  
articles, the following category codes to identify the 437  
recyclable materials that the dealer receives: 438

(a) "Number one copper," which includes clean copper pipe, 439  
clean copper wire, or other number one copper that does not have 440  
solder, paint, or coating; 441

(b) "Number two copper," which includes unclean copper 442  
pipe, unclean copper wire, or other number two copper; 443

(c) "Sheet copper," which includes copper roofing, copper 444  
gutters, copper downspouts, and other sheet copper; 445

(d) "Insulated copper wire"; 446

(e) "Aluminum or copper radiators," which includes 447  
aluminum radiators, aluminum copper radiators, and copper 448  
radiators; 449

(f) "Red brass," which includes red brass valves and other 450  
red brass; 451



(g) "Yellow brass," which includes yellow brass fixtures,	452
yellow brass valve and fitting, ornamental brass, and other	453
yellow brass;	454
(h) "Aluminum sheet";	455
(i) "Aluminum extrusions," which includes aluminum	456
bleachers, aluminum benches, aluminum frames, aluminum pipe, and	457
other aluminum extrusions;	458
(j) "Cast aluminum," which includes aluminum grills,	459
lawnmower decks made of aluminum, aluminum motor vehicle parts	460
and rims, and other cast aluminum;	461
(k) "Clean aluminum wire";	462
(l) "Unclean aluminum wire";	463
(m) "Aluminum exteriors," which includes aluminum siding,	464
aluminum gutters and downspouts, aluminum shutters, aluminum	465
trim, and other aluminum exterior items;	466
(n) "Contaminated aluminum";	467
(o) "Stainless steel," which includes, sinks, appliance	468
housing, dishes, pots, pans, pipe, and other items made out of	469
stainless steel;	470
(p) "Large appliances," which includes consumer and other	471
appliances;	472
(q) "Steel structural," which includes all structural	473
steel such as I-beams, trusses, channel iron, and similar steel	474
from buildings;	475
(r) "Miscellaneous steel," which includes steel grates,	476
steel farm machinery, steel industrial machinery, steel motor	477
vehicle frames, and other items made out of steel;	478

(s) "Sheet irons," which includes bicycles, motor vehicle body parts made of iron, and other items made using sheet iron;	479 480
(t) "Motor vehicle nonbody parts," which includes motor vehicle batteries, radiators, and other nonbody motor vehicle parts;	481 482 483
(u) <del>"Catalytic converters";</del>	484
<del>(v)</del> "Lead";	485
<del>(w)</del> <u>(v)</u> "Electric motors";	486
<del>(x)</del> <u>(w)</u> "Electronic scrap," which includes any consumer or commercial electronic equipment such as computers, servers, routers, video displays, and similar products.	487 488 489
(6) For recyclable materials that are special purchase articles, the relevant category provided in division (A) (2) of this section.	490 491 492
(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.	493 494 495 496 497
(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 <del>both</del> <u>all</u> of the following:	498 499 500 501 502 503 504
(a) Provide a copy of those records to any law enforcement agency or railroad police officer that requests the records or	505 506

to the director or director's representative, upon request; 507

(b) Prepare a daily electronic report, the content and 508  
format of which shall be established in rules adopted by the 509  
director, listing all retail transactions that occurred during 510  
the preceding day and containing the information described in 511  
division (C) of this section or division (A) of section 4737.012 512  
of the Revised Code, as applicable. The dealer shall 513  
electronically transfer, by twelve noon eastern standard time, 514  
the report to the director of public safety for inclusion in the 515  
registry created pursuant to division (E) of section 4737.045 of 516  
the Revised Code. 517

(2) A law enforcement agency may inspect any photographic 518  
records collected and maintained by a scrap metal dealer of 519  
either yard operations or individual transactions. Records 520  
submitted to any law enforcement agency pursuant to this section 521  
are not public records for purposes of section 149.43 of the 522  
Revised Code. 523

(3) Records submitted to any law enforcement agency, 524  
railroad police officer, or the director of public safety or the 525  
director's designated representative as required by section 526  
4737.012 of the Revised Code and sections 4737.04 to ~~4737.045~~ 527  
4737.046 of the Revised Code shall not be public records for the 528  
purposes of section 149.43 of the Revised Code. 529

(4) Notwithstanding division (E) (3) of this section, the 530  
names and addresses of scrap metal dealers and bulk merchandise 531  
container dealers shall be made available to the public by the 532  
director upon request. 533

(5) A person who claims to own a stolen article that may 534  
be identified in those records, or an agent of that person, who 535

provides proof of having filed a stolen property report with the 536  
appropriate law enforcement agency, may request those records. 537  
The law enforcement agency shall provide those records upon a 538  
request made by such a person or that person's agent, but the 539  
law enforcement agency shall redact information that reveals the 540  
name of the seller of any article and the price the dealer paid 541  
for any article the dealer purchased or the estimated value of 542  
any article the dealer received. The law enforcement agency 543  
shall determine which records to provide, based upon the time 544  
period that the alleged theft is reported to have taken place. A 545  
law enforcement agency may charge or collect a fee for providing 546  
records as required by this section. 547

(6) The director of public safety shall impose a civil 548  
penalty of five hundred dollars on a person who violates 549  
division (E) (1) (b) of this section, including any person who 550  
concurrently violates division (G) (2) of section 4737.046 of the 551  
Revised Code. The director shall impose an additional fine of 552  
five hundred dollars for each day the violation continues. The 553  
director shall deposit the fine into the state treasury to the 554  
credit of the department of public safety operating fund. 555

(7) The director of public safety shall suspend, in 556  
accordance with Chapter 119. of the Revised Code, the 557  
registration of a person that violates division (E) (1) (b) of 558  
this section until such time as the director determines that the 559  
person is likely to comply with that division. 560

(F) (1) No scrap metal dealer shall purchase or receive any 561  
metal articles, and no bulk merchandise container dealer shall 562  
purchase or receive any bulk merchandise containers, from a 563  
person who refuses to show the dealer the person's personal 564  
identification card, or who refuses to allow the dealer to take 565

a photograph of the person as required under division (I) of 566  
this section or of the person or container as required under 567  
division (B) of section 4737.012 of the Revised Code. 568

(2) The law enforcement agency that serves the 569  
jurisdiction in which a scrap metal dealer or a bulk merchandise 570  
container dealer is located shall provide to the scrap metal 571  
dealer or bulk merchandise container dealer a searchable, 572  
electronic list prepared in accordance with rules adopted by the 573  
director, as that agency determines appropriate, of the names 574  
and descriptions of persons known to be thieves or receivers of 575  
stolen property. The law enforcement agency may request the 576  
appropriate clerk of courts to provide the list. No scrap metal 577  
dealer or bulk merchandise container dealer shall purchase or 578  
receive articles from any person who is either identified on the 579  
list the dealer receives from the law enforcement agency, or who 580  
appears on the lists made available by the director pursuant to 581  
division (E) of section 4737.045 of the Revised Code. The law 582  
enforcement agency also shall provide the list, in an electronic 583  
format, to the department of public safety, in an electronic 584  
format in accordance with rules adopted by the director, for 585  
inclusion in the registry created in under division (E) of 586  
section 4737.045 of the Revised Code. 587

(3) A law enforcement agency shall submit all records of 588  
any investigation into a scrap metal dealer, bulk merchandise 589  
container dealer, or holder of a bulk used catalytic converter 590  
sales license to the registry created pursuant to division (E) 591  
of section 4737.045 of the Revised Code. 592

(4) No scrap metal dealer or bulk merchandise container 593  
dealer shall purchase or receive any special purchase articles 594  
or bulk merchandise containers from any person who is under 595

eighteen years of age. 596

~~(4)~~ (5) No scrap metal dealer shall purchase or receive 597  
any special purchase article without complying with division (C) 598  
and (I) of this section and ~~division (B), (C), or (D)~~ divisions 599  
(A) (2) to (4) of section 4737.041 of the Revised Code. 600

~~(5)~~ (6) No scrap metal dealer shall purchase or receive 601  
more than one catalytic converter per day from the same person 602  
except from a motor vehicle dealer as defined in section 4517.01 603  
of the Revised Code. 604

~~(6)~~ (7) No scrap metal dealer shall purchase or receive a 605  
beer keg that is marked with a company name or logo except from 606  
a manufacturer of beer as described in section 4303.02 of the 607  
Revised Code or an agent authorized by the manufacturer to 608  
dispose of damaged kegs. 609

~~(7)~~ (8) No scrap metal dealer shall treat a transaction as 610  
exempt from section 4737.04 or 4737.041 of the Revised Code 611  
unless the seller provides evidence of satisfying division (D) 612  
(3) of section 4737.043 of the Revised Code. 613

~~(G)~~ (G) (1) Every scrap metal dealer and bulk merchandise 614  
container dealer shall post a notice in a conspicuous place on 615  
the dealer's premises notifying persons who may wish to transact 616  
business with the dealer of the penalties applicable to any 617  
person who does any of the following: 618

~~(1)~~ (a) Provides a false personal identification card to 619  
the dealer; 620

~~(2)~~ (b) With purpose to defraud, provides any other false 621  
information to the dealer in connection with the dealer's duty 622  
to maintain the records required under division (C) of this 623  
section or under section 4737.012 of the Revised Code; 624

~~(3)~~ (c) Violates section 2913.02 of the Revised Code. 625

(2) Every scrap metal dealer shall post a notice in a 626  
conspicuous place on the dealer's premises notifying persons 627  
that catalytic converters are special purchase articles. 628

(3) (a) Every scrap metal dealer and bulk merchandise 629  
container dealer shall post a copy of its registration in a 630  
conspicuous place on the dealer's premises. 631

(b) The director of public safety shall impose a civil 632  
penalty of five hundred dollars on any person who violates 633  
division (G) (3) (a) of this section and shall deposit that 634  
penalty into the state treasury to the credit of the department 635  
of public safety operating fund. 636

(H) (1) Except as otherwise provided in division (F) (2) of 637  
this section, a clerk of courts or an employee of a clerk of 638  
courts; a chief of police, marshal, or other chief law 639  
enforcement officer; a sheriff, constable, or chief of police of 640  
a township police department or police district police force; a 641  
deputy, officer, or employee of the law enforcement agency 642  
served by the marshal or the municipal or township chief, the 643  
office of the sheriff, or the constable; and an employee of the 644  
department of public safety is immune from liability in a civil 645  
action, including an action for defamation, libel, or slander, 646  
to recover damages for injury, death, or loss to persons or 647  
property or reputation allegedly caused by an act or omission in 648  
connection with compiling and providing the list required by 649  
division (F) (2) of this section. 650

(2) The immunity described in division (H) (1) of this 651  
section does not apply to a person described in that division 652  
if, in relation to the act or omission in question, any of the 653

following applies: 654

(a) The act or omission was manifestly outside the scope 655  
of the person's employment or official responsibilities. 656

(b) The act or omission was with malicious purpose, in bad 657  
faith, or in a wanton or reckless manner. 658

(c) Liability for the act or omission is expressly imposed 659  
by a section of the Revised Code. 660

(I) Every scrap metal dealer shall take a photograph, in 661  
accordance with rules adopted by the director, of each person 662  
who sells or otherwise gives the dealer an article for which the 663  
dealer must make record under division (C) of this section. 664

The dealer shall take the required photograph at the time 665  
the dealer purchases or receives the article and shall keep the 666  
photograph as part of the record in accordance with division (C) 667  
of this section. 668

(J) (1) An individual listed as a known thief or receiver 669  
of stolen property on a list prepared pursuant to division (F) 670  
(2) of this section may request that the individual's name be 671  
removed from the list by filing an application with the law 672  
enforcement agency responsible for preparing the list. 673

(2) A law enforcement agency receiving an application in 674  
accordance with division (J) (1) of this section shall remove the 675  
applicant's name from the list of known thieves and receivers of 676  
stolen property if the individual has not been convicted of or 677  
pleaded guilty to either a misdemeanor that is a theft offense, 678  
as defined in section 2913.01 of the Revised Code, within three 679  
years immediately prior to the date of the application or a 680  
felony that is a theft offense within six years immediately 681  
prior to the date of the application. 682



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

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

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

~~(C)~~ (3) Obtain from the seller or provider of the special purchase article or bulk merchandise container proof that the seller or provider owns the special purchase article or bulk merchandise container. If the item is a catalytic converter, only the following items constitute proof of ownership:

(a) If the seller or provider is the owner of the motor vehicle from which the catalytic converter was removed, either of the following:

(i) Title to or registration of the vehicle from which the catalytic converter was removed;

(ii) A bill, invoice, or receipt from a motor vehicle collision repair operator as defined in section 4775.01 of the Revised Code or a motor vehicle dealer as defined in section 4517.01 of the Revised Code that clearly indicates both of the following:

(I) The removal and replacement of the catalytic converter;

(II) The make, model, year, and vehicle identification 712  
number of the motor vehicle that was repaired. 713

(b) If the seller or provider is the motor vehicle 714  
collision repair operator that repaired the motor vehicle from 715  
which the catalytic converter was removed, both of the 716  
following: 717

(i) The motor vehicle collision repair operator's 718  
registration certificate; 719

(ii) A bill, invoice, or receipt that clearly indicates 720  
both of the following: 721

(I) The removal and replacement of the catalytic 722  
converter; 723

(II) The make, model, year, and vehicle identification 724  
number of the motor vehicle that was repaired. 725

~~(D)~~ (4) If payment is rendered for the special purchase 726  
articles or bulk merchandise containers, issue a check for the 727  
purchase of the special purchase articles or bulk merchandise 728  
containers; 729

~~(E)~~ (5) Withhold payment for the purchase of the special 730  
purchase articles or bulk merchandise containers for a period of 731  
two days after the day the special purchase articles or bulk 732  
merchandise containers are purchased; 733

~~(F)~~ (6) If an asserted owner of stolen special purchase 734  
articles or bulk merchandise containers or that owner's agent 735  
provides proof of having filed a stolen property report with the 736  
appropriate law enforcement agency, make records describing 737  
special purchase articles or bulk merchandise containers the 738  
dealer purchased or received after the alleged date of theft 739

available for inspection to the asserted owner or owner's agent 740  
for a period of six months after the alleged date of theft of 741  
the articles, except that the dealer shall withhold the name of 742  
the person from whom the special purchase articles or bulk 743  
merchandise containers were purchased or received and the amount 744  
paid for the special purchase articles or bulk merchandise 745  
containers. 746

(B) A person, other than a scrap metal dealer or a motor 747  
vehicle dealer licensed under Chapter 4517. of the Revised Code, 748  
when receiving a used catalytic converter in the ordinary course 749  
of business, including a person licensed or registered under 750  
Chapter 4737., 4738., or 4775. of the Revised Code, shall meet 751  
the requirements of division (A) of this section with respect to 752  
each used catalytic converter the person purchases or receives 753  
as if the person were a scrap metal dealer, including the 754  
requirements of divisions (C), (E), and (F) of section 4737.04 755  
of the Revised Code. No person described in this division shall 756  
recklessly fail to comply with this division. 757

**Sec. 4737.045.** (A) To register as a scrap metal dealer or 758  
a bulk merchandise container dealer with the director of public 759  
safety as required by division (B) of section 4737.04 of the 760  
Revised Code, a person shall do all of the following: 761

(1) Provide the name and street address of the dealer's 762  
place of business; 763

(2) Provide the name of the primary owner of the business, 764  
and of the manager of the business, if the manager is not the 765  
primary owner; 766

(3) Provide the electronic mail address of the business; 767

(4) Provide confirmation that the dealer has the 768

capabilities to electronically connect with the department of 769  
public safety for the purpose of sending and receiving 770  
information; 771

(5) Provide any other information required by the director 772  
in rules the director adopts pursuant to sections 4737.01 to 773  
~~4737.045~~4737.046 of the Revised Code; 774

(6) Pay an initial registration fee of two hundred 775  
dollars. 776

(B) A person engaging in the business of a scrap metal 777  
dealer or a bulk merchandise container dealer in this state on 778  
or before September 28, 2012, shall register with the director 779  
not later than January 1, 2013. With respect to a person who 780  
commences engaging in the business of a scrap metal dealer or a 781  
bulk merchandise container dealer after September 28, 2012, the 782  
person shall register with the director pursuant to this section 783  
prior to commencing business as a scrap metal dealer or a bulk 784  
merchandise container dealer. 785

(C) A registration issued to a scrap metal dealer or a 786  
bulk merchandise container dealer pursuant to this section is 787  
valid for a period of one year. A dealer shall renew the 788  
registration in accordance with the rules adopted by the 789  
director and pay a renewal fee of one hundred fifty dollars to 790  
cover the costs of operating and maintaining the registry 791  
created pursuant to division (E) of this section. 792

(D) A scrap metal dealer or a bulk merchandise container 793  
dealer registered under this section shall prominently display a 794  
copy of the annual registration certificate received from the 795  
director pursuant to division (E) (2) of this section. 796

(E) The director shall do all of the following: 797

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

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

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

(c) Creating a link and retransmission capability for receipt of routine scrap theft alerts published by the institute of scrap recycling industries for transmission to dealers and law enforcement agencies in the state;

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

(e) Based on the data submitted under division (E) (1) (b) of section 4737.04, and division (C) of section 4737.25 of the Revised Code, compiling a list of all persons who, without the license required under section 4737.21 of the Revised Code, sold used catalytic converters in bulk, and making that list available in an electronic searchable format for individual law enforcement agencies, dealers in this state, and persons who purchase or intend to purchase catalytic converters in this state. The director of public safety, shall ensure that the list is updated within six hours of receiving information submitted under division (E) (1) (b) of section 4737.04 or division (C) of

section 4737.25 of the Revised Code. The director shall remove a 827  
person from the list after sixty days during which the person 828  
did not make an unlicensed bulk sale of used catalytic 829  
converters. 830

(f) Providing, without charge, interlink programming 831  
enabling the transfer of information to dealers. 832

(2) Issue, reissue, or deny registration to dealers; 833

(3) Adopt rules to enforce sections 4737.01 to 4737.045 of 834  
the Revised Code, rules establishing procedures to renew a 835  
registration issued under this section, rules for the format and 836  
maintenance for the records required under division (A) of 837  
section 4737.012 of the Revised Code or division (C) of section 838  
4737.04 of the Revised Code, and rules regarding the delivery of 839  
the report required by division (E) (1) of section 4737.04 of the 840  
Revised Code to the registry, which shall be used exclusively by 841  
law enforcement agencies. 842

(F) A scrap metal dealer or bulk merchandise container 843  
dealer may search, modify, or update only the dealer's own 844  
business data contained within the registry established in 845  
division (E) of this section. 846

(G) All fees received by the director pursuant to this 847  
section and division (F) of section 4737.99 of the Revised Code 848  
shall be used to develop and maintain the registry required 849  
under this section and for the department of public safety's 850  
operating expenses. The fees shall be deposited into the 851  
infrastructure protection fund which is hereby created in the 852  
state treasury. 853

(H) (1) The director of public safety shall not issue a 854  
registration to, or renew the registration of, a person who was 855

convicted of, or pleaded guilty to, a violation of section 856  
4737.041 of the Revised Code, a violation of section 2923.03 of 857  
the Revised Code when division (G) of section 4737.99 of the 858  
Revised Code applies, a violation of section 2913.02 of the 859  
Revised Code when the person is sentenced pursuant to division 860  
(B)(10) of that section, or a violation of section 2913.51 of 861  
the Revised Code when the person is sentenced pursuant to 862  
division (F) of that section. 863

(2) The director of public safety shall revoke the 864  
registration of a person who is convicted of or pleads guilty to 865  
a violation of section 4737.041 of the Revised Code, a violation 866  
of section 2923.03 of the Revised Code when division (G) of 867  
section 4737.99 of the Revised Code applies, a violation of 868  
section 2913.02 of the Revised Code when the person is sentenced 869  
pursuant to division (B)(10) of that section, or a violation of 870  
section 2913.51 of the Revised Code when the person is sentenced 871  
pursuant to division (F) of that section. 872

**Sec. 4737.046.** (A) As used in this section, "to sell used 873  
catalytic converters in bulk" has the same meaning as in section 874  
4737.20 of the Revised Code. 875

(B) Subject to division (C) of this section, the director 876  
of public safety may investigate a scrap metal dealer, bulk 877  
merchandise container dealer, a person described in division (B) 878  
of section 4737.041 of the Revised Code, a person selling used 879  
catalytic converters in bulk, and any employee, officer, or 880  
agent of any of the foregoing. As part of the investigation, the 881  
director may search the person's premises during the person's 882  
regular work hours or between the hours of eight a.m. and five 883  
p.m., Monday through Friday. 884

(C) The director shall commence an investigation only if 885

both of the following conditions are met: 886

(1) The director receives a verified written complaint, 887  
supported by evidence, indicating that the person is, has been, 888  
or will be in violation of any provision of this chapter. 889

(2) The director determines that a prima-facie case exists 890  
that the person is, has been, or will be in violation of any 891  
provision of sections 4737.04 to 4737.046 or 4737.20 to 4737.25 892  
of the Revised Code. 893

(D) (1) The director may compel witnesses by subpoena to 894  
appear and testify in relation to an investigation under this 895  
section, and may compel by subpoena duces tecum the production 896  
of any books, papers, documents, or other records pertaining to 897  
such an investigation. 898

(2) If a person does not comply with a subpoena or 899  
subpoena duces tecum issued under division (D) (1) of this 900  
section, the director may apply to the court of common pleas of 901  
Franklin county or of the county in which the person conducts 902  
business for an order compelling the person to comply with the 903  
subpoena or subpoena duces tecum or, for failure to do so, be 904  
held in contempt of court. 905

(E) If as a result of an investigation the director finds 906  
that a person violated any provision of sections 4737.04 to 907  
4737.046 or 4737.20 to 4737.25 of the Revised Code, the director 908  
shall suspend the person's registration or license and shall 909  
reinstate the registration or license upon evidence that the 910  
person has remedied the violation. The director shall revoke a 911  
registration or license if the director finds a subsequent 912  
violation of any provision of this chapter in any subsequent 913  
investigation. 914



(F) (1) No person shall undertake any activities that 915  
require registration under section 4737.045 or licensure under 916  
section 4737.23 of the Revised Code following a suspension or 917  
revocation. 918

(2) Following a suspension or revocation, the director 919  
shall conduct a follow-up investigation to determine whether the 920  
person violated division (F) (1) of this section. If the director 921  
determines the person violated division (F) (1) of this section, 922  
the director shall seek an injunction from the court of common 923  
pleas of Franklin county or of the county in which the person 924  
conducts business ordering the person to cease the violation. 925

(G) (1) The director may investigate, on the director's own 926  
initiative, the actions or proposed actions of a person who is 927  
not registered under section 4737.045 of the Revised Code or 928  
licensed under section 4737.23 of the Revised Code and who 929  
appears to be acting as a scrap metal dealer, bulk merchandise 930  
container dealer, or seller of used catalytic converters in 931  
bulk. The director shall investigate such a person if a verified 932  
written complaint is filed indicating that a person was, is, or 933  
will be acting as a scrap metal dealer, bulk merchandise 934  
container dealer, or seller of used catalytic converters in bulk 935  
but is not registered or licensed as such, the complaint is 936  
supported by evidence, and the director determines that a prima- 937  
facie case exists that the person was, is, or will be acting in 938  
the alleged manner. 939

(2) If, following an investigation, the director finds 940  
that a person acted as a scrap metal dealer, bulk merchandise 941  
container dealer, or seller of used catalytic converters in bulk 942  
without a registration or license, the director shall do both of 943  
the following: 944

(a) Seek an injunction from the court of common pleas of Franklin county or of the county in which the person conducts business ordering the person to cease the violation; 945  
946  
947

(b) Impose a civil penalty of ten thousand dollars in accordance with Chapter 119. of the Revised Code. Each day the violation occurred or continues to occur constitutes a separate violation and is subject to a separate penalty, except that the penalty for each consecutive day after the first day shall be one thousand dollars. 948  
949  
950  
951  
952  
953

(3) The director shall deposit all penalties collected pursuant to division (G) (2) of this section into the state treasury to the credit of the department of public safety operating fund. Notwithstanding any other provision to the contrary, all such penalties shall be expended only to conduct investigations authorized under this section. 954  
955  
956  
957  
958  
959

(4) If a person fails to pay a civil penalty imposed under division (G) (2) of this section within the time prescribed by the director, the director shall submit to the attorney general the person's name and the amount of the penalty. In that case, the attorney general shall collect the penalty. In addition to the penalty, the attorney general may assess, and the person shall pay, a fee covering the costs of collecting the penalty. 960  
961  
962  
963  
964  
965  
966

(H) (1) A person shall not do any of the following when applying for a registration, licensure, or renewal under section 4737.045 or 4737.23 of the Revised Code: 967  
968  
969

(a) Engage in fraud; 970

(b) Knowingly provide false information; 971

(c) Knowingly fail to disclose relevant information that would result in a denial of or nonrenewal of a registration or 972  
973

license. 974

(2) The director shall impose a civil penalty of five 975  
hundred dollars on any person who violates division (H) (1) of 976  
this section in accordance with Chapter 119. of the Revised 977  
Code. The director shall deposit all such penalties into the 978  
state treasury to the credit of the department of public safety 979  
operating fund. 980

(I) Any refusal to renew and any denial, suspension, or 981  
revocation of any registration or license required under section 982  
4737.045 or 4737.23 of the Revised Code is subject to Chapter 983  
119. of the Revised Code. 984

(J) The director shall record information on all 985  
noninvestigative visits made by the director to a scrap metal 986  
dealer, bulk merchandise container dealer, or holder of a bulk 987  
used catalytic converter sales license. Such information shall 988  
be reported to the public on a quarterly basis via the 989  
department of commerce's web site. 990

**Sec. 4737.20.** As used in sections 4737.20 to 4737.25 of 991  
the Revised Code, "to sell used catalytic converters in bulk" 992  
means to sell more than one used catalytic converter per day 993  
regardless of the number of purchasers. 994

**Sec. 4737.21.** (A) Except as provided in division (B) of 995  
this section, no person shall sell used catalytic converters in 996  
bulk without first having obtained a license from the department 997  
of public safety. 998

(B) Notwithstanding any provision in sections 4737.20 to 999  
4737.25 of the Revised Code to the contrary, a person holding a 1000  
license or registration pursuant to Chapter 4517., 4737., 4738., 1001  
or 4775 of the Revised Code may sell used catalytic converters 1002

in bulk without being separately licensed pursuant to sections 1003  
4737.20 to 4737.25 of the Revised Code, so long as such sales 1004  
are in the ordinary course of a typical licensee's or 1005  
registrant's course of business. 1006

**Sec. 4737.22.** (A) The director of public safety shall do 1007  
all of the following: 1008

(1) Adopt rules in accordance with Chapter 119. of the 1009  
Revised Code as necessary to carry out the purposes of sections 1010  
4737.20 to 4737.25 of the Revised Code; 1011

(2) Determine whether to refuse to issue, refuse to renew, 1012  
suspend, or revoke a license; 1013

(3) Determine whether to waive a suspension of a license 1014  
as provided in division (D) of section 4737.23 of the Revised 1015  
Code; 1016

(4) Do all acts and perform all functions as are necessary 1017  
for the administration and enforcement of sections 4737.20 to 1018  
4737.25 of the Revised Code; 1019

(5) Provide a standardized inspection report or form to 1020  
local law enforcement to ensure that the inspection process is 1021  
streamlined, practical, and fair; 1022

(6) Prepare an annual report summarizing all inspection 1023  
reports for the previous year and make the report available to 1024  
the public on an annual basis via the department of public 1025  
safety web site; 1026

(7) Establish streamlined procedures for receiving 1027  
information regarding noncompliance with this chapter relating 1028  
to scrap metal dealing and how this information will be 1029  
forwarded to the proper legal authorities. 1030

(B) If H.R. 621 of the 118th Congress or similar 1031  
legislation becomes law and if the director determines that 1032  
adopting a national standard would be in the interest of 1033  
citizens of this state, the director may adopt a rule that 1034  
prohibits the purchase of a catalytic converter with a stamped 1035  
vehicle identification number that does not match the vehicle 1036  
identification number of the title of the motor vehicle. 1037

**Sec. 4737.23.** (A) Each person applying for a bulk used 1038  
catalytic converter sales license shall deliver an application 1039  
to the director of public safety on a form prescribed by the 1040  
director and signed by the applicant. The applicant shall 1041  
include with the application the initial licensing fee set forth 1042  
in section 4737.24 of the Revised Code. The application shall 1043  
include all of the following: 1044

(1) The name and state tax identification number of the 1045  
applicant and, if applicable, the location of the applicant's 1046  
principal place of business. If the applicant has no principal 1047  
place of business, then the home address of the applicant. 1048

(2) The name or style under which the business is to be 1049  
conducted, if any, and, in the case of a corporation, the state 1050  
of incorporation; 1051

(3) A statement showing whether the applicant has 1052  
previously been convicted of or pleaded guilty to an offense 1053  
that has a direct nexus to bulk used catalytic converter sales, 1054  
including an offense under Chapter 2911., 2913., or 2923. of the 1055  
Revised Code, provided the director complies with section 9.79 1056  
of the Revised Code; 1057

(4) A statement showing whether the applicant previously 1058  
applied for a license under this section and the result of the 1059

application, and whether the applicant has ever been the holder 1060  
of any such license that was revoked or suspended; 1061

(5) If the applicant is a corporation or partnership, a 1062  
statement showing whether any of the partners, officers, or 1063  
directors have been refused a license under this section, or 1064  
have been the holder of any such license that was revoked or 1065  
suspended; 1066

(6) Any additional information required by the director. 1067

(B) Upon receipt of the completed application form and 1068  
fees and if the director determines that the applicant meets the 1069  
requirements for licensure under division (A) of this section, 1070  
the director shall issue a license to the applicant. 1071

(C) Each license issued under this section expires 1072  
annually on the date of its original issuance and may be renewed 1073  
in accordance with the standard renewal procedure of Chapter 1074  
4745. of the Revised Code. The application for a renewal shall 1075  
be accompanied by the same information and proof as is required 1076  
to accompany an initial application under division (A) of this 1077  
section and the renewal fee set forth in section 4737.24 of the 1078  
Revised Code. 1079

(D) When a licensee experiences a change in any 1080  
information or data required under division (A) of this section 1081  
or by rule of the director for licensure as a seller of bulk 1082  
used catalytic converters, the licensee shall submit written 1083  
notification of the change to the director within sixty days 1084  
after the date that the previously submitted information becomes 1085  
obsolete. If a licensee fails to submit the written notification 1086  
of a change in information or data within sixty days after the 1087  
change in information or data, the licensee's license is 1088

automatically suspended, except that the director may waive the 1089  
suspension for good cause shown. 1090

Sec. 4737.24. The initial and annual renewal fee for a 1091  
bulk used catalytic converter sales license is two hundred 1092  
dollars. 1093

Sec. 4737.25. (A) A person that is required to be licensed 1094  
under section 4737.21 of the Revised Code shall maintain 1095  
documentation of each used catalytic converter the person sells. 1096  
The documentation shall include all of the following: 1097

(1) The name and residence of the purchaser to whom each 1098  
used catalytic converter is sold, or the name and business 1099  
address of such purchaser if the purchaser is a business; 1100

(2) The date and time of each sale; 1101

(3) If the purchaser arrives at the seller's residence or 1102  
place of business in a motor vehicle, the license plate number 1103  
of that motor vehicle along with the state that issued the 1104  
license plate; 1105

(4) A full and accurate description of each used catalytic 1106  
converter sold that includes identifying letters or marks 1107  
written, inscribed, or otherwise included on the article and the 1108  
name and maker of the used catalytic converter if known. 1109

(B) A person who is required to be licensed under section 1110  
4737.21 of the Revised Code shall maintain documentation of each 1111  
used catalytic converter the person purchases or receives. The 1112  
documentation shall include all of the following: 1113

(1) The name and residence of the person from whom each 1114  
used catalytic converter was purchased or received, or the name 1115  
and business address of such person if the person is a business; 1116

(2) The date and time each purchase or receipt occurred; 1117

(3) If the seller arrives at the purchaser's residence or 1118  
place of business in a motor vehicle, the license plate number 1119  
of that motor vehicle along with the state that issued the 1120  
license plate; 1121

(4) A full and accurate description of each used catalytic 1122  
converter purchased or received that includes identifying 1123  
letters or marks written, inscribed, or otherwise included on 1124  
the article and the name and maker of the used catalytic 1125  
converter if known. 1126

(C) A person who is required to be licensed under section 1127  
4737.21 of the Revised Code shall transmit the information 1128  
required under divisions (A) and (B) of this section, 1129  
immediately upon the completion of each transaction, to the 1130  
director of public safety for inclusion in the registry 1131  
developed by the director pursuant to division (E) of section 1132  
4737.045 of the Revised Code. 1133

(D) (1) A person licensed under section 4737.23 of the 1134  
Revised Code shall post a copy of the license in a conspicuous 1135  
place on the person's premises. 1136

(2) The director of public safety shall impose a fine of 1137  
five hundred dollars on any person who violates division (D) (1) 1138  
of this section and shall deposit that fine into the state 1139  
treasury to the credit of the department of public safety 1140  
operating fund. 1141

**Sec. 4737.98.** Notwithstanding any provision of section 1142  
121.95 of the Revised Code to the contrary, a regulatory 1143  
restriction contained in a rule adopted under this chapter is 1144  
not subject to sections 121.95 to 121.953 of the Revised Code. 1145



Sec. 4737.99. (A) Except as specified in divisions (B), 1146  
(C), (D), (E), and (F) of this section, whoever violates 1147  
sections 4737.01 to 4737.11 of the Revised Code, shall be fined 1148  
not less than twenty-five nor more than one thousand dollars and 1149  
the costs of prosecution. 1150

(B) Whoever violates division (F) (2) of section 4737.10 of 1151  
the Revised Code is guilty of a misdemeanor of the fourth 1152  
degree. 1153

~~(C) Whoever~~ (C) (1) Except as provided in division (C) (2) 1154  
of this section, whoever fails to comply with or violates 1155  
section 4737.01, 4737.012, or 4737.041, division (C), (D), (E), 1156  
(F), (G), or (I) of section 4737.04, or division (D) of section 1157  
4737.045 of the Revised Code is guilty of a misdemeanor of the 1158  
first degree. If the offender one time previously has violated 1159  
or failed to comply with section 4737.01, 4737.012, or 4737.041, 1160  
division (C), (D), (E), (F), (G), or (I) of section 4737.04, or 1161  
division (D) of section 4737.045 of the Revised Code, the 1162  
violation or failure is a felony of the fifth degree. If the 1163  
offender two or more times previously has violated or failed to 1164  
comply with section 4737.01, 4737.012, or 4737.041, division 1165  
(C), (D), (E), (F), (G), or (I) of section 4737.04, or division 1166  
(D) of section 4737.045 of the Revised Code, the violation or 1167  
failure is a felony of the fourth degree. For any second or 1168  
subsequent violation of or failure to comply with section 1169  
4737.01, 4737.012, or 4737.041, or division (C), (D), (E), (F), 1170  
(G), or (I) of section 4737.04, or division (D) of section 1171  
4737.045 of the Revised Code, a court may suspend the 1172  
registration issued to the scrap metal dealer or bulk 1173  
merchandise container dealer under section 4737.045 of the 1174  
Revised Code for a period of ninety days, during which time 1175  
period the person shall not engage in the business of a scrap 1176

metal dealer or a bulk merchandise container dealer, as 1177  
applicable. 1178

(2) Notwithstanding section 2929.31 of the Revised Code, a 1179  
business entity that, with respect to the sale, purchase, or 1180  
receipt of a catalytic converter, violates division (C), (E)(1), 1181  
(F)(2), (F)(5), or (I) of section 4737.04, division (B) of 1182  
section 4737.041, or section 4737.25 of the Revised Code shall 1183  
be fined not less than ten thousand dollars and not more than 1184  
fifty thousand dollars per violation. 1185

(D) Whoever violates division (B)(1) of section 4737.04 of 1186  
the Revised Code is guilty of a felony of the fifth degree. The 1187  
court also shall enjoin the person from engaging in the business 1188  
of a scrap metal dealer or a bulk merchandise dealer. 1189

(E) Whoever violates division (B)(2) of section 4737.04 of 1190  
the Revised Code is guilty of a felony of the fifth degree for 1191  
the first offense and a felony of the third degree for any 1192  
subsequent offense. 1193

(F) Any motor vehicle used in the theft or illegal 1194  
transportation of metal shall be impounded for at least thirty 1195  
days and not more than sixty days. If the same motor vehicle is 1196  
used in connection with a second or subsequent theft or illegal 1197  
transportation of metal, the motor vehicle shall be impounded 1198  
for at least sixty days and not more than one hundred eighty 1199  
days. Any motor vehicle used in the theft or illegal 1200  
transportation of a special purchase article or bulk merchandise 1201  
container shall be impounded for at least ninety days and not 1202  
more than three hundred sixty days. A motor vehicle impounded 1203  
pursuant to this division shall be stored at a municipal 1204  
corporation impound lot, if available, or at a lot owned by a 1205  
private entity or another governmental unit that the municipal 1206

corporation utilizes for the purpose of impounding a motor 1207  
vehicle. An impounded motor vehicle may be recovered from the 1208  
impound lot at the end of the impound term upon payment of fees. 1209

(G) A person is complicit under section 2923.03 of the 1210  
Revised Code if the person sells a catalytic converter to 1211  
another person who, in the purchase or receipt of the catalytic 1212  
converter, violates any of the following: 1213

(1) Division (F) (1) of section 4737.04 of the Revised 1214  
Code; 1215

(2) Division (B) of section 4737.041 of the Revised Code 1216  
when the violation involves a failure to obtain identifying 1217  
information of the seller of a catalytic converter or proof of 1218  
ownership of a catalytic converter; 1219

(3) Division (A) or (B) of section 4737.25 of the Revised 1220  
Code. 1221

(H) If a transaction involving the purchase or sale of a 1222  
used catalytic converter formed the basis of an offense under 1223  
division (C) or (E) of this section, the clerk of the court 1224  
shall pay any fine imposed to the county, township, municipal 1225  
corporation, park district, as created pursuant to section 1226  
511.18 or 1545.04 of the Revised Code, or state law enforcement 1227  
agencies in this state that primarily were responsible for, or 1228  
involved in, arresting and prosecuting, the offender. 1229

**Sec. 4738.03.** (A) No person licensed as a motor vehicle 1230  
salvage dealer under this chapter shall ~~engage~~ do either of the 1231  
following: 1232

(1) Engage in the business of selling at retail salvage 1233  
motor vehicle parts or salvage motor vehicles, unless the 1234  
business is operated primarily for the purpose of selling at 1235

retail salvage motor vehicle parts. Any person operating such a 1236  
business primarily for the purpose of selling at retail salvage 1237  
motor vehicle parts may secondarily sell at retail salvage motor 1238  
vehicles or manufacture a product of gradable scrap metal for 1239  
sale to scrap metal processors or any other consumer. 1240

(2) Purchase or accept individual motor vehicle parts, 1241  
such as a catalytic converter as defined in section 4737.04 of 1242  
the Revised Code. 1243

(B) No person licensed as a salvage motor vehicle auction 1244  
under this chapter shall: 1245

(1) Knowingly sell a salvage motor vehicle to anyone other 1246  
than an authorized purchaser; 1247

(2) Sell a salvage motor vehicle when having reasonable 1248  
cause to believe it is not offered by the legal owner thereof; 1249

(3) Fail to make an Ohio salvage certificate of title 1250  
available to the purchaser of a salvage motor vehicle sold by 1251  
the salvage motor vehicle auction, before payment for the 1252  
salvage motor vehicle is completed; 1253

(4) Operate as a motor vehicle salvage dealer at the same 1254  
location where any salvage motor vehicle auction is operated. 1255

(C) No person licensed as a salvage motor vehicle pool 1256  
under this chapter shall: 1257

(1) Knowingly sell a salvage motor vehicle to anyone other 1258  
than an authorized purchaser; 1259

(2) Sell a salvage motor vehicle when having reasonable 1260  
cause to believe it is not offered by the legal owner thereof; 1261

(3) Fail to make an Ohio salvage certificate of title 1262

available to the purchaser of a salvage motor vehicle sold by 1263  
the salvage motor vehicle pool, before payment for the salvage 1264  
motor vehicle is completed; 1265

(4) Operate as a motor vehicle salvage dealer at the same 1266  
location where any salvage motor vehicle pool is operated. 1267

**Sec. 4738.07.** (A) Except as otherwise provided in division 1268  
(B) of this section, the registrar of motor vehicles shall deny 1269  
the application of any person for a license under this chapter 1270  
and refuse to issue the person a license if the registrar finds 1271  
that the applicant: 1272

(1) Has made false statement of a material fact in the 1273  
individual's application; 1274

(2) Has not complied with sections 4738.01 to 4738.15 of 1275  
the Revised Code: 1276

(3) Has habitually defaulted on financial obligations; 1277

(4) Has been convicted of or pleaded guilty to a 1278  
disqualifying offense, provided the registrar complies with 1279  
section 9.79 of the Revised Code; 1280

(5) Has been guilty of a fraudulent act in connection with 1281  
dealing in salvage motor vehicles or when operating as a motor 1282  
vehicle salvage dealer, salvage motor vehicle auction, or 1283  
salvage motor vehicle pool; 1284

(6) Is insolvent; 1285

(7) Is of insufficient responsibility to assure the prompt 1286  
payment of any final judgments which might reasonably be entered 1287  
against the individual because of the transaction of the 1288  
individual's business during the period of the license applied 1289  
for; 1290

(8) Has no established place of business; <del>or</del>	1291
(9) Has less than twelve months prior to said application, been denied a license under this chapter; <u>or</u>	1292 1293
<u>(10) Was convicted of or pleaded guilty to a violation of</u>	1294
<u>division (B) of section 4737.041 of the Revised Code, a</u>	1295
<u>violation of section 2923.03 of the Revised Code when division</u>	1296
<u>(G) of section 4737.99 of the Revised Code applies, a violation</u>	1297
<u>of section 2913.02 of the Revised Code when the person is</u>	1298
<u>sentenced pursuant to division (B) (10) of that section, or a</u>	1299
<u>violation of section 2913.51 of the Revised Code when the person</u>	1300
<u>is sentenced pursuant to division (F) of that section.</u>	1301
<del>(B) In</del> <u>(B) (1) Except as provided in division (B) (2) of</u>	1302
<u>this section, in considering a renewal of an individual's</u>	1303
license, the registrar shall not consider any conviction or plea	1304
of guilty prior to the initial licensing. However, the registrar	1305
may consider a conviction or plea of guilty if it occurred after	1306
the individual was initially licensed, or after the most recent	1307
license renewal.	1308
<u>(2) The registrar shall not renew an individual's license</u>	1309
<u>if the individual was convicted of or pleaded guilty to a</u>	1310
<u>violation of division (B) of section 4737.041 of the Revised</u>	1311
<u>Code, a violation of section 2923.03 of the Revised Code when</u>	1312
<u>division (G) of section 4737.99 of the Revised Code applies, a</u>	1313
<u>violation of section 2913.02 of the Revised Code when the person</u>	1314
<u>is sentenced pursuant to division (B) (10) of that section, or a</u>	1315
<u>violation of section 2913.51 of the Revised Code when the person</u>	1316
<u>is sentenced pursuant to division (F) of that section.</u>	1317
(C) The registrar may grant a person a conditional license	1318
that lasts for one year. After the one-year period has expired,	1319

the license is no longer considered conditional, and the person 1320  
shall be considered fully licensed. 1321

(D) If the applicant is a corporation or partnership, the 1322  
registrar may refuse to issue a license if any officer, 1323  
director, or partner of the applicant has been guilty of any 1324  
disqualifying offense and the refusal is in accordance with 1325  
section 9.79 of the Revised Code. The registrar's finding may be 1326  
based upon facts contained in the application or upon any other 1327  
information which the registrar may have. Immediately upon 1328  
denying an application for any of the reasons in this section, 1329  
the registrar shall enter a final order together with the 1330  
registrar's findings and certify the same to the motor vehicle 1331  
salvage dealer's licensing board. 1332

(E) If the registrar refuses an application for a license, 1333  
the reasons for such refusal shall be put in writing. An 1334  
applicant who has been refused a license may appeal from the 1335  
action of the registrar to the motor vehicle salvage dealer's 1336  
licensing board in the manner prescribed in section 4738.12 of 1337  
the Revised Code. 1338

(F) The registrar of motor vehicles shall not adopt, 1339  
maintain, renew, or enforce any rule, or otherwise preclude in 1340  
any way, an individual from renewing a license under this 1341  
chapter due to any past criminal activity or interpretation of 1342  
moral character, except as pursuant to division (B) of this 1343  
section. If the registrar denies an individual a license or 1344  
license renewal, the reasons for such denial shall be put in 1345  
writing. 1346

**Sec. 4738.12.** The motor vehicle salvage dealer's licensing 1347  
board shall hear appeals which may be taken from an order of the 1348  
registrar of motor vehicles, refusing to issue a license. All 1349

appeals from any order of the registrar refusing to issue any 1350  
license upon proper application made must be taken within thirty 1351  
days from the date of the order, or the order is final and 1352  
conclusive. All appeals from orders of the registrar must be by 1353  
petition in writing and verified under oath by the applicant 1354  
whose application for license has been denied, and must set 1355  
forth the reason why, in the petitioner's opinion, the order of 1356  
the registrar is not correct. In appeals the board may make 1357  
investigation to determine the correctness and legality of the 1358  
order of the registrar. 1359

The board may make rules governing its actions relative to 1360  
the suspension and revocation of licenses and may, upon its own 1361  
motion, and shall, upon the verified complaint in writing of any 1362  
person, investigate the conduct of any licensee under this 1363  
chapter. The board shall suspend or revoke or notify the 1364  
registrar to refuse to renew any license if any ground existed 1365  
upon which the license would have been refused, or if a ground 1366  
exists which would be cause for refusal to issue a license. 1367

The board may suspend or revoke any license if the 1368  
licensee has in any manner violated the rules issued pursuant to 1369  
sections 4738.01 to 4738.16 of the Revised Code, or has been 1370  
convicted of committing a felony or violating any law which in 1371  
any way relates to the theft of motor vehicles. 1372

The board shall revoke any license if the licensee is 1373  
convicted of or pleads guilty to a violation of division (B) of 1374  
section 4737.041 of the Revised Code, a violation of section 1375  
2923.03 of the Revised Code when division (G) of section 4737.99 1376  
of the Revised Code applies, a violation of section 2913.02 of 1377  
the Revised Code when the licensee is sentenced pursuant to 1378  
division (B)(10) of that section, or a violation of section 1379



2913.51 of the Revised Code when the licensee is sentenced 1380  
pursuant to division (F) of that section. 1381

**Sec. 4745.01.** (A) "Standard renewal procedure," as used in 1382  
Chapters 905., 907., 909., 911., 913., 915., 918., 921., 923., 1383  
927., 942., 943., 953., 1321., 3710., 3713., 3719., 3742., 1384  
3748., 3769., 3783., 3921., 3951., 4104., 4105., 4169., 4561., 1385  
4703., 4707., 4709., 4713., 4715., 4717., 4723., 4725., 4727., 1386  
4728., 4729., 4731., 4733., 4734., 4737., 4739., 4741., 4747., 1387  
4749., 4752., 4753., 4755., 4757., 4758., 4759., 4761., 4766., 1388  
4773., and 4775. of the Revised Code, means the license renewal 1389  
procedures specified in this chapter. 1390

(B) "Licensing agency," as used in this chapter, means any 1391  
department, division, board, section of a board, or other state 1392  
governmental unit subject to the standard renewal procedure, as 1393  
defined in this section, and authorized by the Revised Code to 1394  
issue a license to engage in a specific profession, occupation, 1395  
or occupational activity, or to have charge of and operate 1396  
certain specified equipment, machinery, or premises. 1397

(C) "License," as used in this chapter, means a license, 1398  
certificate, permit, card, or other authority issued or 1399  
conferred by a licensing agency by authority of which the 1400  
licensee has or claims the privilege to engage in the 1401  
profession, occupation, or occupational activity, or to have 1402  
control of and operate certain specific equipment, machinery, or 1403  
premises, over which the licensing agency has jurisdiction. 1404

(D) "Licensee," as used in this chapter, means either the 1405  
person to whom the license is issued or renewed by a licensing 1406  
agency, or the person, partnership, or corporation at whose 1407  
request the license is issued or renewed. 1408

(E) "Renewal" and "renewed," as used in this chapter and 1409  
in the chapters of the Revised Code specified in division (A) of 1410  
this section, includes the continuing licensing procedure 1411  
provided in Chapter 3748. of the Revised Code and rules adopted 1412  
under it and in sections 1321.05 and 3921.33 of the Revised 1413  
Code, and as applied to those continuing licenses any reference 1414  
in this chapter to the date of expiration of any license shall 1415  
be construed to mean the due date of the annual or other fee for 1416  
the continuing license. 1417

**Sec. 4775.09.** (A) (1) In accordance with Chapter 119. of 1418  
the Revised Code, the motor vehicle repair board may refuse to 1419  
issue or renew a registration certificate or may determine 1420  
whether to waive a suspension of a registration certificate as 1421  
provided in division (D) of section 4775.07 of the Revised Code. 1422

(2) Within ten days after receipt of an abstract from a 1423  
county court judge, mayor of a mayor's court, or clerk of a 1424  
court of record indicating a violation of division (D) of 1425  
section 4513.241 of the Revised Code, the board shall determine 1426  
whether the person named in the abstract is registered with the 1427  
board and, if the person is so registered, shall further 1428  
determine whether the person previously has been convicted of or 1429  
pleaded guilty to a violation of that section. If the person 1430  
previously has been convicted of or pleaded guilty to a 1431  
violation of that section, the board, in accordance with Chapter 1432  
119. of the Revised Code but without a prior hearing, shall 1433  
suspend the person's registration for a period of not more than 1434  
one hundred eighty days. 1435

(B) The court of common pleas of Franklin county has 1436  
exclusive jurisdiction over any person who conducts, or attempts 1437  
to conduct, business as a motor vehicle repair operator in 1438

violation of this chapter or any rule adopted under this 1439  
chapter. The court, on application of the board, may issue an 1440  
injunction, a cease and desist order, or other appropriate order 1441  
restraining the person from continuing the violation. This 1442  
section shall operate in addition to and shall not prohibit the 1443  
enforcement of any other law. 1444

(C) Upon the request of the executive director or as a 1445  
result of complaints, the board shall investigate the alleged 1446  
violation. 1447

(D) No person required to be registered under this chapter 1448  
shall have the benefit of any lien for labor or materials unless 1449  
the person is registered under this chapter. 1450

(E) No person whose application for registration under 1451  
this chapter is denied shall open or operate a facility for 1452  
business as a motor vehicle collision repair facility or motor 1453  
vehicle window tint installation facility under the name of the 1454  
person designated in the application for a registration 1455  
certificate or under any other name prior to registering as a 1456  
motor vehicle repair operator in accordance with this chapter. 1457

(F) (1) The board shall not issue a registration to or 1458  
renew the registration of a person who was convicted of or 1459  
pleaded guilty to a violation of division (B) of section 1460  
4737.041 of the Revised Code, a violation of section 2923.03 of 1461  
the Revised Code when division (G) of section 4737.99 of the 1462  
Revised Code applies, a violation of section 2913.02 of the 1463  
Revised Code when the person is sentenced pursuant to division 1464  
(B) (10) of that section, or a violation of section 2913.51 of 1465  
the Revised Code when the person is sentenced pursuant to 1466  
division (F) of that section. 1467

(2) The board shall revoke the registration of a person 1468  
who is convicted of or pleads guilty to a violation of division 1469  
(B) of section 4737.041 of the Revised Code, a violation of 1470  
section 2923.03 of the Revised Code when division (G) of section 1471  
4737.99 of the Revised Code applies, a violation of section 1472  
2913.02 of the Revised Code when the person is sentenced 1473  
pursuant to division (B)(10) of that section, or a violation of 1474  
section 2913.51 of the Revised Code when the person is sentenced 1475  
pursuant to division (F) of that section. 1476

**Sec. 5703.21.** (A) Except as provided in divisions (B) and 1477  
(C) of this section, no agent of the department of taxation, 1478  
except in the agent's report to the department or when called on 1479  
to testify in any court or proceeding, shall divulge any 1480  
information acquired by the agent as to the transactions, 1481  
property, or business of any person while acting or claiming to 1482  
act under orders of the department. Whoever violates this 1483  
provision shall thereafter be disqualified from acting as an 1484  
officer or employee or in any other capacity under appointment 1485  
or employment of the department. 1486

(B) (1) For purposes of an audit pursuant to section 117.15 1487  
of the Revised Code, or an audit of the department pursuant to 1488  
Chapter 117. of the Revised Code, or an audit, pursuant to that 1489  
chapter, the objective of which is to express an opinion on a 1490  
financial report or statement prepared or issued pursuant to 1491  
division (A) (7) or (9) of section 126.21 of the Revised Code, 1492  
the officers and employees of the auditor of state charged with 1493  
conducting the audit shall have access to and the right to 1494  
examine any state tax returns and state tax return information 1495  
in the possession of the department to the extent that the 1496  
access and examination are necessary for purposes of the audit. 1497  
Any information acquired as the result of that access and 1498

examination shall not be divulged for any purpose other than as 1499  
required for the audit or unless the officers and employees are 1500  
required to testify in a court or proceeding under compulsion of 1501  
legal process. Whoever violates this provision shall thereafter 1502  
be disqualified from acting as an officer or employee or in any 1503  
other capacity under appointment or employment of the auditor of 1504  
state. 1505

(2) For purposes of an internal audit pursuant to section 1506  
126.45 of the Revised Code, the officers and employees of the 1507  
office of internal audit in the office of budget and management 1508  
charged with directing the internal audit shall have access to 1509  
and the right to examine any state tax returns and state tax 1510  
return information in the possession of the department to the 1511  
extent that the access and examination are necessary for 1512  
purposes of the internal audit. Any information acquired as the 1513  
result of that access and examination shall not be divulged for 1514  
any purpose other than as required for the internal audit or 1515  
unless the officers and employees are required to testify in a 1516  
court or proceeding under compulsion of legal process. Whoever 1517  
violates this provision shall thereafter be disqualified from 1518  
acting as an officer or employee or in any other capacity under 1519  
appointment or employment of the office of internal audit. 1520

(3) As provided by section 6103(d) (2) of the Internal 1521  
Revenue Code, any federal tax returns or federal tax information 1522  
that the department has acquired from the internal revenue 1523  
service, through federal and state statutory authority, may be 1524  
disclosed to the auditor of state or the office of internal 1525  
audit solely for purposes of an audit of the department. 1526

(4) For purposes of Chapter 3739. of the Revised Code, an 1527  
agent of the department of taxation may share information with 1528

the division of state fire marshal that the agent finds during 1529  
the course of an investigation. 1530

(C) Division (A) of this section does not prohibit any of 1531  
the following: 1532

(1) Divulging information contained in applications, 1533  
complaints, and related documents filed with the department 1534  
under section 5715.27 of the Revised Code or in applications 1535  
filed with the department under section 5715.39 of the Revised 1536  
Code; 1537

(2) Providing information to the office of child support 1538  
within the department of job and family services pursuant to 1539  
section 3125.43 of the Revised Code; 1540

(3) Disclosing to the motor vehicle repair board any 1541  
information in the possession of the department that is 1542  
necessary for the board to verify the existence of an 1543  
applicant's valid vendor's license and current state tax 1544  
identification number under section 4775.07 of the Revised Code; 1545

(4) Providing information to the administrator of workers' 1546  
compensation pursuant to sections 4123.271 and 4123.591 of the 1547  
Revised Code; 1548

(5) Providing to the attorney general information the 1549  
department obtains under division (J) of section 1346.01 of the 1550  
Revised Code; 1551

(6) Permitting properly authorized officers, employees, or 1552  
agents of a municipal corporation from inspecting reports or 1553  
information pursuant to section 718.84 of the Revised Code or 1554  
rules adopted under section 5745.16 of the Revised Code; 1555

(7) Providing information regarding the name, account 1556

number, or business address of a holder of a vendor's license 1557  
issued pursuant to section 5739.17 of the Revised Code, a holder 1558  
of a direct payment permit issued pursuant to section 5739.031 1559  
of the Revised Code, or a seller having a use tax account 1560  
maintained pursuant to section 5741.17 of the Revised Code, or 1561  
information regarding the active or inactive status of a 1562  
vendor's license, direct payment permit, or seller's use tax 1563  
account; 1564

(8) Releasing invoices or invoice information furnished 1565  
under section 4301.433 of the Revised Code pursuant to that 1566  
section; 1567

(9) Providing to a county auditor notices or documents 1568  
concerning or affecting the taxable value of property in the 1569  
county auditor's county. Unless authorized by law to disclose 1570  
documents so provided, the county auditor shall not disclose 1571  
such documents; 1572

(10) Providing to a county auditor sales or use tax return 1573  
or audit information under section 333.06 of the Revised Code; 1574

(11) Subject to section 4301.441 of the Revised Code, 1575  
disclosing to the appropriate state agency information in the 1576  
possession of the department of taxation that is necessary to 1577  
verify a permit holder's gallonage or noncompliance with taxes 1578  
levied under Chapter 4301. or 4305. of the Revised Code; 1579

(12) Disclosing to the department of natural resources 1580  
information in the possession of the department of taxation that 1581  
is necessary for the department of taxation to verify the 1582  
taxpayer's compliance with section 5749.02 of the Revised Code 1583  
or to allow the department of natural resources to enforce 1584  
Chapter 1509. of the Revised Code; 1585

(13) Disclosing to the department of job and family 1586  
services, industrial commission, and bureau of workers' 1587  
compensation information in the possession of the department of 1588  
taxation solely for the purpose of identifying employers that 1589  
misclassify employees as independent contractors or that fail to 1590  
properly report and pay employer tax liabilities. The department 1591  
of taxation shall disclose only such information that is 1592  
necessary to verify employer compliance with law administered by 1593  
those agencies. 1594

(14) Disclosing to the Ohio casino control commission 1595  
information in the possession of the department of taxation that 1596  
is necessary to verify a casino operator's or sports gaming 1597  
proprietor's compliance with section 5747.063, 5753.02, or 1598  
5753.021 of the Revised Code and sections related thereto; 1599

(15) Disclosing to the state lottery commission 1600  
information in the possession of the department of taxation that 1601  
is necessary to verify a lottery sales agent's compliance with 1602  
section 5747.064 of the Revised Code. 1603

(16) Disclosing to the department of development 1604  
information in the possession of the department of taxation that 1605  
is necessary to ensure compliance with the laws of this state 1606  
governing taxation and to verify information reported to the 1607  
department of development for the purpose of evaluating 1608  
potential tax credits, tax deductions, grants, or loans. Such 1609  
information shall not include information received from the 1610  
internal revenue service the disclosure of which is prohibited 1611  
by section 6103 of the Internal Revenue Code. No officer, 1612  
employee, or agent of the department of development shall 1613  
disclose any information provided to the department of 1614  
development by the department of taxation under division (C) (16) 1615



of this section except when disclosure of the information is 1616  
necessary for, and made solely for the purpose of facilitating, 1617  
the evaluation of potential tax credits, tax deductions, grants, 1618  
or loans. 1619

(17) Disclosing to the department of insurance information 1620  
in the possession of the department of taxation that is 1621  
necessary to ensure a taxpayer's compliance with the 1622  
requirements with any tax credit administered by the department 1623  
of development and claimed by the taxpayer against any tax 1624  
administered by the superintendent of insurance. No officer, 1625  
employee, or agent of the department of insurance shall disclose 1626  
any information provided to the department of insurance by the 1627  
department of taxation under division (C) (17) of this section. 1628

(18) Disclosing to the division of liquor control 1629  
information in the possession of the department of taxation that 1630  
is necessary for the division and department to comply with the 1631  
requirements of sections 4303.26 and 4303.271 of the Revised 1632  
Code. 1633

(19) Disclosing to the department of education, upon that 1634  
department's request, information in the possession of the 1635  
department of taxation that is necessary only to verify whether 1636  
the family income of a student applying for or receiving a 1637  
scholarship under the educational choice scholarship pilot 1638  
program is equal to, less than, or greater than the income 1639  
thresholds prescribed by section 3310.032 of the Revised Code. 1640  
The department of education shall provide sufficient information 1641  
about the student and the student's family to enable the 1642  
department of taxation to make the verification. 1643

(20) Disclosing to the Ohio rail development commission 1644  
information in the possession of the department of taxation that 1645

is necessary to ensure compliance with the laws of this state 1646  
governing taxation and to verify information reported to the 1647  
commission for the purpose of evaluating potential grants or 1648  
loans. Such information shall not include information received 1649  
from the internal revenue service the disclosure of which is 1650  
prohibited by section 6103 of the Internal Revenue Code. No 1651  
member, officer, employee, or agent of the Ohio rail development 1652  
commission shall disclose any information provided to the 1653  
commission by the department of taxation under division (C) (20) 1654  
of this section except when disclosure of the information is 1655  
necessary for, and made solely for the purpose of facilitating, 1656  
the evaluation of potential grants or loans. 1657

(21) Disclosing to the state racing commission information 1658  
in the possession of the department of taxation that is 1659  
necessary for verification of compliance with and for 1660  
enforcement and administration of the taxes levied by Chapter 1661  
3769. of the Revised Code. Such information shall include 1662  
information that is necessary for the state racing commission to 1663  
verify compliance with Chapter 3769. of the Revised Code for the 1664  
purposes of issuance, denial, suspension, or revocation of a 1665  
permit pursuant to section 3769.03 or 3769.06 of the Revised 1666  
Code and related sections. Unless disclosure is otherwise 1667  
authorized by law, information provided to the state racing 1668  
commission under this section remains confidential and is not 1669  
subject to public disclosure pursuant to section 3769.041 of the 1670  
Revised Code. 1671

(22) Disclosing to the state fire marshal information in 1672  
the possession of the department of taxation that is necessary 1673  
for the state fire marshal to verify the compliance of a 1674  
licensed manufacturer of fireworks or a licensed wholesaler of 1675  
fireworks with section 3743.22 of the Revised Code. No officer, 1676

employee, or agent of the state fire marshal shall disclose any 1677  
information provided to the state fire marshal by the department 1678  
of taxation under division (C) (22) of this section. 1679

(23) Disclosing to the department of job and family 1680  
services information in the possession of the department of 1681  
taxation for either of the following purposes: 1682

(a) Making a determination under section 4141.28 of the 1683  
Revised Code; 1684

(b) Verifying an individual's eligibility for a federal 1685  
program described in section 4141.163 of the Revised Code. 1686

Such information shall not include information received 1687  
from the internal revenue service the disclosure of which is 1688  
prohibited by section 6103 of the Internal Revenue Code. 1689

(24) Disclosing to the director of public safety any 1690  
information necessary for the director to verify, for any 1691  
applicant under section 4737.23 of the Revised Code, such 1692  
applicant's valid vendor license and current state tax 1693  
identification number issued by the tax commissioner. 1694

**Section 2.** That existing sections 2913.02, 2913.51, 1695  
4737.012, 4737.04, 4737.041, 4737.045, 4737.99, 4738.03, 1696  
4738.07, 4738.12, 4745.01, 4775.09, and 5703.21 of the Revised 1697  
Code are hereby repealed. 1698

**Section 3.** All items in this act are hereby appropriated 1699  
as designated out of any moneys in the state treasury to the 1700  
credit of the designated fund. For all operating appropriations 1701  
made in this act, those in the first column are for fiscal year 1702  
2024 and those in the second column are for fiscal year 2025. 1703  
The operating appropriations made in this act are in addition to 1704  
any other operating appropriations made for these fiscal years. 1705

Section 4. 1706

1707

	1	2	3	4	5
A			AGO ATTORNEY GENERAL		
B			General Revenue Fund		
C	GRF	055451	Catalytic Converter Theft Task Force	\$1,500,000	\$1,000,000
D			TOTAL GRF General Revenue Fund	\$1,500,000	\$1,000,000
E			TOTAL ALL BUDGET FUND GROUPS	\$1,500,000	\$1,000,000

CATALYTIC CONVERTER THEFT TASK FORCE 1708

The foregoing appropriation item 055451, Catalytic  
 Converter Theft Task Force, shall be used by the Organized Crime  
 Investigations Commission to support the operations of any  
 catalytic converter theft task forces established by the  
 Commission pursuant to section 177.02 of the Revised Code.

**Section 5.** Within the limits set forth in this act, the  
 Director of Budget and Management shall establish accounts  
 indicating the source and amount of funds for each appropriation  
 made in this act, and shall determine the manner in which  
 appropriation accounts shall be maintained. Expenditures from  
 operating appropriations contained in this act shall be  
 accounted for as though made in, and are subject to all  
 applicable provisions of, the main operating appropriations act  
 of the 135th General Assembly.