

**As Introduced**

**136th General Assembly  
Regular Session  
2025-2026**

**H. B. No. 210**

**Representatives Roemer, Plummer**

---

**A BILL**

To amend sections 2913.02, 2913.51, 4737.012, 1  
4737.04, 4737.041, 4737.043, 4737.045, 4737.99, 2  
4738.03, 4738.07, 4738.12, 4745.01, and 4775.09 3  
and to enact sections 4737.046 and 4737.98 of 4  
the Revised Code regarding the sale of used 5  
catalytic converters. 6

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

**Section 1.** That sections 2913.02, 2913.51, 4737.012, 7  
4737.04, 4737.041, 4737.043, 4737.045, 4737.99, 4738.03, 8  
4738.07, 4738.12, 4745.01, and 4775.09 be amended and sections 9  
4737.046 and 4737.98 of the Revised Code be enacted to read as 10  
follows: 11

**Sec. 2913.02.** (A) No person, with purpose to deprive the 12  
owner of property or services, shall knowingly obtain or exert 13  
control over either the property or services in any of the 14  
following ways: 15

(1) Without the consent of the owner or person authorized 16  
to give consent; 17

(2) Beyond the scope of the express or implied consent of 18  
the owner or person authorized to give consent; 19

(3) By deception;	20
(4) By threat;	21
(5) By intimidation.	22
(B) (1) Whoever violates this section is guilty of theft.	23
(2) Except as otherwise provided in this division or	24
division (B) (3), (4), (5), (6), (7), (8), <del>or (9)</del> , <u>or (10)</u> of	25
this section, a violation of this section is misdemeanor theft,	26
a misdemeanor of the first degree. If the value of the property	27
or services stolen is one thousand dollars or more and is less	28
than seven thousand five hundred dollars or if the property	29
stolen is any of the property listed in section 2913.71 of the	30
Revised Code, a violation of this section is theft, a felony of	31
the fifth degree. If the value of the property or services	32
stolen is seven thousand five hundred dollars or more and is	33
less than one hundred fifty thousand dollars, a violation of	34
this section is grand theft, a felony of the fourth degree. If	35
the value of the property or services stolen is one hundred	36
fifty thousand dollars or more and is less than seven hundred	37
fifty thousand dollars, a violation of this section is	38
aggravated theft, a felony of the third degree. If the value of	39
the property or services is seven hundred fifty thousand dollars	40
or more and is less than one million five hundred thousand	41
dollars, a violation of this section is aggravated theft, a	42
felony of the second degree. If the value of the property or	43
services stolen is one million five hundred thousand dollars or	44
more, a violation of this section is aggravated theft of one	45
million five hundred thousand dollars or more, a felony of the	46
first degree.	47
(3) Except as otherwise provided in division (B) (4), (5),	48

(6), (7), (8), ~~or~~ (9), or (10) of this section, if the victim of 49  
the offense is an elderly person, disabled adult, active duty 50  
service member, or spouse of an active duty service member, a 51  
violation of this section is theft from a person in a protected 52  
class, and division (B)(3) of this section applies. Except as 53  
otherwise provided in this division, theft from a person in a 54  
protected class is a felony of the fifth degree. If the value of 55  
the property or services stolen is one thousand dollars or more 56  
and is less than seven thousand five hundred dollars, theft from 57  
a person in a protected class is a felony of the fourth degree. 58  
If the value of the property or services stolen is seven 59  
thousand five hundred dollars or more and is less than thirty- 60  
seven thousand five hundred dollars, theft from a person in a 61  
protected class is a felony of the third degree. If the value of 62  
the property or services stolen is thirty-seven thousand five 63  
hundred dollars or more and is less than one hundred fifty 64  
thousand dollars, theft from a person in a protected class is a 65  
felony of the second degree. If the value of the property or 66  
services stolen is one hundred fifty thousand dollars or more, 67  
theft from a person in a protected class is a felony of the 68  
first degree. If the victim of the offense is an elderly person, 69  
in addition to any other penalty imposed for the offense, the 70  
offender shall be required to pay full restitution to the victim 71  
and to pay a fine of up to fifty thousand dollars. The clerk of 72  
court shall forward all fines collected under division (B)(3) of 73  
this section to the county department of job and family services 74  
to be used for the reporting and investigation of elder abuse, 75  
neglect, and exploitation or for the provision or arrangement of 76  
protective services under sections 5101.61 to 5101.71 of the 77  
Revised Code. 78

(4) If the property stolen is a firearm or dangerous 79

ordnance, a violation of this section is grand theft. Except as 80  
otherwise provided in this division, grand theft when the 81  
property stolen is a firearm or dangerous ordnance is a felony 82  
of the third degree, and there is a presumption in favor of the 83  
court imposing a prison term for the offense. If the firearm or 84  
dangerous ordnance was stolen from a federally licensed firearms 85  
dealer, grand theft when the property stolen is a firearm or 86  
dangerous ordnance is a felony of the first degree. The offender 87  
shall serve a prison term imposed for grand theft when the 88  
property stolen is a firearm or dangerous ordnance consecutively 89  
to any other prison term or mandatory prison term previously or 90  
subsequently imposed upon the offender. 91

(5) If the property stolen is a motor vehicle, a violation 92  
of this section is grand theft of a motor vehicle, a felony of 93  
the fourth degree. 94

(6) If the property stolen is any dangerous drug, a 95  
violation of this section is theft of drugs, a felony of the 96  
fourth degree, or, if the offender previously has been convicted 97  
of a felony drug abuse offense, a felony of the third degree. 98

(7) If the property stolen is a police dog or horse or an 99  
assistance dog and the offender knows or should know that the 100  
property stolen is a police dog or horse or an assistance dog, a 101  
violation of this section is theft of a police dog or horse or 102  
an assistance dog, a felony of the third degree. 103

(8) If the property stolen is anhydrous ammonia, a 104  
violation of this section is theft of anhydrous ammonia, a 105  
felony of the third degree. 106

(9) Except as provided in division (B) (2) of this section 107  
with respect to property with a value of seven thousand five 108

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

~~(10)~~(10) (a) If the property stolen is a catalytic 117  
converter, a violation of this section is theft of a catalytic 118  
converter, a felony of the fifth degree. 119

(b) If the offender has previously been convicted of or 120  
pleaded guilty to a violation of Chapter 2911. or 2913. of the 121  
Revised Code, theft of a catalytic converter is a felony of the 122  
fourth degree. 123

(c) If the property stolen is a catalytic converter and 124  
the offender is a business entity, a violation of this section 125  
is enterprise theft of a catalytic converter and, 126  
notwithstanding section 2929.31 of the Revised Code, is 127  
punishable by a fine of not less than ten thousand dollars and 128  
not more than fifty thousand dollars per violation. 129

(d) The clerk of the court shall pay any fine imposed 130  
pursuant to division (B) (10) of this section to the county, 131  
township, municipal corporation, park district as created 132  
pursuant to section 511.18 or 1545.04 of the Revised Code, or 133  
state law enforcement agencies in this state that primarily were 134  
responsible for, or involved in, arresting and prosecuting the 135  
offender. 136

(e) As used in division (B) (10) of this section, 137

"catalytic converter" has the same meaning as in section 4737.04 138  
of the Revised Code. 139

(11) In addition to the penalties described in division 140  
(B) (2) of this section, if the offender committed the violation 141  
by causing a motor vehicle to leave the premises of an 142  
establishment at which gasoline is offered for retail sale 143  
without the offender making full payment for gasoline that was 144  
dispensed into the fuel tank of the motor vehicle or into 145  
another container, the court may do one of the following: 146

(a) Unless division ~~(B) (10) (b)~~ (B) (11) (b) of this section 147  
applies, suspend for not more than six months the offender's 148  
driver's license, probationary driver's license, commercial 149  
driver's license, temporary instruction permit, or nonresident 150  
operating privilege; 151

(b) If the offender's driver's license, probationary 152  
driver's license, commercial driver's license, temporary 153  
instruction permit, or nonresident operating privilege has 154  
previously been suspended pursuant to division ~~(B) (10) (a)~~ (B) 155  
(11) (a) of this section, impose a class seven suspension of the 156  
offender's license, permit, or privilege from the range 157  
specified in division (A) (7) of section 4510.02 of the Revised 158  
Code, provided that the suspension shall be for at least six 159  
months. 160

(c) The court, in lieu of suspending the offender's 161  
driver's or commercial driver's license, probationary driver's 162  
license, temporary instruction permit, or nonresident operating 163  
privilege pursuant to division ~~(B) (10) (a)~~ (B) (11) (a) or (b) of 164  
this section, instead may require the offender to perform 165  
community service for a number of hours determined by the court. 166

~~(11)~~ (12) In addition to the penalties described in 167  
division (B) (2) of this section, if the offender committed the 168  
violation by stealing rented property or rental services, the 169  
court may order that the offender make restitution pursuant to 170  
section 2929.18 or 2929.28 of the Revised Code. Restitution may 171  
include, but is not limited to, the cost of repairing or 172  
replacing the stolen property, or the cost of repairing the 173  
stolen property and any loss of revenue resulting from 174  
deprivation of the property due to theft of rental services that 175  
is less than or equal to the actual value of the property at the 176  
time it was rented. Evidence of intent to commit theft of rented 177  
property or rental services shall be determined pursuant to the 178  
provisions of section 2913.72 of the Revised Code. 179

(C) The sentencing court that suspends an offender's 180  
license, permit, or nonresident operating privilege under 181  
division ~~(B) (10)~~ (B) (11) of this section may grant the offender 182  
limited driving privileges during the period of the suspension 183  
in accordance with Chapter 4510. of the Revised Code. 184

**Sec. 2913.51.** (A) As used in this section: 185

(1) "Bulk merchandise container" has the same meaning as 186  
in section 4737.012 of the Revised Code. 187

(2) "Catalytic converter" and "special purchase article" 188  
have the same meanings as in section 4737.04 of the Revised 189  
Code. 190

(3) "Dangerous drug" has the same meaning as in section 191  
4729.01 of the Revised Code. 192

(4) "Dangerous ordnance" and "firearm" have the same 193  
meanings as in section 2923.11 of the Revised Code. 194

(5) "Motor vehicle" has the same meaning as in section 195

<u>4501.01 of the Revised Code.</u>	196
<u>(B)</u> No person shall receive, retain, or dispose of	197
property of another knowing or having reasonable cause to	198
believe that the property has been obtained through commission	199
of a theft offense.	200
<del>(B)</del> <u>(C)</u> It is not a defense to a charge of receiving	201
stolen property in violation of this section that the property	202
was obtained by means other than through the commission of a	203
theft offense if the property was explicitly represented to the	204
accused person as being obtained through the commission of a	205
theft offense.	206
<del>(C)</del> <u>(D)</u> Whoever violates this section is guilty of	207
receiving stolen property. Except as otherwise provided in this	208
division or division <del>(D)</del> <u>(E)</u> or <u>(F)</u> of this section, receiving	209
stolen property is a misdemeanor of the first degree. If the	210
value of the property involved is one thousand dollars or more	211
and is less than seven thousand five hundred dollars, if the	212
property involved is any of the property listed in section	213
2913.71 of the Revised Code, receiving stolen property is a	214
felony of the fifth degree. If the property involved is a motor	215
vehicle, <del>as defined in section 4501.01 of the Revised Code, if</del>	216
<del>the property involved is a dangerous drug, a firearm, or</del>	217
<del>dangerous ordnance, as defined in section 4729.01 of the Revised</del>	218
<del>Code, or</del> if the value of the property involved is seven thousand	219
five hundred dollars or more and is less than one hundred fifty	220
thousand dollars, <del>or if the property involved is a firearm or</del>	221
<del>dangerous ordnance, as defined in section 2923.11 of the Revised</del>	222
<del>Code,</del> receiving stolen property is a felony of the fourth	223
degree. If the value of the property involved is one hundred	224
fifty thousand dollars or more, receiving stolen property is a	225

felony of the third degree. 226

~~(D)~~ (E) Except as provided in division ~~(C)~~ (D) of this 227  
section with respect to property involved in a violation of this 228  
section with a value of seven thousand five hundred dollars or 229  
more, if the property involved in violation of this section is a 230  
special purchase article ~~as defined in section 4737.04 of the~~ 231  
~~Revised Code~~ or a bulk merchandise container ~~as defined in~~ 232  
~~section 4737.012 of the Revised Code~~, a violation of this 233  
section is receiving a stolen special purchase article or 234  
articles or receiving a stolen bulk merchandise container or 235  
containers, a felony of the fifth degree. 236

(F) (1) Except as otherwise provided in this division, if 237  
the property involved is a catalytic converter, a violation of 238  
this section is receiving a stolen catalytic converter, a felony 239  
of the fifth degree. 240

(2) If the offender has previously been convicted of or 241  
pleaded guilty to a violation of Chapter 2911. or 2913. of the 242  
Revised Code, receiving a stolen catalytic converter is a felony 243  
of the fourth degree. 244

(3) If the property involved is a catalytic converter and 245  
the offender is a business entity, a violation of this section 246  
is enterprise receipt of a stolen catalytic converter and, 247  
notwithstanding section 2929.31 of the Revised Code, is 248  
punishable by a fine of not less than ten thousand dollars and 249  
not more than fifty thousand dollars per violation. 250

(4) The clerk of the court shall pay any fine imposed 251  
pursuant to division (F) of this section to the county, 252  
township, municipal corporation, park district, as created 253  
pursuant to section 511.18 or 1545.04 of the Revised Code, or 254

state law enforcement agencies in this state that primarily were 255  
responsible for or involved in arresting and prosecuting the 256  
offender. 257

**Sec. 4737.012.** (A) Notwithstanding ~~division (A) of~~ section 258  
4737.01 of the Revised Code, a dealer who is in the business of 259  
purchasing, reselling, exchanging, recycling, shredding, or 260  
receiving bulk merchandise containers shall not purchase or 261  
receive plastic bulk merchandise containers that are marked with 262  
a company name or logo, or more than nine wooden bulk 263  
merchandise containers, from any other person at one time, 264  
unless the dealer maintains a record book or electronic file in 265  
which the dealer keeps an accurate and complete record of all 266  
containers purchased or received by the dealer. Every entry in 267  
the record book or electronic file shall be numbered 268  
consecutively. Until the registry developed by the director of 269  
public safety pursuant to section 4737.045 of the Revised Code 270  
is operational, a dealer shall maintain the record for each 271  
container purchased or received for a minimum period of one year 272  
after the date the dealer purchased or received the container. 273  
Beginning on the date the registry is operational, a dealer 274  
shall maintain the record for each container purchased or 275  
received only for a period of sixty days after the date the 276  
dealer purchased or received the container. The director shall 277  
adopt rules for the format and maintenance of the records 278  
required under this division. 279

The records shall contain all of the following: 280

(1) The name and residence of the person from whom the 281  
containers were purchased or received, a copy of that person's 282  
personal identification card, and, if required, a photograph of 283  
the person taken pursuant to division (B)(2) of this section; 284

(2) A description of the containers, including the number	285
purchased or received and, if required, a photograph of the	286
containers taken pursuant to division (B)(1) of this section;	287
(3) The date and time the dealer purchased or received the	288
containers;	289
(4) If the seller or provider of the containers arrives at	290
the dealer's place of business in a motor vehicle, the license	291
plate number of that motor vehicle along with the state that	292
issued the license plate.	293
(B) Every dealer who is in the business of reselling bulk	294
merchandise containers shall take a photograph, in accordance	295
with rules adopted by the director, of both of the following:	296
(1) Each container for which the dealer must make a record	297
under division (A) of this section;	298
(2) Each person who sells or otherwise gives the dealer	299
the containers.	300
The dealer shall take the required photographs at the time	301
the dealer purchases or receives the containers and shall keep	302
the photographs as part of the record in accordance with	303
division (A) of this section.	304
(C) A dealer who is in the business of purchasing,	305
reselling, exchanging, recycling, shredding, or receiving bulk	306
merchandise containers shall fulfill the requirements of section	307
4737.041 of the Revised Code with respect to the containers	308
purchased or received by the dealer for which the dealer must	309
make a record under division (A) of this section. No dealer	310
shall purchase or receive any bulk merchandise container for	311
which the dealer must make a record under division (A) of this	312
section without complying with <del>division (B), (C), or (D)</del>	313

<u>divisions (A) (2) to (4) of section 4737.041 of the Revised Code.</u>	314
(D) As used in this section, "bulk merchandise container"	315
means a plastic or wooden carrier or holder used by a	316
manufacturer or distributor to transport merchandise to	317
wholesale and retail outlets.	318
<b>Sec. 4737.04.</b> (A) As used in this section and sections	319
4737.041, 4737.042, 4737.043, 4737.044, 4737.045, <u>4737.046</u> , and	320
4737.99 of the Revised Code:	321
(1) "Scrap metal dealer" means the owner or operator of a	322
business that purchases or receives scrap metal for the purpose	323
of sorting, grading, and shipping metals to third parties for	324
direct or indirect melting into new products.	325
(2) "Special purchase article" means all of the following:	326
(a) Beer kegs;	327
(b) Cable, wire, electrical components, and other	328
equipment used in providing cable service or any utility	329
service, including, but not limited to, copper or aluminum	330
coverings, housings, or enclosures related thereto;	331
(c) Grave markers, sculptures, plaques, and vases made out	332
of metal, the appearance of which suggests that the articles	333
have been obtained from a cemetery;	334
(d) Guard rails for bridges, highways, and roads; highway	335
and street signs; street light poles and fixtures; worker access	336
hole covers, water meter covers, and other similar types of	337
utility access covers; traffic directional and control signs and	338
light signals, metal marked with the name of a political	339
subdivision of the state, and other metal articles that are	340
purchased and installed for use upon authorization of the state	341

or any political subdivision of the state;	342
(e) Historical, commemorative, and memorial markers and plaques made out of metal;	343 344
(f) Four-wheel metal carts, commonly referred to as "grocery carts," that are generally used by individuals to collect and transport consumer goods while shopping;	345 346 347
(g) Four-wheel metal carts, commonly referred to as "metal bossies," that are used to transport or merchandise food products that are stored in crates, shells, or trays;	348 349 350
(h) Railroad material, including journal brasses, rail spikes, rails, tie plates, frogs, and communication wire;	351 352
(i) Metal trays, merchandise containers, or similar transport containers used by a product producer, distributor, retailer, or an 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;	353 354 355 356 357 358
(j) "Burnt wire," which is any coated metal wire that has been smelted, burned, or melted thereby removing the manufacturer's or owner's identifying marks.	359 360 361
(3) "Bulk merchandise container" has the same meaning as in section 4737.012 of the Revised Code.	362 363
(4) "Bulk merchandise container dealer" means a dealer who is subject to section 4737.012 of the Revised Code.	364 365
(5) <u>"Catalytic converter" includes a catalytic converter core, diesel particulate filter, and diesel oxidation catalyst.</u>	366 367
<u>(6) "Common recycled matter" means bottles and other</u>	368

containers made out of steel, tin, or aluminum and other 369  
consumer goods that are metal that are recycled by individual 370  
consumers and not in the bulk or quantity that could be supplied 371  
or recycled by large business establishments. "Common recycled 372  
matter" does not include a metal tray used by a product 373  
producer, distributor, retailer, or agent of a product producer, 374  
distributor, or retailer as a means for the bulk transportation, 375  
storage, or carrying of retail containers of milk, baked goods, 376  
eggs, or bottled beverage products. 377

~~(6)~~ (7) "Consumer goods" has the same meaning as in 378  
section 1309.102 of the Revised Code. 379

~~(7)~~ (8) "Recyclable materials" means the metal materials 380  
described in division (C) (5) of this section, on the condition 381  
that those metal materials are not special purchase articles. 382

~~(8)~~ (9) "Motor vehicle" has the same meaning as in section 383  
4501.01 of the Revised Code. 384

(B) (1) No person shall engage in the business of scrap 385  
metal dealing or act as a bulk merchandise container dealer 386  
without first registering with the director of public safety in 387  
accordance with section 4737.045 of the Revised Code. 388

(2) No person shall receive, purchase, or sell a special 389  
purchase article or a bulk merchandise container except as in 390  
accordance with sections 4737.012 and 4737.04 to ~~4737.045~~ 391  
4737.046 of the Revised Code. 392

(C) Every scrap metal dealer shall maintain a record book 393  
or electronic file, in which the dealer shall keep an accurate 394  
and complete record of all articles purchased or received by the 395  
dealer in the course of the dealer's daily business. The record 396  
shall include a copy of any check issued pursuant to division 397

(A) (4) of section 4737.041 of the Revised Code. On and after 398  
September 11, 2008, every entry in the record book or electronic 399  
file shall be numbered consecutively and, on or after September 400  
28, 2012, shall be maintained for inspection in numerical order. 401  
Until the registry developed by the director pursuant to section 402  
4737.045 of the Revised Code is operational, a dealer shall 403  
maintain the record for each article purchased or received for a 404  
minimum period of one year after the date the dealer purchased 405  
or received the article, except that the dealer shall maintain 406  
the photograph required under division (I) of this section only 407  
for a period of sixty days after the dealer purchased or 408  
received the article. Beginning on the date the registry is 409  
operational, a dealer shall maintain the record for each article 410  
purchased or received only for a period of sixty days after the 411  
date the dealer purchased or received the article. The director 412  
shall adopt rules for the format and maintenance of the records 413  
required under this division. 414

The records shall contain all of the following: 415

(1) The name and residence of the person from whom the 416  
articles were purchased or received, a copy of that person's 417  
personal identification card, and a photograph of the person 418  
taken pursuant to division (I) of this section; 419

(2) The date and time the scrap metal dealer purchased or 420  
received the articles and the weight of the articles as 421  
determined by a licensed commercial scale; 422

(3) If the seller or provider of the articles arrives at 423  
the dealer's place of business in a motor vehicle, the license 424  
plate number of that motor vehicle along with the state that 425  
issued the license plate; 426

(4) For metal articles that are not recyclable materials,	427
a full and accurate description of each article purchased or	428
received by the dealer that includes identifying letters or	429
marks written, inscribed, or otherwise included on the article	430
and the name and maker of the article if known;	431
(5) For recyclable materials that are not special purchase	432
articles, the following category codes to identify the	433
recyclable materials that the dealer receives:	434
(a) "Number one copper," which includes clean copper pipe,	435
clean copper wire, or other number one copper that does not have	436
solder, paint, or coating;	437
(b) "Number two copper," which includes unclean copper	438
pipe, unclean copper wire, or other number two copper;	439
(c) "Sheet copper," which includes copper roofing, copper	440
gutters, copper downspouts, and other sheet copper;	441
(d) "Insulated copper wire";	442
(e) "Aluminum or copper radiators," which includes	443
aluminum radiators, aluminum copper radiators, and copper	444
radiators;	445
(f) "Red brass," which includes red brass valves and other	446
red brass;	447
(g) "Yellow brass," which includes yellow brass fixtures,	448
yellow brass valve and fitting, ornamental brass, and other	449
yellow brass;	450
(h) "Aluminum sheet";	451
(i) "Aluminum extrusions," which includes aluminum	452
bleachers, aluminum benches, aluminum frames, aluminum pipe, and	453

other aluminum extrusions;	454
(j) "Cast aluminum," which includes aluminum grills,	455
lawnmower decks made of aluminum, aluminum motor vehicle parts	456
and rims, and other cast aluminum;	457
(k) "Clean aluminum wire";	458
(l) "Unclean aluminum wire";	459
(m) "Aluminum exteriors," which includes aluminum siding,	460
aluminum gutters and downspouts, aluminum shutters, aluminum	461
trim, and other aluminum exterior items;	462
(n) "Contaminated aluminum";	463
(o) "Stainless steel," which includes, sinks, appliance	464
housing, dishes, pots, pans, pipe, and other items made out of	465
stainless steel;	466
(p) "Large appliances," which includes consumer and other	467
appliances;	468
(q) "Steel structural," which includes all structural	469
steel such as I-beams, trusses, channel iron, and similar steel	470
from buildings;	471
(r) "Miscellaneous steel," which includes steel grates,	472
steel farm machinery, steel industrial machinery, steel motor	473
vehicle frames, and other items made out of steel;	474
(s) "Sheet irons," which includes bicycles, motor vehicle	475
body parts made of iron, and other items made using sheet iron;	476
(t) "Motor vehicle nonbody parts," which includes motor	477
vehicle batteries, radiators, and other nonbody motor vehicle	478
parts;	479
(u) "Catalytic converters";	480

(v) "Lead";	481
(w) "Electric motors";	482
(x) "Electronic scrap," which includes any consumer or commercial electronic equipment such as computers, servers, routers, video displays, and similar products.	483 484 485
(6) For recyclable materials that are special purchase articles, the relevant category provided in division (A) (2) of this section.	486 487 488
(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.	489 490 491 492 493
(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:	494 495 496 497 498 499 500
(a) Provide a copy of those records to any law enforcement agency or railroad police officer that requests the records or to the director or director's representative, upon request;	501 502 503
(b) Prepare a daily electronic report, the content and format of which shall be established in rules adopted by the director, listing all retail transactions that occurred during the preceding day and containing the information described in division (C) of this section or division (A) of section 4737.012 of the Revised Code, as applicable. The dealer shall	504 505 506 507 508 509

electronically transfer, by twelve noon eastern standard time, 510  
the report to the director of public safety for inclusion in the 511  
registry created pursuant to division (E) of section 4737.045 of 512  
the Revised Code. 513

(2) A law enforcement agency may inspect any photographic 514  
records collected and maintained by a scrap metal dealer of 515  
either yard operations or individual transactions. Records 516  
submitted to any law enforcement agency pursuant to this section 517  
are not public records for purposes of section 149.43 of the 518  
Revised Code. 519

(3) Records submitted to any law enforcement agency, 520  
railroad police officer, or the director of public safety or the 521  
director's designated representative as required by section 522  
4737.012 of the Revised Code and sections 4737.04 to ~~4737.045~~ 523  
4737.046 of the Revised Code shall not be public records for the 524  
purposes of section 149.43 of the Revised Code. 525

(4) Notwithstanding division (E)(3) of this section, the 526  
names and addresses of scrap metal dealers and bulk merchandise 527  
container dealers shall be made available to the public by the 528  
director upon request. 529

(5) A person who claims to own a stolen article that may 530  
be identified in those records, or an agent of that person, who 531  
provides proof of having filed a stolen property report with the 532  
appropriate law enforcement agency, may request those records. 533  
The law enforcement agency shall provide those records upon a 534  
request made by such a person or that person's agent, but the 535  
law enforcement agency shall redact information that reveals the 536  
name of the seller of any article and the price the dealer paid 537  
for any article the dealer purchased or the estimated value of 538  
any article the dealer received. The law enforcement agency 539

shall determine which records to provide, based upon the time 540  
period that the alleged theft is reported to have taken place. A 541  
law enforcement agency may charge or collect a fee for providing 542  
records as required by this section. 543

(6) The director of public safety shall impose a civil 544  
penalty of five hundred dollars on a person who violates 545  
division (E) (1) (b) of this section, including any person who 546  
concurrently violates division (E) (2) of section 4737.046 of the 547  
Revised Code. The director shall impose an additional fine of 548  
five hundred dollars for each day the violation continues. The 549  
director shall deposit the fine into the state treasury to the 550  
credit of the infrastructure protection fund created under 551  
section 4737.045 of the Revised Code. 552

(7) The director of public safety shall suspend, in 553  
accordance with Chapter 119. of the Revised Code, the 554  
registration of a person that violates division (E) (1) (b) of 555  
this section until such time as the director determines that the 556  
person has taken necessary steps to comply with that division. A 557  
person whose registration is suspended under this division may 558  
petition the director for reinstatement not more than once every 559  
ninety days. The director's determination as to whether to grant 560  
such a petition and reinstate the person's registration is 561  
subject to appeal under section 119.12 of the Revised Code. 562

(F) (1) No scrap metal dealer shall purchase or receive any 563  
metal articles, and no bulk merchandise container dealer shall 564  
purchase or receive any bulk merchandise containers, from a 565  
person who refuses to show the dealer the person's personal 566  
identification card, or who refuses to allow the dealer to take 567  
a photograph of the person as required under division (I) of 568  
this section or of the person or container as required under 569

division (B) of section 4737.012 of the Revised Code. 570

(2) The law enforcement agency that serves the 571  
jurisdiction in which a scrap metal dealer or a bulk merchandise 572  
container dealer is located shall provide to the scrap metal 573  
dealer or bulk merchandise container dealer a searchable, 574  
electronic list prepared in accordance with rules adopted by the 575  
director, as that agency determines appropriate, of the names 576  
and descriptions of persons known to be thieves or receivers of 577  
stolen property. The law enforcement agency may request the 578  
appropriate clerk of courts to provide the list. No scrap metal 579  
dealer or bulk merchandise container dealer shall purchase or 580  
receive articles from any person who is either identified on the 581  
list the dealer receives from the law enforcement agency, or who 582  
appears on the lists made available by the director pursuant to 583  
division (E) of section 4737.045 of the Revised Code. The law 584  
enforcement agency also shall provide the list, in an electronic 585  
format, to the department of public safety, in an electronic 586  
format in accordance with rules adopted by the director, for 587  
inclusion in the registry created in under division (E) of 588  
section 4737.045 of the Revised Code. 589

(3) A law enforcement agency shall submit all records of 590  
any investigation into a scrap metal dealer or bulk merchandise 591  
container dealer to the registry created pursuant to division 592  
(E) of section 4737.045 of the Revised Code. 593

(4) No scrap metal dealer or bulk merchandise container 594  
dealer shall purchase or receive any special purchase articles 595  
or bulk merchandise containers from any person who is under 596  
eighteen years of age. 597

~~(4)~~ (5) No scrap metal dealer shall purchase or receive 598  
any special purchase article without complying with division (C) 599

and (I) of this section and ~~division (B), (C), or (D) divisions~~ (A) (2) to (4) of section 4737.041 of the Revised Code. 600  
601

~~(5)~~ (6) No scrap metal dealer shall purchase or receive 602  
more than one catalytic converter per day from the same person 603  
except from a motor vehicle dealer as defined in section 4517.01 604  
of the Revised Code. 605

~~(6)~~ (7) No scrap metal dealer shall purchase or receive a 606  
beer keg that is marked with a company name or logo except from 607  
a manufacturer of beer as described in section 4303.02 of the 608  
Revised Code or an agent authorized by the manufacturer to 609  
dispose of damaged kegs. 610

~~(7)~~ (8) No scrap metal dealer shall treat a transaction as 611  
exempt from section 4737.04 or 4737.041 of the Revised Code 612  
unless the ~~seller~~ scrap metal dealer provides evidence of 613  
satisfying one or more of the exceptions described in division 614  
~~(D) (3)~~ (A) of section 4737.043 of the Revised Code. 615

~~(G)~~ (G) (1) Every scrap metal dealer and bulk merchandise 616  
container dealer shall post a notice in a conspicuous place on 617  
the dealer's premises notifying persons who may wish to transact 618  
business with the dealer of the penalties applicable to any 619  
person who does any of the following: 620

~~(1)~~ (a) Provides a false personal identification card to 621  
the dealer; 622

~~(2)~~ (b) With purpose to defraud, provides any other false 623  
information to the dealer in connection with the dealer's duty 624  
to maintain the records required under division (C) of this 625  
section or under section 4737.012 of the Revised Code; 626

~~(3)~~ (c) Violates section 2913.02 of the Revised Code. 627

(2) (a) Every scrap metal dealer and bulk merchandise 628  
container dealer shall post a copy of its registration in a 629  
conspicuous place on the dealer's premises. 630

(b) The director of public safety shall impose a civil 631  
penalty of five hundred dollars on any person who violates 632  
division (G) (2) (a) of this section and shall deposit that 633  
penalty into the state treasury to the credit of the 634  
infrastructure protection fund created under section 4737.045 of 635  
the Revised Code. 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 faith, or in a wanton or reckless manner. 657  
658

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

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

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

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

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

(K) A scrap metal dealer that sells or otherwise transfers a catalytic converter to any person other than an individual shall provide the director with all of the following: 683  
684  
685

- (1) A copy of the scrap metal dealer's primary owner's driver's license or state identification card; 686  
687
- (2) The scrap metal dealer's federal employer identification number; 688  
689
- (3) The scrap metal dealer's permanent physical address, which shall not be a post office box; 690  
691
- (4) Any additional information required by the director. 692
- 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 or catalytic converter 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: 693  
694  
695  
696  
697  
698  
699
- ~~(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; 700  
701  
702
- ~~(B)~~ (2) Take a photograph of each special purchase article, catalytic converter, or bulk merchandise container; 703  
704
- ~~(C)~~ (3) Obtain from the seller or provider of the special purchase article, catalytic converter, or bulk merchandise container proof that the seller or provider owns the special purchase article, catalytic converter, or bulk merchandise container. Subject to division (C) of this section, if the item is a catalytic converter, only the following items constitute proof of ownership: 705  
706  
707  
708  
709  
710  
711
- (a) If the seller or provider is the owner of the motor vehicle from which the catalytic converter was removed, either 712  
713

<u>of the following:</u>	714
<u>(i) Title to or registration of the vehicle from which the catalytic converter was removed;</u>	715 716
<u>(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:</u>	717 718 719 720 721
<u>(I) The removal and replacement of the catalytic converter;</u>	722 723
<u>(II) The make, model, year, and vehicle identification number of the motor vehicle that was repaired.</u>	724 725
<u>(b) If the seller or provider is the motor vehicle collision repair operator or motor vehicle dealer that repaired the motor vehicle from which the catalytic converter was removed, both of the following:</u>	726 727 728 729
<u>(i) The motor vehicle collision repair operator's registration certificate or motor vehicle dealer's license number;</u>	730 731 732
<u>(ii) A bill, invoice, or receipt that clearly indicates both of the following:</u>	733 734
<u>(I) The removal and replacement of the catalytic converter;</u>	735 736
<u>(II) The make, model, year, and vehicle identification number of the motor vehicle that was repaired.</u>	737 738
<del>(D)</del> <u>(4) If payment is rendered for the special purchase articles, catalytic converters, or bulk merchandise containers,</u>	739 740

issue a check for the purchase of the special purchase articles, 741  
catalytic converters, or bulk merchandise containers; 742

~~(E)~~ (5) Withhold payment for the purchase of the special 743  
purchase articles, catalytic converters, or bulk merchandise 744  
containers for a period of two days after the day the special 745  
purchase articles, catalytic converters, or bulk merchandise 746  
containers are purchased; 747

~~(F)~~ (6) If an asserted owner of stolen special purchase 748  
articles, catalytic converters, or bulk merchandise containers 749  
or that owner's agent provides proof of having filed a stolen 750  
property report with the appropriate law enforcement agency, 751  
make records describing special purchase articles, catalytic 752  
converters, or bulk merchandise containers the dealer purchased 753  
or received after the alleged date of theft available for 754  
inspection to the asserted owner or owner's agent for a period 755  
of six months after the alleged date of theft of the articles, 756  
except that the dealer shall withhold the name of the person 757  
from whom the special purchase articles, catalytic converters, 758  
or bulk merchandise containers were purchased or received and 759  
the amount paid for the special purchase articles, catalytic 760  
converters, or bulk merchandise containers. 761

(B) A person, other than a scrap metal dealer or a motor 762  
vehicle dealer licensed under Chapter 4517. of the Revised Code, 763  
when receiving a used catalytic converter in the ordinary course 764  
of business, including a person licensed or registered under 765  
Chapter 4737., 4738., or 4775. of the Revised Code, shall meet 766  
the requirements of division (A) of this section with respect to 767  
each used catalytic converter the person purchases or receives 768  
as if the person were a scrap metal dealer, including the 769  
requirements of divisions (C), (E), (F), and (K) of section 770

4737.04 of the Revised Code. No person described in this 771  
division shall recklessly fail to comply with this division. 772

(C) (1) Not later than ninety days after the effective date 773  
of this amendment, the director of public safety shall create an 774  
affidavit form and publish the form on a publicly available web 775  
site maintained by the department of public safety. 776

(2) The affidavit form shall include the name and contact 777  
information of the seller or provider, a statement of the 778  
reasons the seller or provider is unable to produce the items 779  
described in division (A) (3) of this section, and any other 780  
information and documents required by the director. 781

(3) A scrap metal dealer, bulk merchandise container 782  
dealer, or person described in division (B) of this section may 783  
accept an affidavit form that is completed and signed by a 784  
seller or provider who is a natural person in lieu of the items 785  
otherwise required to establish ownership of a catalytic 786  
converter under division (A) (3) of this section. 787

(4) Whoever knowingly makes a false statement on an 788  
affidavit described in division (C) of this section is guilty of 789  
the offense of falsification under section 2921.13 of the 790  
Revised Code. 791

**Sec. 4737.043.** ~~Sections~~ (A) Subject to division (B) of 792  
this section, sections 4737.04 and 4737.041 of the Revised Code 793  
do not apply with respect to any of the following: 794

~~(A)~~ (1) The donation of articles to nonprofit 795  
organizations or to any other person, on the condition that the 796  
person donating the articles receives no payment or any other 797  
valuable consideration in exchange for or due to donating the 798  
articles; 799

<del>(B)</del> —(2) The sale or donation of common recycled matter;	800
<del>(C)</del> —(3) Sales transacted between a scrap metal dealer and an organization that is exempt from federal taxation under section 501(c)(3) of the "Internal Revenue Code of 1986," 100 Stat. 285, 26 U.S.C. 501(c)(3), as amended, and that collects, for its own fundraising purposes, scrap ferrous and nonferrous metals for recycling rather than disposal;	801 802 803 804 805 806
<del>(D)</del> —(4) Sales transacted between a scrap metal dealer and a government unit or another business, including a demolition company, public utility company, or another scrap metal dealer, on the condition that the government unit or business satisfies the following criteria:	807 808 809 810 811
<del>(1)</del> —(a) In the course of providing the government unit's or business's services to others or maintaining the government unit's or business's property, whether onsite or offsite, the government unit or business generates scrap ferrous and nonferrous metals for recycling rather than disposal.	812 813 814 815 816
<del>(2)</del> —(b) If the sales transaction involves a government unit, reference to the government unit as a bona fide unit of government can be readily found by the public.	817 818 819
<del>(3)</del> —(c) If the sales transaction involves a business, the business satisfies one of the following criteria:	820 821
<del>(a)</del> —(i) The business is registered with the secretary of state.	822 823
<del>(b)</del> —(ii) The business has been issued a license under section 5739.17 of the Revised Code.	824 825
<del>(c)</del> —(iii) The business advertises its services in a newspaper of general circulation once a week for not less than	826 827

six consecutive months or provides a receipt showing payment for 828  
such advertising, a telephone book, electronic media that is 829  
available to the public, or some other type of media that is 830  
owned and operated by a person other than the business and, if 831  
an individual operates the business, the individual advertising 832  
the business has a specific place of business that is not the 833  
individual's permanent home residence. 834

~~(4)~~ (d) The government unit provides proof of compliance 835  
with division ~~(D) (2)~~ (A) (4) (b) of this section or the business 836  
provides proof of compliance with division ~~(D) (3)~~ (A) (4) (c) of 837  
this section to the scrap metal dealer with whom the government 838  
unit or business transacts business. 839

~~(E)~~ (5) Sales transacted between a scrap metal dealer and 840  
a person whose primary business is to create products that 841  
result in bulk quantities of ferrous and nonferrous metal used 842  
for recycling rather than disposal. 843

~~(F)~~ ~~Sales of catalytic converters transacted between a~~ 844  
~~scrap metal dealer and a motor vehicle dealer as defined in~~ 845  
~~section 4517.01 of the Revised Code.~~ 846

(B) The exceptions described in division (A) of this 847  
section do not apply to sales or donations of catalytic 848  
converters. 849

**Sec. 4737.045.** (A) To register as a scrap metal dealer or 850  
a bulk merchandise container dealer with the director of public 851  
safety as required by division (B) of section 4737.04 of the 852  
Revised Code, a person shall do all of the following: 853

(1) Provide the name and street address of the dealer's 854  
place of business; 855

(2) Provide the name of the primary owner of the business, 856

and of the manager of the business, if the manager is not the primary owner; 857  
858

(3) Provide the electronic mail address of the business; 859

(4) Provide confirmation that the dealer has the capabilities to electronically connect with the department of public safety for the purpose of sending and receiving information; 860  
861  
862  
863

(5) Provide any other information required by the director in rules the director adopts pursuant to sections 4737.01 to ~~4737.045~~ 4737.046 of the Revised Code; 864  
865  
866

(6) Pay an initial registration fee of two hundred dollars. 867  
868

(B) A person engaging in the business of a scrap metal dealer or a bulk merchandise container dealer in this state on or before September 28, 2012, shall register with the director not later than January 1, 2013. With respect to a person who commences engaging in the business of a scrap metal dealer or a bulk merchandise container dealer after September 28, 2012, the person shall register with the director pursuant to this section prior to commencing business as a scrap metal dealer or a bulk merchandise container dealer. 869  
870  
871  
872  
873  
874  
875  
876  
877

(C) A registration issued to a scrap metal dealer or a bulk merchandise container dealer pursuant to this section is valid for a period of one year. A dealer shall renew the registration in accordance with the rules adopted by the director and pay a renewal fee of one hundred fifty dollars to cover the costs of operating and maintaining the registry created pursuant to division (E) of this section. 878  
879  
880  
881  
882  
883  
884

(D) A scrap metal dealer or a bulk merchandise container 885

dealer registered under this section shall prominently display a 886  
copy of the annual registration certificate received from the 887  
director pursuant to division (E) (2) of this section. 888

(E) The director shall do all of the following: 889

(1) Develop and implement, by January 1, 2014, and 890  
maintain as a registry a secure database for use by law 891  
enforcement agencies that is capable of all of the following: 892

(a) Receiving and securely storing all of the information 893  
required by division (A) of this section and the daily 894  
transaction data that scrap metal dealers and bulk merchandise 895  
dealers are required to send pursuant to division (E) (1) of 896  
section 4737.04 of the Revised Code; 897

(b) Providing secure search capabilities to law 898  
enforcement agencies for enforcement purposes; 899

(c) Creating a link and retransmission capability for 900  
receipt of routine scrap theft alerts published by the institute 901  
of scrap recycling industries for transmission to dealers and 902  
law enforcement agencies in the state; 903

(d) Making the electronic lists prepared pursuant to 904  
division (F) (2) of section 4737.04 of the Revised Code available 905  
through an electronic searchable format for individual law 906  
enforcement agencies and for dealers in the state; 907

(e) Providing, without charge, interlink programming 908  
enabling the transfer of information to dealers. 909

(2) Issue, reissue, or deny registration to dealers; 910

(3) Adopt rules to enforce sections 4737.01 to 4737.045 of 911  
the Revised Code, rules establishing procedures to renew a 912  
registration issued under this section, rules for the format and 913

maintenance for the records required under division (A) of 914  
section 4737.012 of the Revised Code or division (C) of section 915  
4737.04 of the Revised Code, and rules regarding the delivery of 916  
the report required by division (E) (1) of section 4737.04 of the 917  
Revised Code to the registry, which shall be used exclusively by 918  
law enforcement agencies. 919

(F) A scrap metal dealer or bulk merchandise container 920  
dealer may search, modify, or update only the dealer's own 921  
business data contained within the registry established in 922  
division (E) of this section. 923

(G) All fees received by the director pursuant to this 924  
section and division (F) of section 4737.99 of the Revised Code 925  
shall be used to develop and maintain the registry required 926  
under this section and for the department of public safety's 927  
operating expenses. The fees shall be deposited into the 928  
infrastructure protection fund which is hereby created in the 929  
state treasury. 930

(H) (1) The director of public safety shall not issue a 931  
registration to, or renew the registration of, a person who was 932  
convicted of, or pleaded guilty to, a violation of section 933  
4737.041 of the Revised Code, a violation of section 2923.03 of 934  
the Revised Code when division (G) of section 4737.99 of the 935  
Revised Code applies, a violation of section 2913.02 of the 936  
Revised Code when the person is sentenced pursuant to division 937  
(B) (10) of that section, or a violation of section 2913.51 of 938  
the Revised Code when the person is sentenced pursuant to 939  
division (F) of that section. 940

(2) The director of public safety shall revoke the 941  
registration of a person who is convicted of or pleads guilty to 942  
a violation of section 4737.041 of the Revised Code, a violation 943

of section 2923.03 of the Revised Code when division (G) of 944  
section 4737.99 of the Revised Code applies, a violation of 945  
section 2913.02 of the Revised Code when the person is sentenced 946  
pursuant to division (B) (10) of that section, or a violation of 947  
section 2913.51 of the Revised Code when the person is sentenced 948  
pursuant to division (F) of that section. 949

**Sec. 4737.046.** (A) The director of public safety may 950  
investigate a scrap metal dealer, bulk merchandise container 951  
dealer, a person described in division (B) of section 4737.041 952  
of the Revised Code, and any employee, officer, or agent of any 953  
of the foregoing. The director shall commence an investigation 954  
only after consulting with local law enforcement. As part of the 955  
investigation, the director may search the person's premises 956  
during the person's regular work hours or between the hours of 957  
eight a.m. and five p.m., Monday through Friday. 958

(B) (1) The director may compel witnesses by subpoena to 959  
appear and testify in relation to an investigation under this 960  
section, and may compel by subpoena duces tecum the production 961  
of any books, papers, documents, or other records pertaining to 962  
such an investigation. 963

(2) If a person does not comply with a subpoena or 964  
subpoena duces tecum issued under division (B) (1) of this 965  
section, the director may apply to the court of common pleas of 966  
Franklin county or of the county in which the person conducts 967  
business for an order compelling the person to comply with the 968  
subpoena or subpoena duces tecum or, for failure to do so, be 969  
held in contempt of court. 970

(C) If as a result of an investigation the director finds 971  
that a person violated any provision of sections 4737.04 to 972  
4737.046 of the Revised Code, the director shall suspend the 973

person's registration or license and shall reinstate the 974  
registration or license upon evidence that the person has 975  
remedied the violation. The director shall revoke a registration 976  
or license if the director finds a subsequent violation of any 977  
provision of this chapter in any subsequent investigation. 978

(D) (1) No person shall undertake any activities that 979  
require registration under section 4737.045 of the Revised Code 980  
following a suspension or revocation. 981

(2) Following a suspension or revocation, the director 982  
shall conduct a follow-up investigation to determine whether the 983  
person violated division (D) (1) of this section. If the director 984  
determines the person violated division (D) (1) of this section, 985  
the director shall seek an injunction from the court of common 986  
pleas of Franklin county or of the county in which the person 987  
conducts business ordering the person to cease the violation. 988

(E) (1) The director may investigate, on the director's own 989  
initiative, the actions or proposed actions of a person who is 990  
not registered under section 4737.045 of the Revised Code and 991  
who appears to be acting as a scrap metal dealer or bulk 992  
merchandise container dealer in the same manner as described in 993  
divisions (A) and (B) of this section. 994

(2) If, following an investigation, the director finds 995  
that a person acted as a scrap metal dealer or bulk merchandise 996  
container dealer without a registration or license, the director 997  
shall do both of the following: 998

(a) Seek an injunction from the court of common pleas of 999  
Franklin county or of the county in which the person conducts 1000  
business ordering the person to cease the violation; 1001

(b) Impose a civil penalty of ten thousand dollars in 1002

accordance with Chapter 119. of the Revised Code. Each day the 1003  
violation occurred or continues to occur constitutes a separate 1004  
violation and is subject to a separate penalty, except that the 1005  
penalty for each consecutive day after the first day shall be 1006  
one thousand dollars. 1007

(3) The director shall deposit all penalties collected 1008  
pursuant to division (E)(2) of this section into the state 1009  
treasury to the credit of the infrastructure protection fund 1010  
created under section 4737.045 of the Revised Code. 1011  
Notwithstanding any contrary provision of that section, all such 1012  
penalties shall be expended only to conduct investigations 1013  
authorized under this section. 1014

(4) If a person fails to pay a civil penalty imposed under 1015  
division (E)(2) of this section within the time prescribed by 1016  
the director, the director shall submit to the attorney general 1017  
the person's name and the amount of the penalty. In that case, 1018  
the attorney general shall collect the penalty. In addition to 1019  
the penalty, the attorney general may assess, and the person 1020  
shall pay, a fee covering the costs of collecting the penalty. 1021

(F)(1) A person shall not do any of the following when 1022  
applying for a registration, licensure, or renewal under section 1023  
4737.045 of the Revised Code: 1024

(a) Engage in fraud; 1025

(b) Knowingly provide false information; 1026

(c) Knowingly fail to disclose relevant information that 1027  
would result in a denial of or nonrenewal of a registration or 1028  
license. 1029

(2) The director shall impose a civil penalty of five 1030  
hundred dollars on any person who violates division (F)(1) of 1031

this section in accordance with Chapter 119. of the Revised 1032  
Code. The director shall deposit all such penalties into the 1033  
state treasury to the credit of the infrastructure protection 1034  
fund created under section 4737.045 of the Revised Code. 1035

(G) Any refusal to renew and any denial, suspension, or 1036  
revocation of any registration or license required under section 1037  
4737.045 of the Revised Code is subject to Chapter 119. of the 1038  
Revised Code. 1039

(H) The director shall record information on all 1040  
noninvestigative visits made by the director to a scrap metal 1041  
dealer or bulk merchandise container dealer. Such information 1042  
shall be reported to the public on a quarterly basis via the 1043  
department of commerce's web site. 1044

**Sec. 4737.98.** Notwithstanding any provision of section 1045  
121.95 of the Revised Code to the contrary, a regulatory 1046  
restriction contained in a rule adopted under this chapter is 1047  
not subject to sections 121.95 to 121.953 of the Revised Code. 1048

**Sec. 4737.99.** (A) Except as specified in divisions (B), 1049  
(C), (D), (E), and (F) of this section, whoever violates 1050  
sections 4737.01 to 4737.11 of the Revised Code, shall be fined 1051  
not less than twenty-five nor more than one thousand dollars and 1052  
the costs of prosecution. 1053

(B) Whoever violates division (F) (2) of section 4737.10 of 1054  
the Revised Code is guilty of a misdemeanor of the fourth 1055  
degree. 1056

~~(C) Whoever~~ (C) (1) Except as provided in division (C) (2) 1057  
of this section, whoever fails to comply with or violates 1058  
section 4737.01, 4737.012, or 4737.041, division (C), (D), (E), 1059  
(F), (G), or (I) of section 4737.04, or division (D) of section 1060

4737.045 of the Revised Code is guilty of a misdemeanor of the 1061  
first degree. If the offender one time previously has violated 1062  
or failed to comply with section 4737.01, 4737.012, or 4737.041, 1063  
division (C), (D), (E), (F), (G), or (I) of section 4737.04, or 1064  
division (D) of section 4737.045 of the Revised Code, the 1065  
violation or failure is a felony of the fifth degree. If the 1066  
offender two or more times previously has violated or failed to 1067  
comply with section 4737.01, 4737.012, or 4737.041, division 1068  
(C), (D), (E), (F), (G), or (I) of section 4737.04, or division 1069  
(D) of section 4737.045 of the Revised Code, the violation or 1070  
failure is a felony of the fourth degree. For any second or 1071  
subsequent violation of or failure to comply with section 1072  
4737.01, 4737.012, or 4737.041, or division (C), (D), (E), (F), 1073  
(G), or (I) of section 4737.04, or division (D) of section 1074  
4737.045 of the Revised Code, a court may suspend the 1075  
registration issued to the scrap metal dealer or bulk 1076  
merchandise container dealer under section 4737.045 of the 1077  
Revised Code for a period of ninety days, during which time 1078  
period the person shall not engage in the business of a scrap 1079  
metal dealer or a bulk merchandise container dealer, as 1080  
applicable. 1081

(2) Notwithstanding section 2929.31 of the Revised Code, a 1082  
business entity that, with respect to the sale, purchase, or 1083  
receipt of a catalytic converter, violates division (C), (E) (1), 1084  
(F) (2), (F) (5), or (I) of section 4737.04 or division (B) of 1085  
section 4737.041 of the Revised Code shall be fined not less 1086  
than ten thousand dollars and not more than fifty thousand 1087  
dollars per violation. 1088

(D) Whoever violates division (B) (1) of section 4737.04 of 1089  
the Revised Code is guilty of a felony of the fifth degree. The 1090  
court also shall enjoin the person from engaging in the business 1091

of a scrap metal dealer or a bulk merchandise dealer. 1092

(E) Whoever violates division (B) (2) of section 4737.04 of 1093  
the Revised Code is guilty of a felony of the fifth degree for 1094  
the first offense and a felony of the third degree for any 1095  
subsequent offense. 1096

(F) Any motor vehicle used in the theft or illegal 1097  
transportation of metal shall be impounded for at least thirty 1098  
days and not more than sixty days. If the same motor vehicle is 1099  
used in connection with a second or subsequent theft or illegal 1100  
transportation of metal, the motor vehicle shall be impounded 1101  
for at least sixty days and not more than one hundred eighty 1102  
days. Any motor vehicle used in the theft or illegal 1103  
transportation of a special purchase article or bulk merchandise 1104  
container shall be impounded for at least ninety days and not 1105  
more than three hundred sixty days. A motor vehicle impounded 1106  
pursuant to this division shall be stored at a municipal 1107  
corporation impound lot, if available, or at a lot owned by a 1108  
private entity or another governmental unit that the municipal 1109  
corporation utilizes for the purpose of impounding a motor 1110  
vehicle. An impounded motor vehicle may be recovered from the 1111  
impound lot at the end of the impound term upon payment of fees. 1112

(G) A person is complicit under section 2923.03 of the 1113  
Revised Code if the person sells a catalytic converter to 1114  
another person who, in the purchase or receipt of the catalytic 1115  
converter, violates either of the following: 1116

(1) Division (F) (1) of section 4737.04 of the Revised 1117  
Code; 1118

(2) Division (B) of section 4737.041 of the Revised Code 1119  
when the violation involves a failure to obtain identifying 1120

information of the seller of a catalytic converter or proof of 1121  
ownership of a catalytic converter. 1122

(H) If a transaction involving the purchase or sale of a 1123  
used catalytic converter formed the basis of an offense under 1124  
division (C) or (E) of this section, the clerk of the court 1125  
shall pay any fine imposed to the county, township, municipal 1126  
corporation, park district, as created pursuant to section 1127  
511.18 or 1545.04 of the Revised Code, or state law enforcement 1128  
agencies in this state that primarily were responsible for, or 1129  
involved in, arresting and prosecuting, the offender. 1130

**Sec. 4738.03.** (A) No person licensed as a motor vehicle 1131  
salvage dealer under this chapter shall ~~engage~~ do either of the 1132  
following: 1133

(1) Engage in the business of selling at retail salvage 1134  
motor vehicle parts or salvage motor vehicles, unless the 1135  
business is operated primarily for the purpose of selling at 1136  
retail salvage motor vehicle parts. Any person operating such a 1137  
business primarily for the purpose of selling at retail salvage 1138  
motor vehicle parts may secondarily sell at retail salvage motor 1139  
vehicles or manufacture a product of gradable scrap metal for 1140  
sale to scrap metal processors or any other consumer. 1141

(2) Purchase or accept a catalytic converter as defined in 1142  
section 4737.04 of the Revised Code. 1143

(B) No person licensed as a salvage motor vehicle auction 1144  
under this chapter shall: 1145

(1) Knowingly sell a salvage motor vehicle to anyone other 1146  
than an authorized purchaser; 1147

(2) Sell a salvage motor vehicle when having reasonable 1148  
cause to believe it is not offered by the legal owner thereof; 1149

(3) Fail to make an Ohio salvage certificate of title 1150  
available to the purchaser of a salvage motor vehicle sold by 1151  
the salvage motor vehicle auction, before payment for the 1152  
salvage motor vehicle is completed; 1153

(4) Operate as a motor vehicle salvage dealer at the same 1154  
location where any salvage motor vehicle auction is operated. 1155

(C) No person licensed as a salvage motor vehicle pool 1156  
under this chapter shall: 1157

(1) Knowingly sell a salvage motor vehicle to anyone other 1158  
than an authorized purchaser; 1159

(2) Sell a salvage motor vehicle when having reasonable 1160  
cause to believe it is not offered by the legal owner thereof; 1161

(3) Fail to make an Ohio salvage certificate of title 1162  
available to the purchaser of a salvage motor vehicle sold by 1163  
the salvage motor vehicle pool, before payment for the salvage 1164  
motor vehicle is completed; 1165

(4) Operate as a motor vehicle salvage dealer at the same 1166  
location where any salvage motor vehicle pool is operated. 1167

**Sec. 4738.07.** (A) Except as otherwise provided in division 1168  
(B) of this section, the registrar of motor vehicles shall deny 1169  
the application of any person for a license under this chapter 1170  
and refuse to issue the person a license if the registrar finds 1171  
that the applicant: 1172

(1) Has made false statement of a material fact in the 1173  
individual's application; 1174

(2) Has not complied with sections 4738.01 to 4738.15 of 1175  
the Revised Code: 1176

(3) Has habitually defaulted on financial obligations;	1177
(4) Has been convicted of or pleaded guilty to a	1178
disqualifying offense, provided the registrar complies with	1179
section 9.79 of the Revised Code;	1180
(5) Has been guilty of a fraudulent act in connection with	1181
dealing in salvage motor vehicles or when operating as a motor	1182
vehicle salvage dealer, salvage motor vehicle auction, or	1183
salvage motor vehicle pool;	1184
(6) Is insolvent;	1185
(7) Is of insufficient responsibility to assure the prompt	1186
payment of any final judgments which might reasonably be entered	1187
against the individual because of the transaction of the	1188
individual's business during the period of the license applied	1189
for;	1190
(8) Has no established place of business; <del>or</del>	1191
(9) Has less than twelve months prior to said application,	1192
been denied a license under this chapter; <u>or</u>	1193
<u>(10) Was convicted of or pleaded guilty to a violation of</u>	1194
<u>division (B) of section 4737.041 of the Revised Code, a</u>	1195
<u>violation of section 2923.03 of the Revised Code when division</u>	1196
<u>(G) of section 4737.99 of the Revised Code applies, a violation</u>	1197
<u>of section 2913.02 of the Revised Code when the person is</u>	1198
<u>sentenced pursuant to division (B) (10) of that section, or a</u>	1199
<u>violation of section 2913.51 of the Revised Code when the person</u>	1200
<u>is sentenced pursuant to division (F) of that section.</u>	1201
<del>(B) In</del> <u>(B) (1) Except as provided in division (B) (2) of</u>	1202
<u>this section, in considering a renewal of an individual's</u>	1203
<u>license, the registrar shall not consider any conviction or plea</u>	1204

of guilty prior to the initial licensing. However, the registrar 1205  
may consider a conviction or plea of guilty if it occurred after 1206  
the individual was initially licensed, or after the most recent 1207  
license renewal. 1208

(2) The registrar shall not renew an individual's license 1209  
if the individual was convicted of or pleaded guilty to a 1210  
violation of division (B) of section 4737.041 of the Revised 1211  
Code, a violation of section 2923.03 of the Revised Code when 1212  
division (G) of section 4737.99 of the Revised Code applies, a 1213  
violation of section 2913.02 of the Revised Code when the person 1214  
is sentenced pursuant to division (B)(10) of that section, or a 1215  
violation of section 2913.51 of the Revised Code when the person 1216  
is sentenced pursuant to division (F) of that section. 1217

(C) The registrar may grant a person a conditional license 1218  
that lasts for one year. After the one-year period has expired, 1219  
the license is no longer considered conditional, and the person 1220  
shall be considered fully licensed. 1221

(D) If the applicant is a corporation or partnership, the 1222  
registrar may refuse to issue a license if any officer, 1223  
director, or partner of the applicant has been guilty of any 1224  
disqualifying offense and the refusal is in accordance with 1225  
section 9.79 of the Revised Code. The registrar's finding may be 1226  
based upon facts contained in the application or upon any other 1227  
information which the registrar may have. Immediately upon 1228  
denying an application for any of the reasons in this section, 1229  
the registrar shall enter a final order together with the 1230  
registrar's findings and certify the same to the motor vehicle 1231  
salvage dealer's licensing board. 1232

(E) If the registrar refuses an application for a license, 1233  
the reasons for such refusal shall be put in writing. An 1234

applicant who has been refused a license may appeal from the 1235  
action of the registrar to the motor vehicle salvage dealer's 1236  
licensing board in the manner prescribed in section 4738.12 of 1237  
the Revised Code. 1238

(F) The registrar of motor vehicles shall not adopt, 1239  
maintain, renew, or enforce any rule, or otherwise preclude in 1240  
any way, an individual from renewing a license under this 1241  
chapter due to any past criminal activity or interpretation of 1242  
moral character, except as pursuant to division (B) of this 1243  
section. If the registrar denies an individual a license or 1244  
license renewal, the reasons for such denial shall be put in 1245  
writing. 1246

**Sec. 4738.12.** The motor vehicle salvage dealer's licensing 1247  
board shall hear appeals which may be taken from an order of the 1248  
registrar of motor vehicles, refusing to issue a license. All 1249  
appeals from any order of the registrar refusing to issue any 1250  
license upon proper application made must be taken within thirty 1251  
days from the date of the order, or the order is final and 1252  
conclusive. All appeals from orders of the registrar must be by 1253  
petition in writing and verified under oath by the applicant 1254  
whose application for license has been denied, and must set 1255  
forth the reason why, in the petitioner's opinion, the order of 1256  
the registrar is not correct. In appeals the board may make 1257  
investigation to determine the correctness and legality of the 1258  
order of the registrar. 1259

The board may make rules governing its actions relative to 1260  
the suspension and revocation of licenses and may, upon its own 1261  
motion, and shall, upon the verified complaint in writing of any 1262  
person, investigate the conduct of any licensee under this 1263  
chapter. The board shall suspend or revoke or notify the 1264

registrar to refuse to renew any license if any ground existed 1265  
upon which the license would have been refused, or if a ground 1266  
exists which would be cause for refusal to issue a license. 1267

The board may suspend or revoke any license if the 1268  
licensee has in any manner violated the rules issued pursuant to 1269  
sections 4738.01 to 4738.16 of the Revised Code, or has been 1270  
convicted of committing a felony or violating any law which in 1271  
any way relates to the theft of motor vehicles. 1272

The board shall revoke any license if the licensee is 1273  
convicted of or pleads guilty to a violation of division (B) of 1274  
section 4737.041 of the Revised Code, a violation of section 1275  
2923.03 of the Revised Code when division (G) of section 4737.99 1276  
of the Revised Code applies, a violation of section 2913.02 of 1277  
the Revised Code when the licensee is sentenced pursuant to 1278  
division (B)(10) of that section, or a violation of section 1279  
2913.51 of the Revised Code when the licensee is sentenced 1280  
pursuant to division (F) of that section. 1281

**Sec. 4745.01.** (A) "Standard renewal procedure," as used in 1282  
Chapters 905., 907., 909., 911., 913., 915., 918., 921., 923., 1283  
927., 942., 943., 953., 1321., 3710., 3713., 3719., 3742., 1284  
3748., 3769., 3783., 3921., 3951., 4104., 4105., 4169., 4561., 1285  
4703., 4707., 4709., 4713., 4715., 4717., 4723., 4725., 4727., 1286  
4728., 4729., 4731., 4733., 4734., 4737., 4739., 4741., 4747., 1287  
4749., 4752., 4753., 4755., 4757., 4758., 4759., 4761., 4766., 1288  
4773., and 4775. of the Revised Code, means the license renewal 1289  
procedures specified in this chapter. 1290

(B) "Licensing agency," as used in this chapter, means any 1291  
department, division, board, section of a board, or other state 1292  
governmental unit subject to the standard renewal procedure, as 1293  
defined in this section, and authorized by the Revised Code to 1294

issue a license to engage in a specific profession, occupation, 1295  
or occupational activity, or to have charge of and operate 1296  
certain specified equipment, machinery, or premises. 1297

(C) "License," as used in this chapter, means a license, 1298  
certificate, permit, card, or other authority issued or 1299  
conferred by a licensing agency by authority of which the 1300  
licensee has or claims the privilege to engage in the 1301  
profession, occupation, or occupational activity, or to have 1302  
control of and operate certain specific equipment, machinery, or 1303  
premises, over which the licensing agency has jurisdiction. 1304

(D) "Licensee," as used in this chapter, means either the 1305  
person to whom the license is issued or renewed by a licensing 1306  
agency, or the person, partnership, or corporation at whose 1307  
request the license is issued or renewed. 1308

(E) "Renewal" and "renewed," as used in this chapter and 1309  
in the chapters of the Revised Code specified in division (A) of 1310  
this section, includes the continuing licensing procedure 1311  
provided in Chapter 3748. of the Revised Code and rules adopted 1312  
under it and in sections 1321.05 and 3921.33 of the Revised 1313  
Code, and as applied to those continuing licenses any reference 1314  
in this chapter to the date of expiration of any license shall 1315  
be construed to mean the due date of the annual or other fee for 1316  
the continuing license. 1317

**Sec. 4775.09.** (A) (1) In accordance with Chapter 119. of 1318  
the Revised Code, the motor vehicle repair board may refuse to 1319  
issue or renew a registration certificate or may determine 1320  
whether to waive a suspension of a registration certificate as 1321  
provided in division (D) of section 4775.07 of the Revised Code. 1322

(2) Within ten days after receipt of an abstract from a 1323

county court judge, mayor of a mayor's court, or clerk of a 1324  
court of record indicating a violation of division (D) of 1325  
section 4513.241 of the Revised Code, the board shall determine 1326  
whether the person named in the abstract is registered with the 1327  
board and, if the person is so registered, shall further 1328  
determine whether the person previously has been convicted of or 1329  
pleaded guilty to a violation of that section. If the person 1330  
previously has been convicted of or pleaded guilty to a 1331  
violation of that section, the board, in accordance with Chapter 1332  
119. of the Revised Code but without a prior hearing, shall 1333  
suspend the person's registration for a period of not more than 1334  
one hundred eighty days. 1335

(B) The court of common pleas of Franklin county has 1336  
exclusive jurisdiction over any person who conducts, or attempts 1337  
to conduct, business as a motor vehicle repair operator in 1338  
violation of this chapter or any rule adopted under this 1339  
chapter. The court, on application of the board, may issue an 1340  
injunction, a cease and desist order, or other appropriate order 1341  
restraining the person from continuing the violation. This 1342  
section shall operate in addition to and shall not prohibit the 1343  
enforcement of any other law. 1344

(C) Upon the request of the executive director or as a 1345  
result of complaints, the board shall investigate the alleged 1346  
violation. 1347

(D) No person required to be registered under this chapter 1348  
shall have the benefit of any lien for labor or materials unless 1349  
the person is registered under this chapter. 1350

(E) No person whose application for registration under 1351  
this chapter is denied shall open or operate a facility for 1352  
business as a motor vehicle collision repair facility or motor 1353

vehicle window tint installation facility under the name of the 1354  
person designated in the application for a registration 1355  
certificate or under any other name prior to registering as a 1356  
motor vehicle repair operator in accordance with this chapter. 1357

(F) (1) The board shall not issue a registration to or 1358  
renew the registration of a person who was convicted of or 1359  
pleaded guilty to a violation of division (B) of section 1360  
4737.041 of the Revised Code, a violation of section 2923.03 of 1361  
the Revised Code when division (G) of section 4737.99 of the 1362  
Revised Code applies, a violation of section 2913.02 of the 1363  
Revised Code when the person is sentenced pursuant to division 1364  
(B) (10) of that section, or a violation of section 2913.51 of 1365  
the Revised Code when the person is sentenced pursuant to 1366  
division (F) of that section. 1367

(2) The board shall revoke the registration of a person 1368  
who is convicted of or pleads guilty to a violation of division 1369  
(B) of section 4737.041 of the Revised Code, a violation of 1370  
section 2923.03 of the Revised Code when division (G) of section 1371  
4737.99 of the Revised Code applies, a violation of section 1372  
2913.02 of the Revised Code when the person is sentenced 1373  
pursuant to division (B) (10) of that section, or a violation of 1374  
section 2913.51 of the Revised Code when the person is sentenced 1375  
pursuant to division (F) of that section. 1376

**Section 2.** That existing sections 2913.02, 2913.51, 1377  
4737.012, 4737.04, 4737.041, 4737.043, 4737.045, 4737.99, 1378  
4738.03, 4738.07, 4738.12, 4745.01, and 4775.09 of the Revised 1379  
Code are hereby repealed. 1380