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, 4737.04, 4737.041, 4737.043, 4737.045, 4737.99, 4738.03, 4738.07, 4738.12, 4745.01, and 4775.09 and to enact sections 4737.046 and 4737.98 of the Revised Code regarding the sale of used catalytic converters.

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

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

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

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

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

(3) By deception;

(4) By threat;

(5) By intimidation.

(B)(1) Whoever violates this section is guilty of theft.

(2) Except as otherwise provided in this division or division (B)(3), (4), (5), (6), (7), (8), ~~or~~ (9), or (10) 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 services stolen is one million five hundred thousand dollars or more, a violation of this section is aggravated theft of one million five hundred thousand dollars or more, a felony of the first degree.

(3) Except as otherwise provided in division (B)(4), (5),

(6), (7), (8), ~~or~~ (9), or (10) of this section, if the victim of the offense is an elderly person, disabled adult, active duty service member, or spouse of an active duty service member, a violation of this section is theft from a person in a protected class, and division (B)(3) of this section applies. Except as otherwise provided in this division, theft from a person in a protected class is a felony of the fifth 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, theft from a person in a protected class is a felony of the fourth degree. If the value of the property or services stolen is seven thousand five hundred dollars or more and is less than thirty-seven thousand five hundred dollars, theft from a person in a protected class is a felony of the third degree. If the value of the property or services stolen is thirty-seven thousand five hundred dollars or more and is less than one hundred fifty thousand dollars, theft from a person in a protected class is a felony of the second degree. If the value of the property or services stolen is one hundred fifty thousand dollars or more, theft from a person in a protected class is a felony of the first degree. If the victim of the offense is an elderly person, in addition to any other penalty imposed for the offense, the offender shall be required to pay full restitution to the victim and to pay a fine of up to fifty thousand dollars. The clerk of court shall forward all fines collected under division (B)(3) of this section to the county department of job and family services to be used for the reporting and investigation of elder abuse, neglect, and exploitation or for the provision or arrangement of protective services under sections 5101.61 to 5101.71 of the Revised Code.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4501.01 of the Revised Code.

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

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

~~(C)~~ (D) Whoever violates this section is guilty of receiving stolen property. Except as otherwise provided in this division or division ~~(D)~~ (E) or (F) of this section, receiving stolen property is a misdemeanor of the first degree. If the value of the property involved is one thousand dollars or more and is less than seven thousand five hundred dollars, if the property involved is any of the property listed in section 2913.71 of the Revised Code, receiving stolen property is a felony of the fifth degree. If the property involved is a motor vehicle, ~~as defined in section 4501.01 of the Revised Code, if the property involved is~~ a dangerous drug, a firearm, or dangerous ordnance, ~~as defined in section 4729.01 of the Revised Code,~~ or if the value of the property involved is seven thousand five hundred dollars or more and is less than one hundred fifty thousand dollars, ~~or if the property involved is a firearm or dangerous ordnance, as defined in section 2923.11 of the Revised Code,~~ receiving stolen property is a felony of the fourth degree. If the value of the property involved is one hundred fifty thousand dollars or more, receiving stolen property is a felony of the third degree.

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

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

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

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

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

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

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

The records shall contain all of the following:

(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;

(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;

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

(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.

(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:

(1) Each container for which the dealer must make a record under division (A) of this section;

(2) Each person who sells or otherwise gives the dealer the containers.

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.

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

divisions (A)(2) to (4) of section 4737.041 of the Revised Code.

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

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

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

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

(a) Beer kegs;

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

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

(d) Guard rails for bridges, highways, and roads; highway and street signs; street light poles and fixtures; worker access hole covers, water meter covers, and other similar types of utility access covers; traffic directional and control signs and light signals, metal marked with the name of a political subdivision of the state, and other metal articles that are purchased and installed for use upon authorization of the state or any political subdivision of the state;

(e) Historical, commemorative, and memorial markers and plaques made out of metal;

(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;

(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;

(h) Railroad material, including journal brasses, rail spikes, rails, tie plates, frogs, and communication wire;

(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;

(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.

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

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

(5) "Catalytic converter" includes a catalytic converter core, diesel particulate filter, and diesel oxidation catalyst.

(6) "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.

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

~~(7)~~ (8) "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.

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

(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.

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

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

<u>(A)(4) of section 4737.041 of the Revised Code.</u> On and after September 11, 2008, every entry in the record book or electronic file shall be numbered consecutively and, on or after September 28, 2012, shall be maintained for inspection in numerical order. Until the registry developed by the director pursuant to section 4737.045 of the Revised Code is operational, a dealer shall maintain the record for each article purchased or received for a minimum period of one year after the date the dealer purchased or received the article, except that the dealer shall maintain the photograph required under division (I) of this section only for a period of sixty days after the dealer purchased or received the article. Beginning on the date the registry is operational, a dealer shall maintain the record for each article purchased or received only for a period of sixty days after the date the dealer purchased or received the article. The director shall adopt rules for the format and maintenance of the records required under this division.

The records shall contain all of the following:

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

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

(3) If the seller or provider of the articles 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;

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

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

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

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

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

(d) "Insulated copper wire";

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

(f) "Red brass," which includes red brass values and other red brass;

(g) "Yellow brass," which includes yellow brass fixtures, yellow brass valve and fitting, ornamental brass, and other yellow brass;

(h) "Aluminum sheet";

(i) "Aluminum extrusions," which includes aluminum bleachers, aluminum benches, aluminum frames, aluminum pipe, and other aluminum extrusions;

(j) "Cast aluminum," which includes aluminum grills, lawnmower decks made of aluminum, aluminum motor vehicle parts and rims, and other cast aluminum;

(k) "Clean aluminum wire";

(l) "Unclean aluminum wire";

(m) "Aluminum exteriors," which includes aluminum siding, aluminum gutters and downspouts, aluminum shutters, aluminum trim, and other aluminum exterior items;

(n) "Contaminated aluminum";

(o) "Stainless steel," which includes, sinks, appliance housing, dishes, pots, pans, pipe, and other items made out of stainless steel;

(p) "Large appliances," which includes consumer and other appliances;

(q) "Steel structural," which includes all structural steel such as I-beams, trusses, channel iron, and similar steel from buildings;

(r) "Miscellaneous steel," which includes steel grates, steel farm machinery, steel industrial machinery, steel motor vehicle frames, and other items made out of steel;

(s) "Sheet irons," which includes bicycles, motor vehicle body parts made of iron, and other items made using sheet iron;

(t) "Motor vehicle nonbody parts," which includes motor vehicle batteries, radiators, and other nonbody motor vehicle parts;

(u) "Catalytic converters";

(v) "Lead";

(w) "Electric motors";

(x) "Electronic scrap," which includes any consumer or commercial electronic equipment such as computers, servers, routers, video displays, and similar products.

(6) For recyclable materials that are special purchase articles, the relevant category provided in division (A)(2) of this section.

(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.

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

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

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

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

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

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

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

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

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

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

(F)(1) No scrap metal dealer shall purchase or receive any metal articles, and no bulk merchandise container dealer shall purchase or receive any bulk merchandise containers, from a person who refuses to show the dealer the person's personal identification card, or who refuses to allow the dealer to take a photograph of the person as required under division (I) of this section or of the person or container as required under division (B) of section 4737.012 of the Revised Code.

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

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

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

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

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

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

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

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

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

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

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

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

(b) The director of public safety shall impose a civil penalty of five hundred dollars on any person who violates division (G)(2)(a) of this section and shall deposit that penalty into the state treasury to the credit of the infrastructure protection fund created under section 4737.045 of the Revised Code.

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

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

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

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

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

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

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

(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.

(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.

(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:

(1) A copy of the scrap metal dealer's primary owner's driver's license or state identification card;

(2) The scrap metal dealer's federal employer identification number;

(3) The scrap metal dealer's permanent physical address, which shall not be a post office box;

(4) Any additional information required by the director.

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:

~~(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, catalytic converter, or bulk merchandise container;

~~(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:

(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 number of the motor vehicle that was repaired.

(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:

(i) The motor vehicle collision repair operator's registration certificate or motor vehicle dealer's license number;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~(B)~~ (2) The sale or donation of common recycled matter;

~~(C)~~ (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;

~~(D)~~ (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:

~~(1)~~ (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.

~~(2)~~ (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.

~~(3)~~ (c) If the sales transaction involves a business, the business satisfies one of the following criteria:

~~(a)~~ (i) The business is registered with the secretary of state.

~~(b)~~ (ii) The business has been issued a license under section 5739.17 of the Revised Code.

~~(c)~~ (iii) The business advertises its services in a newspaper of general circulation once a week for not less than six consecutive months or provides a receipt showing payment for such advertising, a telephone book, electronic media that is available to the public, or some other type of media that is owned and operated by a person other than the business and, if an individual operates the business, the individual advertising the business has a specific place of business that is not the individual's permanent home residence.

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

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

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

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

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

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

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

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

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

(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;

(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;

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

(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.

(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.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(C) If as a result of an investigation the director finds that a person violated any provision of sections 4737.04 to 4737.046 of the Revised Code, the director shall suspend the person's registration or license and shall reinstate the registration or license upon evidence that the person has remedied the violation. The director shall revoke a registration or license if the director finds a subsequent violation of any provision of this chapter in any subsequent investigation.

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

(2) Following a suspension or revocation, the director shall conduct a follow-up investigation to determine whether the person violated division (D)(1) of this section. If the director determines the person violated division (D)(1) of this section, the director shall 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.

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

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

(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;

(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.

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

(4) If a person fails to pay a civil penalty imposed under division (E)(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.

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

(a) Engage in fraud;

(b) Knowingly provide false information;

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

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

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

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

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

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

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

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

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

4737.045 of the Revised Code is guilty of a misdemeanor of the first degree. If the offender one time previously has violated or failed to comply with section 4737.01, 4737.012, or 4737.041, division (C), (D), (E), (F), (G), or (I) of section 4737.04, or division (D) of section 4737.045 of the Revised Code, the violation or failure is a felony of the fifth degree. If the offender two or more times previously has violated or failed to comply with section 4737.01, 4737.012, or 4737.041, division (C), (D), (E), (F), (G), or (I) of section 4737.04, or division (D) of section 4737.045 of the Revised Code, the violation or failure is a felony of the fourth degree. For any second or subsequent violation of or failure to comply with section 4737.01, 4737.012, or 4737.041, or division (C), (D), (E), (F), (G), or (I) of section 4737.04, or division (D) of section 4737.045 of the Revised Code, a court may suspend the registration issued to the scrap metal dealer or bulk merchandise container dealer under section 4737.045 of the Revised Code for a period of ninety days, during which time period the person shall not engage in the business of a scrap metal dealer or a bulk merchandise container dealer, as applicable.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) Has not complied with sections 4738.01 to 4738.15 of the Revised Code;

(3) Has habitually defaulted on financial obligations;

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

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

(6) Is insolvent;

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

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

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

(10) Was convicted of or pleaded guilty to a violation of division (B) of section 4737.041 of the Revised Code, a violation of section 2923.03 of the Revised Code when division (G) of section 4737.99 of the Revised Code applies, a violation of section 2913.02 of the Revised Code when the person is sentenced pursuant to division (B)(10) of that section, or a violation of section 2913.51 of the Revised Code when the person is sentenced pursuant to division (F) of that section.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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