

**As Passed by the House**

**136th General Assembly**

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**Sub. H. B. No. 210**

**Representatives Roemer, Plummer**

**Cosponsors: Representatives Abrams, Barhorst, Brennan, Brewer, Claggett, Craig, Creech, Daniels, Demetriou, Denson, Dovilla, Ghanbari, Gross, Hall, D., Hall, T., Humphrey, John, Johnson, Kishman, Lampton, LaRe, Lorenz, Manning, Mathews, A., Mathews, T., Miller, J., Miller, K., Mohamed, Newman, Odioso, Pizzulli, Ray, Robb Blasdel, Salvo, Sigrist, Thomas, C., Thomas, D., Upchurch, White, A., White, E., Williams, Young**

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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, and 4775.09 and to	3
enact sections 4737.046 and 4737.98 of the	4
Revised Code regarding the sale of used	5
catalytic converters.	6

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

<b>Section 1.</b> 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, and 4775.09 be amended and sections 4737.046	9
and 4737.98 of the Revised Code be enacted to read as follows:	10

<b>Sec. 2913.02.</b> (A) No person, with purpose to deprive the	11
owner of property or services, shall knowingly obtain or exert	12
control over either the property or services in any of the	13
following ways:	14

(1) Without the consent of the owner or person authorized	15
to give consent;	16

(2) Beyond the scope of the express or implied consent of 17  
the owner or person authorized to give consent; 18

(3) By deception; 19

(4) By threat; 20

(5) By intimidation. 21

(B) (1) Whoever violates this section is guilty of theft. 22

(2) Except as otherwise provided in this division or 23  
division (B) (3), (4), (5), (6), (7), (8), ~~or (9)~~, or (10) of 24  
this section, a violation of this section is misdemeanor theft, 25  
a misdemeanor of the first degree. If the value of the property 26  
or services stolen is one thousand dollars or more and is less 27  
than seven thousand five hundred dollars or if the property 28  
stolen is any of the property listed in section 2913.71 of the 29  
Revised Code, a violation of this section is theft, a felony of 30  
the fifth degree. If the value of the property or services 31  
stolen is seven thousand five hundred dollars or more and is 32  
less than one hundred fifty thousand dollars, or if the offender 33  
has been convicted of or pleaded guilty to a felony theft 34  
offense within the previous three years, a violation of this 35  
section is grand theft, a felony of the fourth degree. If the 36  
value of the property or services stolen is one hundred fifty 37  
thousand dollars or more and is less than seven hundred fifty 38  
thousand dollars, or if the offender two or more times has been 39  
convicted of or pleaded guilty to a felony theft offense within 40  
the previous three years, a violation of this section is 41  
aggravated theft, a felony of the third degree. If the value of 42  
the property or services is seven hundred fifty thousand dollars 43  
or more and is less than one million five hundred thousand 44  
dollars, a violation of this section is aggravated theft, a 45

felony of the second degree. If the value of the property or 46  
services stolen is one million five hundred thousand dollars or 47  
more, a violation of this section is aggravated theft of one 48  
million five hundred thousand dollars or more, a felony of the 49  
first degree. 50

(3) Except as otherwise provided in division (B) (4), (5), 51  
(6), (7), (8), ~~or (9)~~, or (10) of this section, if the victim of 52  
the offense is an elderly person, disabled adult, active duty 53  
service member, or spouse of an active duty service member, a 54  
violation of this section is theft from a person in a protected 55  
class, and division (B) (3) of this section applies. Except as 56  
otherwise provided in this division, theft from a person in a 57  
protected class is a felony of the fifth degree. If the value of 58  
the property or services stolen is one thousand dollars or more 59  
and is less than seven thousand five hundred dollars, or if the 60  
offender has been convicted of or pleaded guilty to a felony 61  
theft offense within the previous three years, theft from a 62  
person in a protected class is a felony of the fourth degree. If 63  
the value of the property or services stolen is seven thousand 64  
five hundred dollars or more and is less than thirty-seven 65  
thousand five hundred dollars, or if the offender two or more 66  
times has been convicted of or pleaded guilty to a felony theft 67  
offense within the previous three years, theft from a person in 68  
a protected class is a felony of the third degree. If the value 69  
of the property or services stolen is thirty-seven thousand five 70  
hundred dollars or more and is less than one hundred fifty 71  
thousand dollars, theft from a person in a protected class is a 72  
felony of the second degree. If the value of the property or 73  
services stolen is one hundred fifty thousand dollars or more, 74  
theft from a person in a protected class is a felony of the 75  
first degree. If the victim of the offense is an elderly person, 76

in addition to any other penalty imposed for the offense, the 77  
offender shall be required to pay full restitution to the victim 78  
and to pay a fine of up to fifty thousand dollars. The clerk of 79  
court shall forward all fines collected under division (B) (3) of 80  
this section to the county department of job and family services 81  
to be used for the reporting and investigation of elder abuse, 82  
neglect, and exploitation or for the provision or arrangement of 83  
protective services under sections 5101.61 to 5101.71 of the 84  
Revised Code. 85

(4) If the property stolen is a firearm or dangerous 86  
ordnance, a violation of this section is grand theft. Except as 87  
otherwise provided in this division, grand theft when the 88  
property stolen is a firearm or dangerous ordnance is a felony 89  
of the third degree, and there is a presumption in favor of the 90  
court imposing a prison term for the offense. If the firearm or 91  
dangerous ordnance was stolen from a federally licensed firearms 92  
dealer, grand theft when the property stolen is a firearm or 93  
dangerous ordnance is a felony of the first degree. The offender 94  
shall serve a prison term imposed for grand theft when the 95  
property stolen is a firearm or dangerous ordnance consecutively 96  
to any other prison term or mandatory prison term previously or 97  
subsequently imposed upon the offender. 98

(5) If the property stolen is a motor vehicle, a violation 99  
of this section is grand theft of a motor vehicle, a felony of 100  
the fourth degree. 101

(6) If the property stolen is any dangerous drug, a 102  
violation of this section is theft of drugs, a felony of the 103  
fourth degree, or, if the offender previously has been convicted 104  
of a felony drug abuse offense, a felony of the third degree. 105

(7) If the property stolen is a police dog or horse or an 106

assistance dog and the offender knows or should know that the 107  
property stolen is a police dog or horse or an assistance dog, a 108  
violation of this section is theft of a police dog or horse or 109  
an assistance dog, a felony of the third degree. 110

(8) If the property stolen is anhydrous ammonia, a 111  
violation of this section is theft of anhydrous ammonia, a 112  
felony of the third degree. 113

(9) Except as provided in division (B) (2) of this section 114  
with respect to property with a value of seven thousand five 115  
hundred dollars or more and division (B) (3) of this section with 116  
respect to property with a value of one thousand dollars or 117  
more, if the property stolen is a special ~~purpose-purchase~~ 118  
article as defined in section 4737.04 of the Revised Code or is 119  
a bulk merchandise container as defined in section 4737.012 of 120  
the Revised Code, a violation of this section is theft of a 121  
special ~~purpose-purchase~~ article or articles or theft of a bulk 122  
merchandise container or containers, a felony of the fifth 123  
degree. 124

~~(10)~~ (10) (a) If the property stolen is a catalytic 125  
converter, a violation of this section is theft of a catalytic 126  
converter, a felony of the fifth degree. 127

(b) If the offender has previously been convicted of or 128  
pleaded guilty to a violation of Chapter 2911. or 2913. of the 129  
Revised Code, theft of a catalytic converter is a felony of the 130  
fourth degree. 131

(c) If the property stolen is a catalytic converter and 132  
the offender is a business entity, a violation of this section 133  
is enterprise theft of a catalytic converter and, 134  
notwithstanding section 2929.31 of the Revised Code, is 135

punishable by a fine of not less than ten thousand dollars and 136  
not more than fifty thousand dollars per violation. 137

(d) The clerk of the court shall pay any fine imposed 138  
pursuant to division (B)(10) of this section to the county, 139  
township, municipal corporation, park district as created 140  
pursuant to section 511.18 or 1545.04 of the Revised Code, or 141  
state law enforcement agencies in this state that primarily were 142  
responsible for, or involved in, arresting and prosecuting the 143  
offender. 144

(e) As used in division (B)(10) of this section, 145  
"catalytic converter" has the same meaning as in section 4737.04 146  
of the Revised Code. 147

(11) In addition to the penalties described in division 148  
(B)(2) of this section, if the offender committed the violation 149  
by causing a motor vehicle to leave the premises of an 150  
establishment at which gasoline is offered for retail sale 151  
without the offender making full payment for gasoline that was 152  
dispensed into the fuel tank of the motor vehicle or into 153  
another container, the court may do one of the following: 154

(a) Unless division ~~(B)(10)(b)~~ (B)(11)(b) of this section 155  
applies, suspend for not more than six months the offender's 156  
driver's license, probationary driver's license, commercial 157  
driver's license, temporary instruction permit, or nonresident 158  
operating privilege; 159

(b) If the offender's driver's license, probationary 160  
driver's license, commercial driver's license, temporary 161  
instruction permit, or nonresident operating privilege has 162  
previously been suspended pursuant to division ~~(B)(10)(a)~~ (B)(11) 163  
(a) of this section, impose a class seven suspension of the 164

offender's license, permit, or privilege from the range 165  
specified in division (A) (7) of section 4510.02 of the Revised 166  
Code, provided that the suspension shall be for at least six 167  
months;; 168

(c) The court, in lieu of suspending the offender's 169  
driver's or commercial driver's license, probationary driver's 170  
license, temporary instruction permit, or nonresident operating 171  
privilege pursuant to division ~~(B) (10) (a)~~ (B) (11) (a) or (b) of 172  
this section, instead may require the offender to perform 173  
community service for a number of hours determined by the court. 174

~~(11)~~ (12) In addition to the penalties described in 175  
division (B) (2) of this section, if the offender committed the 176  
violation by stealing rented property or rental services, the 177  
court may order that the offender make restitution pursuant to 178  
section 2929.18 or 2929.28 of the Revised Code. Restitution may 179  
include, but is not limited to, the cost of repairing or 180  
replacing the stolen property, or the cost of repairing the 181  
stolen property and any loss of revenue resulting from 182  
deprivation of the property due to theft of rental services that 183  
is less than or equal to the actual value of the property at the 184  
time it was rented. Evidence of intent to commit theft of rented 185  
property or rental services shall be determined pursuant to the 186  
provisions of section 2913.72 of the Revised Code. 187

(C) The sentencing court that suspends an offender's 188  
license, permit, or nonresident operating privilege under 189  
division ~~(B) (10)~~ (B) (11) of this section may grant the offender 190  
limited driving privileges during the period of the suspension 191  
in accordance with Chapter 4510. of the Revised Code. 192

**Sec. 2913.51.** (A) As used in this section: 193

<u>(1) "Bulk merchandise container" has the same meaning as</u>	194
<u>in section 4737.012 of the Revised Code.</u>	195
<u>(2) "Catalytic converter" and "special purchase article"</u>	196
<u>have the same meanings as in section 4737.04 of the Revised</u>	197
<u>Code.</u>	198
<u>(3) "Dangerous drug" has the same meaning as in section</u>	199
<u>4729.01 of the Revised Code.</u>	200
<u>(4) "Dangerous ordnance" and "firearm" have the same</u>	201
<u>meanings as in section 2923.11 of the Revised Code.</u>	202
<u>(5) "Motor vehicle" has the same meaning as in section</u>	203
<u>4501.01 of the Revised Code.</u>	204
<u>(B) No person shall receive, retain, or dispose of</u>	205
<u>property of another knowing or having reasonable cause to</u>	206
<u>believe that the property has been obtained through commission</u>	207
<u>of a theft offense.</u>	208
<del>(B)</del> <u>(C) It is not a defense to a charge of receiving</u>	209
<u>stolen property in violation of this section that the property</u>	210
<u>was obtained by means other than through the commission of a</u>	211
<u>theft offense if the property was explicitly represented to the</u>	212
<u>accused person as being obtained through the commission of a</u>	213
<u>theft offense.</u>	214
<del>(C)</del> <u>(D) Whoever violates this section is guilty of</u>	215
<u>receiving stolen property. Except as otherwise provided in this</u>	216
<u>division or division <del>(D)</del> <u>(E) or (F)</u> of this section, receiving</u>	217
<u>stolen property is a misdemeanor of the first degree. If the</u>	218
<u>value of the property involved is one thousand dollars or more</u>	219
<u>and is less than seven thousand five hundred dollars, if the</u>	220
<u>property involved is any of the property listed in section</u>	221
<u>2913.71 of the Revised Code, receiving stolen property is a</u>	222



felony of the fifth degree. If the property involved is a motor 223  
vehicle, ~~as defined in section 4501.01 of the Revised Code, if~~ 224  
~~the property involved is a dangerous drug, a firearm, or~~ 225  
~~dangerous ordnance, as defined in section 4729.01 of the Revised~~ 226  
~~Code, or~~ if the value of the property involved is seven thousand 227  
five hundred dollars or more and is less than one hundred fifty 228  
thousand dollars, ~~or if the property involved is a firearm or~~ 229  
~~dangerous ordnance, as defined in section 2923.11 of the Revised~~ 230  
~~Code,~~ receiving stolen property is a felony of the fourth 231  
degree. If the value of the property involved is one hundred 232  
fifty thousand dollars or more, receiving stolen property is a 233  
felony of the third degree. 234

~~(D)~~ (E) Except as provided in division ~~(C)~~ (D) of this 235  
section with respect to property involved in a violation of this 236  
section with a value of seven thousand five hundred dollars or 237  
more, if the property involved in violation of this section is a 238  
special purchase article ~~as defined in section 4737.04 of the~~ 239  
~~Revised Code~~ or a bulk merchandise container ~~as defined in~~ 240  
~~section 4737.012 of the Revised Code,~~ a violation of this 241  
section is receiving a stolen special purchase article or 242  
articles or receiving a stolen bulk merchandise container or 243  
containers, a felony of the fifth degree. 244

(F) (1) Except as otherwise provided in this division, if 245  
the property involved is a catalytic converter, a violation of 246  
this section is receiving a stolen catalytic converter, a felony 247  
of the fifth degree. 248

(2) If the offender has previously been convicted of or 249  
pleaded guilty to a violation of Chapter 2911. or 2913. of the 250  
Revised Code, receiving a stolen catalytic converter is a felony 251  
of the fourth degree. 252

(3) If the property involved is a catalytic converter and 253  
the offender is a business entity, a violation of this section 254  
is enterprise receipt of a stolen catalytic converter and, 255  
notwithstanding section 2929.31 of the Revised Code, is 256  
punishable by a fine of not less than ten thousand dollars and 257  
not more than fifty thousand dollars per violation. 258

(4) The clerk of the court shall pay any fine imposed 259  
pursuant to division (F) of this section to the county, 260  
township, municipal corporation, park district, as created 261  
pursuant to section 511.18 or 1545.04 of the Revised Code, or 262  
state law enforcement agencies in this state that primarily were 263  
responsible for or involved in arresting and prosecuting the 264  
offender. 265

**Sec. 4737.012.** (A) Notwithstanding ~~division (A) of~~ section 266  
4737.01 of the Revised Code, a dealer who is in the business of 267  
purchasing, reselling, exchanging, recycling, shredding, or 268  
receiving bulk merchandise containers shall not purchase or 269  
receive plastic bulk merchandise containers that are marked with 270  
a company name or logo, or more than nine wooden bulk 271  
merchandise containers, from any other person at one time, 272  
unless the dealer maintains a record book or electronic file in 273  
which the dealer keeps an accurate and complete record of all 274  
containers purchased or received by the dealer. Every entry in 275  
the record book or electronic file shall be numbered 276  
consecutively. Until the registry developed by the director of 277  
public safety pursuant to section 4737.045 of the Revised Code 278  
is operational, a dealer shall maintain the record for each 279  
container purchased or received for a minimum period of one year 280  
after the date the dealer purchased or received the container. 281  
Beginning on the date the registry is operational, a dealer 282  
shall maintain the record for each container purchased or 283

received only for a period of sixty days after the date the 284  
dealer purchased or received the container. The director shall 285  
adopt rules for the format and maintenance of the records 286  
required under this division. 287

The records shall contain all of the following: 288

(1) The name and residence of the person from whom the 289  
containers were purchased or received, a copy of that person's 290  
personal identification card, and, if required, a photograph of 291  
the person taken pursuant to division (B) (2) of this section; 292

(2) A description of the containers, including the number 293  
purchased or received and, if required, a photograph of the 294  
containers taken pursuant to division (B) (1) of this section; 295

(3) The date and time the dealer purchased or received the 296  
containers; 297

(4) If the seller or provider of the containers arrives at 298  
the dealer's place of business in a motor vehicle, the license 299  
plate number of that motor vehicle along with the state that 300  
issued the license plate. 301

(B) Every dealer who is in the business of reselling bulk 302  
merchandise containers shall take a photograph, in accordance 303  
with rules adopted by the director, of both of the following: 304

(1) Each container for which the dealer must make a record 305  
under division (A) of this section; 306

(2) Each person who sells or otherwise gives the dealer 307  
the containers. 308

The dealer shall take the required photographs at the time 309  
the dealer purchases or receives the containers and shall keep 310  
the photographs as part of the record in accordance with 311

division (A) of this section. 312

(C) A dealer who is in the business of purchasing, 313  
reselling, exchanging, recycling, shredding, or receiving bulk 314  
merchandise containers shall fulfill the requirements of section 315  
4737.041 of the Revised Code with respect to the containers 316  
purchased or received by the dealer for which the dealer must 317  
make a record under division (A) of this section. No dealer 318  
shall purchase or receive any bulk merchandise container for 319  
which the dealer must make a record under division (A) of this 320  
section without complying with ~~division (B), (C), or (D)~~ 321  
divisions (A) (2) to (4) of section 4737.041 of the Revised Code. 322

(D) As used in this section, "bulk merchandise container" 323  
means a plastic or wooden carrier or holder used by a 324  
manufacturer or distributor to transport merchandise to 325  
wholesale and retail outlets. 326

**Sec. 4737.04.** (A) As used in this section and sections 327  
4737.041, 4737.042, 4737.043, 4737.044, 4737.045, 4737.046, and 328  
4737.99 of the Revised Code: 329

(1) "Scrap metal dealer" means the owner or operator of a 330  
business that purchases or receives scrap metal for the purpose 331  
of sorting, grading, and shipping metals to third parties for 332  
direct or indirect melting into new products. 333

(2) "Special purchase article" means all of the following: 334

(a) Beer kegs; 335

(b) Cable, wire, electrical components, and other 336  
equipment used in providing cable service or any utility 337  
service, including, but not limited to, copper or aluminum 338  
coverings, housings, or enclosures related thereto; 339

(c) Grave markers, sculptures, plaques, and vases made out 340  
of metal, the appearance of which suggests that the articles 341  
have been obtained from a cemetery; 342

(d) Guard rails for bridges, highways, and roads; highway 343  
and street signs; street light poles and fixtures; worker access 344  
hole covers, water meter covers, and other similar types of 345  
utility access covers; traffic directional and control signs and 346  
light signals, metal marked with the name of a political 347  
subdivision of the state, and other metal articles that are 348  
purchased and installed for use upon authorization of the state 349  
or any political subdivision of the state; 350

(e) Historical, commemorative, and memorial markers and 351  
plaques made out of metal; 352

(f) Four-wheel metal carts, commonly referred to as 353  
"grocery carts," that are generally used by individuals to 354  
collect and transport consumer goods while shopping; 355

(g) Four-wheel metal carts, commonly referred to as "metal 356  
bossies," that are used to transport or merchandise food 357  
products that are stored in crates, shells, or trays; 358

(h) Railroad material, including journal brasses, rail 359  
spikes, rails, tie plates, frogs, and communication wire; 360

(i) Metal trays, merchandise containers, or similar 361  
transport containers used by a product producer, distributor, 362  
retailer, or an agent of a product producer, distributor, or 363  
retailer as a means for the bulk transportation, storage, or 364  
carrying of retail containers of milk, baked goods, eggs, or 365  
bottled beverage products; 366

(j) "Burnt wire," which is any coated metal wire that has 367  
been smelted, burned, or melted thereby removing the 368

manufacturer's or owner's identifying marks. 369

(3) "Bulk merchandise container" has the same meaning as 370  
in section 4737.012 of the Revised Code. 371

(4) "Bulk merchandise container dealer" means a dealer who 372  
is subject to section 4737.012 of the Revised Code. 373

(5) "Catalytic converter" includes a catalytic converter 374  
core, diesel particulate filter, and diesel oxidation catalyst. 375

(6) "Common recycled matter" means bottles and other 376  
containers made out of steel, tin, or aluminum and other 377  
consumer goods that are metal that are recycled by individual 378  
consumers and not in the bulk or quantity that could be supplied 379  
or recycled by large business establishments. "Common recycled 380  
matter" does not include a metal tray used by a product 381  
producer, distributor, retailer, or agent of a product producer, 382  
distributor, or retailer as a means for the bulk transportation, 383  
storage, or carrying of retail containers of milk, baked goods, 384  
eggs, or bottled beverage products. 385

~~(6)~~ (7) "Consumer goods" has the same meaning as in 386  
section 1309.102 of the Revised Code. 387

~~(7)~~ (8) "Recyclable materials" means the metal materials 388  
described in division (C) (5) of this section, on the condition 389  
that those metal materials are not special purchase articles. 390

~~(8)~~ (9) "Motor vehicle" has the same meaning as in section 391  
4501.01 of the Revised Code. 392

(B) (1) No person shall engage in the business of scrap 393  
metal dealing or act as a bulk merchandise container dealer 394  
without first registering with the director of public safety in 395  
accordance with section 4737.045 of the Revised Code. 396

(2) No person shall receive, purchase, or sell a special 397  
purchase article or a bulk merchandise container except as in 398  
accordance with sections 4737.012 and 4737.04 to ~~4737.045~~ 399  
4737.046 of the Revised Code. 400

(C) Every scrap metal dealer shall maintain a record book 401  
or electronic file, in which the dealer shall keep an accurate 402  
and complete record of all articles purchased or received by the 403  
dealer in the course of the dealer's daily business. The record 404  
shall include a copy of any check issued pursuant to division 405  
(A) (4) of section 4737.041 of the Revised Code. On and after 406  
September 11, 2008, every entry in the record book or electronic 407  
file shall be numbered consecutively and, on or after September 408  
28, 2012, shall be maintained for inspection in numerical order. 409  
Until the registry developed by the director pursuant to section 410  
4737.045 of the Revised Code is operational, a dealer shall 411  
maintain the record for each article purchased or received for a 412  
minimum period of one year after the date the dealer purchased 413  
or received the article, except that the dealer shall maintain 414  
the photograph required under division (I) of this section only 415  
for a period of sixty days after the dealer purchased or 416  
received the article. Beginning on the date the registry is 417  
operational, a dealer shall maintain the record for each article 418  
purchased or received only for a period of sixty days after the 419  
date the dealer purchased or received the article. The director 420  
shall adopt rules for the format and maintenance of the records 421  
required under this division. 422

The records shall contain all of the following: 423

(1) The name and residence of the person from whom the 424  
articles were purchased or received, a copy of that person's 425  
personal identification card, and a photograph of the person 426

taken pursuant to division (I) of this section; 427

(2) The date and time the scrap metal dealer purchased or 428  
received the articles and the weight of the articles as 429  
determined by a licensed commercial scale; 430

(3) If the seller or provider of the articles arrives at 431  
the dealer's place of business in a motor vehicle, the license 432  
plate number of that motor vehicle along with the state that 433  
issued the license plate; 434

(4) For metal articles that are not recyclable materials, 435  
a full and accurate description of each article purchased or 436  
received by the dealer that includes identifying letters or 437  
marks written, inscribed, or otherwise included on the article 438  
and the name and maker of the article if known; 439

(5) For recyclable materials that are not special purchase 440  
articles, the following category codes to identify the 441  
recyclable materials that the dealer receives: 442

(a) "Number one copper," which includes clean copper pipe, 443  
clean copper wire, or other number one copper that does not have 444  
solder, paint, or coating; 445

(b) "Number two copper," which includes unclean copper 446  
pipe, unclean copper wire, or other number two copper; 447

(c) "Sheet copper," which includes copper roofing, copper 448  
gutters, copper downspouts, and other sheet copper; 449

(d) "Insulated copper wire"; 450

(e) "Aluminum or copper radiators," which includes 451  
aluminum radiators, aluminum copper radiators, and copper 452  
radiators; 453



(f) "Red brass," which includes red brass valves and other red brass;	454 455
(g) "Yellow brass," which includes yellow brass fixtures, yellow brass valve and fitting, ornamental brass, and other yellow brass;	456 457 458
(h) "Aluminum sheet";	459
(i) "Aluminum extrusions," which includes aluminum bleachers, aluminum benches, aluminum frames, aluminum pipe, and other aluminum extrusions;	460 461 462
(j) "Cast aluminum," which includes aluminum grills, lawnmower decks made of aluminum, aluminum motor vehicle parts and rims, and other cast aluminum;	463 464 465
(k) "Clean aluminum wire";	466
(l) "Unclean aluminum wire";	467
(m) "Aluminum exteriors," which includes aluminum siding, aluminum gutters and downspouts, aluminum shutters, aluminum trim, and other aluminum exterior items;	468 469 470
(n) "Contaminated aluminum";	471
(o) "Stainless steel," which includes, sinks, appliance housing, dishes, pots, pans, pipe, and other items made out of stainless steel;	472 473 474
(p) "Large appliances," which includes consumer and other appliances;	475 476
(q) "Steel structural," which includes all structural steel such as I-beams, trusses, channel iron, and similar steel from buildings;	477 478 479
(r) "Miscellaneous steel," which includes steel grates,	480

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 509  
agency or railroad police officer that requests the records or 510  
to the director or director's representative, upon request; 511

(b) Prepare a daily electronic report, the content and 512  
format of which shall be established in rules adopted by the 513  
director, listing all retail transactions that occurred during 514  
the preceding day and containing the information described in 515  
division (C) of this section or division (A) of section 4737.012 516  
of the Revised Code, as applicable. The dealer shall 517  
electronically transfer, by twelve noon eastern standard time, 518  
the report to the director of public safety for inclusion in the 519  
registry created pursuant to division (E) of section 4737.045 of 520  
the Revised Code. 521

(2) A law enforcement agency may inspect any photographic 522  
records collected and maintained by a scrap metal dealer of 523  
either yard operations or individual transactions. Records 524  
submitted to any law enforcement agency pursuant to this section 525  
are not public records for purposes of section 149.43 of the 526  
Revised Code. 527

(3) Records submitted to any law enforcement agency, 528  
railroad police officer, or the director of public safety or the 529  
director's designated representative as required by section 530  
4737.012 of the Revised Code and sections 4737.04 to ~~4737.045~~ 531  
4737.046 of the Revised Code shall not be public records for the 532  
purposes of section 149.43 of the Revised Code. 533

(4) Notwithstanding division (E) (3) of this section, the 534  
names and addresses of scrap metal dealers and bulk merchandise 535  
container dealers shall be made available to the public by the 536  
director upon request. 537

(5) A person who claims to own a stolen article that may 538  
be identified in those records, or an agent of that person, who 539  
provides proof of having filed a stolen property report with the 540  
appropriate law enforcement agency, may request those records. 541  
The law enforcement agency shall provide those records upon a 542  
request made by such a person or that person's agent, but the 543  
law enforcement agency shall redact information that reveals the 544  
name of the seller of any article and the price the dealer paid 545  
for any article the dealer purchased or the estimated value of 546  
any article the dealer received. The law enforcement agency 547  
shall determine which records to provide, based upon the time 548  
period that the alleged theft is reported to have taken place. A 549  
law enforcement agency may charge or collect a fee for providing 550  
records as required by this section. 551

(6) The director of public safety shall impose a civil 552  
penalty of five hundred dollars on a person who violates 553  
division (E) (1) (b) of this section, including any person who 554  
concurrently violates division (E) (2) of section 4737.046 of the 555  
Revised Code. The director shall impose an additional fine of 556  
five hundred dollars for each day the violation continues. The 557  
director shall deposit the fine into the state treasury to the 558  
credit of the infrastructure protection fund created under 559  
section 4737.045 of the Revised Code. 560

(7) The director of public safety shall suspend, in 561  
accordance with Chapter 119. of the Revised Code, the 562  
registration of a person that violates division (E) (1) (b) of 563  
this section until such time as the director determines that the 564  
person has taken necessary steps to comply with that division. A 565  
person whose registration is suspended under this division may 566  
petition the director for reinstatement not more than once every 567  
ninety days. The director's determination as to whether to grant 568

such a petition and reinstate the person's registration is 569  
subject to appeal under section 119.12 of the Revised Code. 570

(F) (1) No scrap metal dealer shall purchase or receive any 571  
metal articles, and no bulk merchandise container dealer shall 572  
purchase or receive any bulk merchandise containers, from a 573  
person who refuses to show the dealer the person's personal 574  
identification card, or who refuses to allow the dealer to take 575  
a photograph of the person as required under division (I) of 576  
this section or of the person or container as required under 577  
division (B) of section 4737.012 of the Revised Code. 578

(2) The law enforcement agency that serves the 579  
jurisdiction in which a scrap metal dealer or a bulk merchandise 580  
container dealer is located shall provide to the scrap metal 581  
dealer or bulk merchandise container dealer a searchable, 582  
electronic list prepared in accordance with rules adopted by the 583  
director, as that agency determines appropriate, of the names 584  
and descriptions of persons known to be thieves or receivers of 585  
stolen property. The law enforcement agency may request the 586  
appropriate clerk of courts to provide the list. No scrap metal 587  
dealer or bulk merchandise container dealer shall purchase or 588  
receive articles from any person who is either identified on the 589  
list the dealer receives from the law enforcement agency, or who 590  
appears on the lists made available by the director pursuant to 591  
division (E) of section 4737.045 of the Revised Code. The law 592  
enforcement agency also shall provide the list, in an electronic 593  
format, ~~to the department of public safety, in an electronic~~ 594  
~~format in accordance with rules adopted by the director,~~ for 595  
inclusion in the registry created in under division (E) of 596  
section 4737.045 of the Revised Code. 597

(3) A law enforcement agency shall submit all records of 598

any investigation into a scrap metal dealer or bulk merchandise 599  
container dealer to the registry created pursuant to division 600  
(E) of section 4737.045 of the Revised Code. 601

(4) No scrap metal dealer or bulk merchandise container 602  
dealer shall purchase or receive any special purchase articles 603  
or bulk merchandise containers from any person who is under 604  
eighteen years of age. 605

~~(4)~~ (5) No scrap metal dealer shall purchase or receive 606  
any special purchase article without complying with division (C) 607  
and (I) of this section and ~~division (B), (C), or (D)~~ divisions 608  
(A) (2) to (4) of section 4737.041 of the Revised Code. 609

~~(5)~~ (6) No scrap metal dealer shall purchase or receive 610  
more than one catalytic converter per day from the same person 611  
except from a motor vehicle dealer as defined in section 4517.01 612  
of the Revised Code. 613

~~(6)~~ (7) No scrap metal dealer shall purchase or receive a 614  
beer keg that is marked with a company name or logo except from 615  
a manufacturer of beer as described in section 4303.02 of the 616  
Revised Code or an agent authorized by the manufacturer to 617  
dispose of damaged kegs. 618

~~(7)~~ (8) No scrap metal dealer shall treat a transaction as 619  
exempt from section 4737.04 or 4737.041 of the Revised Code 620  
unless the ~~seller~~ scrap metal dealer provides evidence of 621  
satisfying one or more of the exceptions described in division 622  
~~(D) (3)~~ (A) of section 4737.043 of the Revised Code. 623

~~(G)~~ (G) (1) Every scrap metal dealer and bulk merchandise 624  
container dealer shall post a notice in a conspicuous place on 625  
the dealer's premises notifying persons who may wish to transact 626  
business with the dealer of the penalties applicable to any 627

person who does any of the following: 628

~~(1)~~ (a) Provides a false personal identification card to 629  
the dealer; 630

~~(2)~~ (b) With purpose to defraud, provides any other false 631  
information to the dealer in connection with the dealer's duty 632  
to maintain the records required under division (C) of this 633  
section or under section 4737.012 of the Revised Code; 634

~~(3)~~ (c) Violates section 2913.02 of the Revised Code. 635

(2) (a) Every scrap metal dealer and bulk merchandise 636  
container dealer shall post a copy of its registration in a 637  
conspicuous place on the dealer's premises. 638

(b) The director of public safety shall impose a civil 639  
penalty of five hundred dollars on any person who violates 640  
division (G) (2) (a) of this section and shall deposit that 641  
penalty into the state treasury to the credit of the 642  
infrastructure protection fund created under section 4737.045 of 643  
the Revised Code. 644

(H) (1) Except as otherwise provided in division (F) (2) of 645  
this section, a clerk of courts or an employee of a clerk of 646  
courts; a chief of police, marshal, or other chief law 647  
enforcement officer; a sheriff, constable, or chief of police of 648  
a township police department or police district police force; a 649  
deputy, officer, or employee of the law enforcement agency 650  
served by the marshal or the municipal or township chief, the 651  
office of the sheriff, or the constable; and an employee of the 652  
department of public safety is immune from liability in a civil 653  
action, including an action for defamation, libel, or slander, 654  
to recover damages for injury, death, or loss to persons or 655  
property or reputation allegedly caused by an act or omission in 656

connection with compiling and providing the list required by 657  
division (F) (2) of this section. 658

(2) The immunity described in division (H) (1) of this 659  
section does not apply to a person described in that division 660  
if, in relation to the act or omission in question, any of the 661  
following applies: 662

(a) The act or omission was manifestly outside the scope 663  
of the person's employment or official responsibilities. 664

(b) The act or omission was with malicious purpose, in bad 665  
faith, or in a wanton or reckless manner. 666

(c) Liability for the act or omission is expressly imposed 667  
by a section of the Revised Code. 668

(I) Every scrap metal dealer shall take a photograph, in 669  
accordance with rules adopted by the director, of each person 670  
who sells or otherwise gives the dealer an article for which the 671  
dealer must make record under division (C) of this section. 672

The dealer shall take the required photograph at the time 673  
the dealer purchases or receives the article and shall keep the 674  
photograph as part of the record in accordance with division (C) 675  
of this section. 676

(J) (1) An individual listed as a known thief or receiver 677  
of stolen property on a list prepared pursuant to division (F) 678  
(2) of this section may request that the individual's name be 679  
removed from the list by filing an application with the law 680  
enforcement agency responsible for preparing the list. 681

(2) A law enforcement agency receiving an application in 682  
accordance with division (J) (1) of this section shall remove the 683  
applicant's name from the list of known thieves and receivers of 684



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 713  
purchase article, catalytic converter, or bulk merchandise 714  
container proof that the seller or provider owns the special 715  
purchase article, catalytic converter, or bulk merchandise 716  
container~~+~~. Subject to division (C) of this section, if the item 717  
is a catalytic converter, only the following items constitute 718  
proof of ownership: 719

(a) If the seller or provider is the owner of the motor 720  
vehicle from which the catalytic converter was removed, either 721  
of the following: 722

(i) Title to or registration of the vehicle from which the 723  
catalytic converter was removed; 724

(ii) A bill, invoice, or receipt from a motor vehicle 725  
collision repair operator as defined in section 4775.01 of the 726  
Revised Code or a motor vehicle dealer as defined in section 727  
4517.01 of the Revised Code that clearly indicates both of the 728  
following: 729

(I) The removal and replacement of the catalytic 730  
converter; 731

(II) The make, model, year, and vehicle identification 732  
number of the motor vehicle that was repaired. 733

(b) If the seller or provider is the motor vehicle 734  
collision repair operator or motor vehicle dealer that repaired 735  
the motor vehicle from which the catalytic converter was 736  
removed, both of the following: 737

(i) The motor vehicle collision repair operator's 738  
registration certificate or motor vehicle dealer's license 739  
number; 740

(ii) A bill, invoice, or receipt that clearly indicates 741  
both of the following: 742

(I) The removal and replacement of the catalytic 743  
converter; 744

(II) The make, model, year, and vehicle identification 745  
number of the motor vehicle that was repaired. 746

~~(D)~~ (4) If payment is rendered for the special purchase 747  
articles, catalytic converters, or bulk merchandise containers, 748  
issue a check for the purchase of the special purchase articles, 749  
catalytic converters, or bulk merchandise containers; 750

~~(E)~~ (5) Withhold payment for the purchase of the special 751  
purchase articles, catalytic converters, or bulk merchandise 752  
containers for a period of two days after the day the special 753  
purchase articles, catalytic converters, or bulk merchandise 754  
containers are purchased; 755

~~(F)~~ (6) If an asserted owner of stolen special purchase 756  
articles, catalytic converters, or bulk merchandise containers 757  
or that owner's agent provides proof of having filed a stolen 758  
property report with the appropriate law enforcement agency, 759  
make records describing special purchase articles, catalytic 760  
converters, or bulk merchandise containers the dealer purchased 761  
or received after the alleged date of theft available for 762  
inspection to the asserted owner or owner's agent for a period 763  
of six months after the alleged date of theft of the articles, 764  
except that the dealer shall withhold the name of the person 765  
from whom the special purchase articles, catalytic converters, 766  
or bulk merchandise containers were purchased or received and 767  
the amount paid for the special purchase articles, catalytic 768  
converters, or bulk merchandise containers. 769

(B) A person, other than a scrap metal dealer or a motor 770  
vehicle dealer licensed under Chapter 4517. of the Revised Code, 771  
when receiving a used catalytic converter in the ordinary course 772  
of business, including a person licensed or registered under 773  
Chapter 4737., 4738., or 4775. of the Revised Code, shall meet 774  
the requirements of division (A) of this section with respect to 775  
each used catalytic converter the person purchases or receives 776  
as if the person were a scrap metal dealer, including the 777  
requirements of divisions (C), (E), (F), and (K) of section 778  
4737.04 of the Revised Code. No person described in this 779  
division shall recklessly fail to comply with this division. 780

(C) (1) Not later than ninety days after the effective date 781  
of this amendment, the director of public safety shall create an 782  
affidavit form and publish the form on a publicly available web 783  
site maintained by the department of public safety. 784

(2) The affidavit form shall include the name and contact 785  
information of the seller or provider, a statement of the 786  
reasons the seller or provider is unable to produce the items 787  
described in division (A) (3) of this section, and any other 788  
information and documents required by the director. 789

(3) A scrap metal dealer, bulk merchandise container 790  
dealer, or person described in division (B) of this section may 791  
accept an affidavit form that is completed and signed by a 792  
seller or provider who is a natural person in lieu of the items 793  
otherwise required to establish ownership of a catalytic 794  
converter under division (A) (3) of this section. 795

(4) Whoever knowingly makes a false statement on an 796  
affidavit described in division (C) of this section is guilty of 797  
the offense of falsification under section 2921.13 of the 798  
Revised Code. 799

**Sec. 4737.043.** ~~Sections~~ (A) Subject to division (B) of 800  
this section, sections 4737.04 and 4737.041 of the Revised Code 801  
do not apply with respect to any of the following: 802

~~(A)~~ (1) The donation of articles to nonprofit 803  
organizations or to any other person, on the condition that the 804  
person donating the articles receives no payment or any other 805  
valuable consideration in exchange for or due to donating the 806  
articles; 807

~~(B)~~ (2) The sale or donation of common recycled matter; 808

~~(C)~~ (3) Sales transacted between a scrap metal dealer and 809  
an organization that is exempt from federal taxation under 810  
section 501(c)(3) of the "Internal Revenue Code of 1986," 100 811  
Stat. 285, 26 U.S.C. 501(c)(3), as amended, and that collects, 812  
for its own fundraising purposes, scrap ferrous and nonferrous 813  
metals for recycling rather than disposal; 814

~~(D)~~ (4) Sales transacted between a scrap metal dealer and 815  
a government unit or another business, including a demolition 816  
company, public utility company, or another scrap metal dealer, 817  
on the condition that the government unit or business satisfies 818  
the following criteria: 819

~~(1)~~ (a) In the course of providing the government unit's 820  
or business's services to others or maintaining the government 821  
unit's or business's property, whether onsite or offsite, the 822  
government unit or business generates scrap ferrous and 823  
nonferrous metals for recycling rather than disposal. 824

~~(2)~~ (b) If the sales transaction involves a government 825  
unit, reference to the government unit as a bona fide unit of 826  
government can be readily found by the public. 827

~~(3)~~ (c) If the sales transaction involves a business, the 828

business satisfies one of the following criteria: 829

~~(a)~~ (i) The business is registered with the secretary of 830  
state. 831

~~(b)~~ (ii) The business has been issued a license under 832  
section 5739.17 of the Revised Code. 833

~~(c)~~ (iii) The business advertises its services in a 834  
newspaper of general circulation once a week for not less than 835  
six consecutive months or provides a receipt showing payment for 836  
such advertising, a telephone book, electronic media that is 837  
available to the public, or some other type of media that is 838  
owned and operated by a person other than the business and, if 839  
an individual operates the business, the individual advertising 840  
the business has a specific place of business that is not the 841  
individual's permanent home residence. 842

~~(4)~~ (d) The government unit provides proof of compliance 843  
with division ~~(D) (2)~~ (A) (4) (b) of this section or the business 844  
provides proof of compliance with division ~~(D) (3)~~ (A) (4) (c) of 845  
this section to the scrap metal dealer with whom the government 846  
unit or business transacts business. 847

~~(E)~~ (5) Sales transacted between a scrap metal dealer and 848  
a person whose primary business is to create products that 849  
result in bulk quantities of ferrous and nonferrous metal used 850  
for recycling rather than disposal. 851

~~(F) Sales of catalytic converters transacted between a~~ 852  
~~scrap metal dealer and a motor vehicle dealer as defined in~~ 853  
~~section 4517.01 of the Revised Code.~~ 854

(B) No provision of sections 4737.04 and 4737.041 of the 855  
Revised Code that is specific to sales or donations of catalytic 856  
converters applies to a sale or donation of a motor vehicle, 857

even if a catalytic converter is a component or part of such 858  
motor vehicle. The exceptions described in division (A) of this 859  
section do not apply to sales or donations of catalytic 860  
converters. 861

**Sec. 4737.045.** (A) To register as a scrap metal dealer or 862  
a bulk merchandise container dealer with the director of public 863  
safety as required by division (B) of section 4737.04 of the 864  
Revised Code, a person shall do all of the following: 865

(1) Provide the name and street address of the dealer's 866  
place of business; 867

(2) Provide the name of the primary owner of the business, 868  
and of the manager of the business, if the manager is not the 869  
primary owner; 870

(3) Provide the electronic mail address of the business; 871

(4) Provide confirmation that the dealer has the 872  
capabilities to electronically connect with the department of 873  
public safety for the purpose of sending and receiving 874  
information; 875

(5) Provide any other information required by the director 876  
in rules the director adopts pursuant to sections 4737.01 to 877  
~~4737.045~~ 4737.046 of the Revised Code; 878

(6) Pay an initial registration fee of two hundred 879  
dollars. 880

(B) A person engaging in the business of a scrap metal 881  
dealer or a bulk merchandise container dealer in this state on 882  
or before September 28, 2012, shall register with the director 883  
not later than January 1, 2013. With respect to a person who 884  
commences engaging in the business of a scrap metal dealer or a 885

bulk merchandise container dealer after September 28, 2012, the 886  
person shall register with the director pursuant to this section 887  
prior to commencing business as a scrap metal dealer or a bulk 888  
merchandise container dealer. 889

(C) A registration issued to a scrap metal dealer or a 890  
bulk merchandise container dealer pursuant to this section is 891  
valid for a period of one year. A dealer shall renew the 892  
registration in accordance with the rules adopted by the 893  
director and pay a renewal fee of one hundred fifty dollars to 894  
cover the costs of operating and maintaining the registry 895  
created pursuant to division (E) of this section. 896

(D) A scrap metal dealer or a bulk merchandise container 897  
dealer registered under this section shall prominently display a 898  
copy of the annual registration certificate received from the 899  
director pursuant to division (E) (2) of this section. 900

(E) The director shall do all of the following: 901

(1) Develop and implement, by January 1, 2014, and 902  
maintain as a registry a secure database for use by law 903  
enforcement agencies that is capable of all of the following: 904

(a) Receiving and securely storing all of the information 905  
required by division (A) of this section and the daily 906  
transaction data that scrap metal dealers and bulk merchandise 907  
dealers are required to send pursuant to division (E) (1) of 908  
section 4737.04 of the Revised Code; 909

(b) Providing secure search capabilities to law 910  
enforcement agencies for enforcement purposes; 911

(c) Creating a link and retransmission capability for 912  
receipt of routine scrap theft alerts published by the institute 913  
of scrap recycling industries for transmission to dealers and 914



law enforcement agencies in the state; 915

(d) Making the electronic lists prepared pursuant to 916  
division (F) (2) of section 4737.04 of the Revised Code available 917  
through an electronic searchable format for individual law 918  
enforcement agencies and for dealers in the state; 919

(e) Providing, without charge, interlink programming 920  
enabling the transfer of information to dealers. 921

(2) Issue, reissue, or deny registration to dealers; 922

(3) Adopt rules to enforce sections 4737.01 to 4737.045 of 923  
the Revised Code, rules establishing procedures to renew a 924  
registration issued under this section, rules for the format and 925  
maintenance for the records required under division (A) of 926  
section 4737.012 of the Revised Code or division (C) of section 927  
4737.04 of the Revised Code, and rules regarding the delivery of 928  
the report required by division (E) (1) of section 4737.04 of the 929  
Revised Code to the registry, which shall be used exclusively by 930  
law enforcement agencies. 931

(F) A scrap metal dealer or bulk merchandise container 932  
dealer may search, modify, or update only the dealer's own 933  
business data contained within the registry established in 934  
division (E) of this section. 935

(G) All fees received by the director pursuant to this 936  
section and division (F) of section 4737.99 of the Revised Code 937  
shall be used to develop and maintain the registry required 938  
under this section and for the department of public safety's 939  
operating expenses. The fees shall be deposited into the 940  
infrastructure protection fund which is hereby created in the 941  
state treasury. 942

(H) (1) The director of public safety shall not issue a 943

registration to, or renew the registration of, a person who was 944  
convicted of, or pleaded guilty to, a violation of section 945  
4737.041 of the Revised Code, a violation of section 2923.03 of 946  
the Revised Code when division (G) of section 4737.99 of the 947  
Revised Code applies, a violation of section 2913.02 of the 948  
Revised Code when the person is sentenced pursuant to division 949  
(B)(10) of that section, or a violation of section 2913.51 of 950  
the Revised Code when the person is sentenced pursuant to 951  
division (F) of that section. 952

(2) The director of public safety shall revoke the 953  
registration of a person who is convicted of or pleads guilty to 954  
a violation of section 4737.041 of the Revised Code, a violation 955  
of section 2923.03 of the Revised Code when division (G) of 956  
section 4737.99 of the Revised Code applies, a violation of 957  
section 2913.02 of the Revised Code when the person is sentenced 958  
pursuant to division (B)(10) of that section, or a violation of 959  
section 2913.51 of the Revised Code when the person is sentenced 960  
pursuant to division (F) of that section. 961

**Sec. 4737.046.** (A) The director of public safety may 962  
investigate a scrap metal dealer, bulk merchandise container 963  
dealer, a person described in division (B) of section 4737.041 964  
of the Revised Code, and any employee, officer, or agent of any 965  
of the foregoing. The director shall commence an investigation 966  
only after consulting with local law enforcement. As part of the 967  
investigation, the director may search the person's premises 968  
during the person's regular work hours or between the hours of 969  
eight a.m. and five p.m., Monday through Friday. 970

(B)(1) The director may compel witnesses by subpoena to 971  
appear and testify in relation to an investigation under this 972  
section, and may compel by subpoena duces tecum the production 973

of any books, papers, documents, or other records pertaining to 974  
such an investigation. 975

(2) If a person does not comply with a subpoena or 976  
subpoena duces tecum issued under division (B)(1) of this 977  
section, the director may apply to the court of common pleas of 978  
Franklin county or of the county in which the person conducts 979  
business for an order compelling the person to comply with the 980  
subpoena or subpoena duces tecum or, for failure to do so, be 981  
held in contempt of court. 982

(C) If as a result of an investigation the director finds 983  
that a person violated any provision of sections 4737.04 to 984  
4737.046 of the Revised Code, the director shall suspend the 985  
person's registration or license and shall reinstate the 986  
registration or license upon evidence that the person has 987  
remedied the violation. The director shall revoke a registration 988  
or license if the director finds a subsequent violation of any 989  
provision of this chapter in any subsequent investigation. 990

(D)(1) No person shall undertake any activities that 991  
require registration under section 4737.045 of the Revised Code 992  
following a suspension or revocation. 993

(2) Following a suspension or revocation, the director 994  
shall conduct a follow-up investigation to determine whether the 995  
person violated division (D)(1) of this section. If the director 996  
determines the person violated division (D)(1) of this section, 997  
the director shall seek an injunction from the court of common 998  
pleas of Franklin county or of the county in which the person 999  
conducts business ordering the person to cease the violation. 1000

(E)(1) The director may investigate, on the director's own 1001  
initiative, the actions or proposed actions of a person who is 1002

not registered under section 4737.045 of the Revised Code and 1003  
who appears to be acting as a scrap metal dealer or bulk 1004  
merchandise container dealer in the same manner as described in 1005  
divisions (A) and (B) of this section. 1006

(2) If, following an investigation, the director finds 1007  
that a person acted as a scrap metal dealer or bulk merchandise 1008  
container dealer without a registration or license, the director 1009  
shall do both of the following: 1010

(a) Seek an injunction from the court of common pleas of 1011  
Franklin county or of the county in which the person conducts 1012  
business ordering the person to cease the violation; 1013

(b) Impose a civil penalty of ten thousand dollars in 1014  
accordance with Chapter 119. of the Revised Code. Each day the 1015  
violation occurred or continues to occur constitutes a separate 1016  
violation and is subject to a separate penalty, except that the 1017  
penalty for each consecutive day after the first day shall be 1018  
one thousand dollars. 1019

(3) The director shall deposit all penalties collected 1020  
pursuant to division (E) (2) of this section into the state 1021  
treasury to the credit of the infrastructure protection fund 1022  
created under section 4737.045 of the Revised Code. 1023  
Notwithstanding any contrary provision of that section, all such 1024  
penalties shall be expended only to conduct investigations 1025  
authorized under this section. 1026

(4) If a person fails to pay a civil penalty imposed under 1027  
division (E) (2) of this section within the time prescribed by 1028  
the director, the director shall submit to the attorney general 1029  
the person's name and the amount of the penalty. In that case, 1030  
the attorney general shall collect the penalty. In addition to 1031

the penalty, the attorney general may assess, and the person 1032  
shall pay, a fee covering the costs of collecting the penalty. 1033

(F) (1) A person shall not do any of the following when 1034  
applying for a registration, licensure, or renewal under section 1035  
4737.045 of the Revised Code: 1036

(a) Engage in fraud; 1037

(b) Knowingly provide false information; 1038

(c) Knowingly fail to disclose relevant information that 1039  
would result in a denial of or nonrenewal of a registration or 1040  
license. 1041

(2) The director shall impose a civil penalty of five 1042  
hundred dollars on any person who violates division (F) (1) of 1043  
this section in accordance with Chapter 119. of the Revised 1044  
Code. The director shall deposit all such penalties into the 1045  
state treasury to the credit of the infrastructure protection 1046  
fund created under section 4737.045 of the Revised Code. 1047

(G) Any refusal to renew and any denial, suspension, or 1048  
revocation of any registration or license required under section 1049  
4737.045 of the Revised Code is subject to Chapter 119. of the 1050  
Revised Code. 1051

(H) The director shall record information on all 1052  
noninvestigative visits made by the director to a scrap metal 1053  
dealer or bulk merchandise container dealer. Such information 1054  
shall be reported to the public on a quarterly basis via the 1055  
department of commerce's web site. 1056

**Sec. 4737.98.** Notwithstanding any provision of section 1057  
121.95 of the Revised Code to the contrary, a regulatory 1058  
restriction contained in a rule adopted under this chapter is 1059

not subject to sections 121.95 to 121.953 of the Revised Code. 1060

**Sec. 4737.99.** (A) Except as specified in divisions (B), 1061  
(C), (D), (E), and (F) of this section, whoever violates 1062  
sections 4737.01 to 4737.11 of the Revised Code, shall be fined 1063  
not less than twenty-five nor more than one thousand dollars and 1064  
the costs of prosecution. 1065

(B) Whoever violates division (F) (2) of section 4737.10 of 1066  
the Revised Code is guilty of a misdemeanor of the fourth 1067  
degree. 1068

~~(C) Whoever~~ (C) (1) Except as provided in division (C) (2) 1069  
of this section, whoever fails to comply with or violates 1070  
section 4737.01, 4737.012, or 4737.041, division (C), (D), (E), 1071  
(F), (G), or (I) of section 4737.04, or division (D) of section 1072  
4737.045 of the Revised Code is guilty of a misdemeanor of the 1073  
first degree. If the offender one time previously has violated 1074  
or failed to comply with section 4737.01, 4737.012, or 4737.041, 1075  
division (C), (D), (E), (F), (G), or (I) of section 4737.04, or 1076  
division (D) of section 4737.045 of the Revised Code, the 1077  
violation or failure is a felony of the fifth degree. If the 1078  
offender two or more times previously has violated or failed to 1079  
comply with section 4737.01, 4737.012, or 4737.041, division 1080  
(C), (D), (E), (F), (G), or (I) of section 4737.04, or division 1081  
(D) of section 4737.045 of the Revised Code, the violation or 1082  
failure is a felony of the fourth degree. For any second or 1083  
subsequent violation of or failure to comply with section 1084  
4737.01, 4737.012, or 4737.041, or division (C), (D), (E), (F), 1085  
(G), or (I) of section 4737.04, or division (D) of section 1086  
4737.045 of the Revised Code, a court may suspend the 1087  
registration issued to the scrap metal dealer or bulk 1088  
merchandise container dealer under section 4737.045 of the 1089

Revised Code for a period of ninety days, during which time 1090  
period the person shall not engage in the business of a scrap 1091  
metal dealer or a bulk merchandise container dealer, as 1092  
applicable. 1093

(2) Notwithstanding section 2929.31 of the Revised Code, a 1094  
business entity that, with respect to the sale, purchase, or 1095  
receipt of a catalytic converter, violates division (C), (E)(1), 1096  
(F)(2), (F)(5), or (I) of section 4737.04 or division (B) of 1097  
section 4737.041 of the Revised Code shall be fined not less 1098  
than ten thousand dollars and not more than fifty thousand 1099  
dollars per violation. 1100

(D) Whoever violates division (B)(1) of section 4737.04 of 1101  
the Revised Code is guilty of a felony of the fifth degree. The 1102  
court also shall enjoin the person from engaging in the business 1103  
of a scrap metal dealer or a bulk merchandise dealer. 1104

(E) Whoever violates division (B)(2) of section 4737.04 of 1105  
the Revised Code is guilty of a felony of the fifth degree for 1106  
the first offense and a felony of the third degree for any 1107  
subsequent offense. 1108

(F) Any motor vehicle used in the theft or illegal 1109  
transportation of metal shall be impounded for at least thirty 1110  
days and not more than sixty days. If the same motor vehicle is 1111  
used in connection with a second or subsequent theft or illegal 1112  
transportation of metal, the motor vehicle shall be impounded 1113  
for at least sixty days and not more than one hundred eighty 1114  
days. Any motor vehicle used in the theft or illegal 1115  
transportation of a special purchase article or bulk merchandise 1116  
container shall be impounded for at least ninety days and not 1117  
more than three hundred sixty days. A motor vehicle impounded 1118  
pursuant to this division shall be stored at a municipal 1119

corporation impound lot, if available, or at a lot owned by a 1120  
private entity or another governmental unit that the municipal 1121  
corporation utilizes for the purpose of impounding a motor 1122  
vehicle. An impounded motor vehicle may be recovered from the 1123  
impound lot at the end of the impound term upon payment of fees. 1124

(G) A person is complicit under section 2923.03 of the 1125  
Revised Code if the person sells a catalytic converter to 1126  
another person who, in the purchase or receipt of the catalytic 1127  
converter, violates either of the following: 1128

(1) Division (F)(1) of section 4737.04 of the Revised 1129  
Code; 1130

(2) Division (B) of section 4737.041 of the Revised Code 1131  
when the violation involves a failure to obtain identifying 1132  
information of the seller of a catalytic converter or proof of 1133  
ownership of a catalytic converter. 1134

(H) If a transaction involving the purchase or sale of a 1135  
used catalytic converter formed the basis of an offense under 1136  
division (C) or (E) of this section, the clerk of the court 1137  
shall pay any fine imposed to the county, township, municipal 1138  
corporation, park district, as created pursuant to section 1139  
511.18 or 1545.04 of the Revised Code, or state law enforcement 1140  
agencies in this state that primarily were responsible for, or 1141  
involved in, arresting and prosecuting, the offender. 1142

**Sec. 4738.03.** (A) No person licensed as a motor vehicle 1143  
salvage dealer under this chapter shall ~~engage~~ do either of the 1144  
following: 1145

(1) Engage in the business of selling at retail salvage 1146  
motor vehicle parts or salvage motor vehicles, unless the 1147  
business is operated primarily for the purpose of selling at 1148



retail salvage motor vehicle parts. Any person operating such a 1149  
business primarily for the purpose of selling at retail salvage 1150  
motor vehicle parts may secondarily sell at retail salvage motor 1151  
vehicles or manufacture a product of gradable scrap metal for 1152  
sale to scrap metal processors or any other consumer. 1153

(2) Purchase or accept a catalytic converter as defined in 1154  
section 4737.04 of the Revised Code. 1155

(B) No person licensed as a salvage motor vehicle auction 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 auction, before payment for the 1164  
salvage motor vehicle is completed; 1165

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

(C) No person licensed as a salvage motor vehicle pool 1168  
under this chapter shall: 1169

(1) Knowingly sell a salvage motor vehicle to anyone other 1170  
than an authorized purchaser; 1171

(2) Sell a salvage motor vehicle when having reasonable 1172  
cause to believe it is not offered by the legal owner thereof; 1173

(3) Fail to make an Ohio salvage certificate of title 1174  
available to the purchaser of a salvage motor vehicle sold by 1175

the salvage motor vehicle pool, before payment for the salvage 1176  
motor vehicle is completed; 1177

(4) Operate as a motor vehicle salvage dealer at the same 1178  
location where any salvage motor vehicle pool is operated. 1179

**Sec. 4738.07.** (A) Except as otherwise provided in division 1180  
(B) of this section, the registrar of motor vehicles shall deny 1181  
the application of any person for a license under this chapter 1182  
and refuse to issue the person a license if the registrar finds 1183  
that the applicant: 1184

(1) Has made false statement of a material fact in the 1185  
individual's application; 1186

(2) Has not complied with sections 4738.01 to 4738.15 of 1187  
the Revised Code: 1188

(3) Has habitually defaulted on financial obligations; 1189

(4) Has been convicted of or pleaded guilty to a 1190  
disqualifying offense, provided the registrar complies with 1191  
section 9.79 of the Revised Code; 1192

(5) Has been guilty of a fraudulent act in connection with 1193  
dealing in salvage motor vehicles or when operating as a motor 1194  
vehicle salvage dealer, salvage motor vehicle auction, or 1195  
salvage motor vehicle pool; 1196

(6) Is insolvent; 1197

(7) Is of insufficient responsibility to assure the prompt 1198  
payment of any final judgments which might reasonably be entered 1199  
against the individual because of the transaction of the 1200  
individual's business during the period of the license applied 1201  
for; 1202

(8) Has no established place of business; ~~or~~ 1203

(9) Has less than twelve months prior to said application, 1204  
been denied a license under this chapter; or 1205

(10) Was convicted of or pleaded guilty to a violation of 1206  
division (B) of section 4737.041 of the Revised Code, a 1207  
violation of section 2923.03 of the Revised Code when division 1208  
(G) of section 4737.99 of the Revised Code applies, a violation 1209  
of section 2913.02 of the Revised Code when the person is 1210  
sentenced pursuant to division (B) (10) of that section, or a 1211  
violation of section 2913.51 of the Revised Code when the person 1212  
is sentenced pursuant to division (F) of that section. 1213

~~(B) In~~ (B) (1) Except as provided in division (B) (2) of 1214  
this section, in considering a renewal of an individual's 1215  
license, the registrar shall not consider any conviction or plea 1216  
of guilty prior to the initial licensing. However, the registrar 1217  
may consider a conviction or plea of guilty if it occurred after 1218  
the individual was initially licensed, or after the most recent 1219  
license renewal. 1220

(2) The registrar shall not renew an individual's license 1221  
if the individual was convicted of or pleaded guilty to a 1222  
violation of division (B) of section 4737.041 of the Revised 1223  
Code, a violation of section 2923.03 of the Revised Code when 1224  
division (G) of section 4737.99 of the Revised Code applies, a 1225  
violation of section 2913.02 of the Revised Code when the person 1226  
is sentenced pursuant to division (B) (10) of that section, or a 1227  
violation of section 2913.51 of the Revised Code when the person 1228  
is sentenced pursuant to division (F) of that section. 1229

(C) The registrar may grant a person a conditional license 1230  
that lasts for one year. After the one-year period has expired, 1231

the license is no longer considered conditional, and the person 1232  
shall be considered fully licensed. 1233

(D) If the applicant is a corporation or partnership, the 1234  
registrar may refuse to issue a license if any officer, 1235  
director, or partner of the applicant has been guilty of any 1236  
disqualifying offense and the refusal is in accordance with 1237  
section 9.79 of the Revised Code. The registrar's finding may be 1238  
based upon facts contained in the application or upon any other 1239  
information which the registrar may have. Immediately upon 1240  
denying an application for any of the reasons in this section, 1241  
the registrar shall enter a final order together with the 1242  
registrar's findings and certify the same to the motor vehicle 1243  
salvage dealer's licensing board. 1244

(E) If the registrar refuses an application for a license, 1245  
the reasons for such refusal shall be put in writing. An 1246  
applicant who has been refused a license may appeal from the 1247  
action of the registrar to the motor vehicle salvage dealer's 1248  
licensing board in the manner prescribed in section 4738.12 of 1249  
the Revised Code. 1250

(F) The registrar of motor vehicles shall not adopt, 1251  
maintain, renew, or enforce any rule, or otherwise preclude in 1252  
any way, an individual from renewing a license under this 1253  
chapter due to any past criminal activity or interpretation of 1254  
moral character, except as pursuant to division (B) of this 1255  
section. If the registrar denies an individual a license or 1256  
license renewal, the reasons for such denial shall be put in 1257  
writing. 1258

**Sec. 4738.12.** The motor vehicle salvage dealer's licensing 1259  
board shall hear appeals which may be taken from an order of the 1260  
registrar of motor vehicles, refusing to issue a license. All 1261

appeals from any order of the registrar refusing to issue any 1262  
license upon proper application made must be taken within thirty 1263  
days from the date of the order, or the order is final and 1264  
conclusive. All appeals from orders of the registrar must be by 1265  
petition in writing and verified under oath by the applicant 1266  
whose application for license has been denied, and must set 1267  
forth the reason why, in the petitioner's opinion, the order of 1268  
the registrar is not correct. In appeals the board may make 1269  
investigation to determine the correctness and legality of the 1270  
order of the registrar. 1271

The board may make rules governing its actions relative to 1272  
the suspension and revocation of licenses and may, upon its own 1273  
motion, and shall, upon the verified complaint in writing of any 1274  
person, investigate the conduct of any licensee under this 1275  
chapter. The board shall suspend or revoke or notify the 1276  
registrar to refuse to renew any license if any ground existed 1277  
upon which the license would have been refused, or if a ground 1278  
exists which would be cause for refusal to issue a license. 1279

The board may suspend or revoke any license if the 1280  
licensee has in any manner violated the rules issued pursuant to 1281  
sections 4738.01 to 4738.16 of the Revised Code, or has been 1282  
convicted of committing a felony or violating any law which in 1283  
any way relates to the theft of motor vehicles. 1284

The board shall revoke any license if the licensee is 1285  
convicted of or pleads guilty to a violation of division (B) of 1286  
section 4737.041 of the Revised Code, a violation of section 1287  
2923.03 of the Revised Code when division (G) of section 4737.99 1288  
of the Revised Code applies, a violation of section 2913.02 of 1289  
the Revised Code when the licensee is sentenced pursuant to 1290  
division (B) (10) of that section, or a violation of section 1291

2913.51 of the Revised Code when the licensee is sentenced 1292  
pursuant to division (F) of that section. 1293

**Sec. 4775.09.** (A) (1) In accordance with Chapter 119. of 1294  
the Revised Code, the motor vehicle repair board may refuse to 1295  
issue or renew a registration certificate or may determine 1296  
whether to waive a suspension of a registration certificate as 1297  
provided in division (D) of section 4775.07 of the Revised Code. 1298

(2) Within ten days after receipt of an abstract from a 1299  
county court judge, mayor of a mayor's court, or clerk of a 1300  
court of record indicating a violation of division (D) of 1301  
section 4513.241 of the Revised Code, the board shall determine 1302  
whether the person named in the abstract is registered with the 1303  
board and, if the person is so registered, shall further 1304  
determine whether the person previously has been convicted of or 1305  
pleaded guilty to a violation of that section. If the person 1306  
previously has been convicted of or pleaded guilty to a 1307  
violation of that section, the board, in accordance with Chapter 1308  
119. of the Revised Code but without a prior hearing, shall 1309  
suspend the person's registration for a period of not more than 1310  
one hundred eighty days. 1311

(B) The court of common pleas of Franklin county has 1312  
exclusive jurisdiction over any person who conducts, or attempts 1313  
to conduct, business as a motor vehicle repair operator in 1314  
violation of this chapter or any rule adopted under this 1315  
chapter. The court, on application of the board, may issue an 1316  
injunction, a cease and desist order, or other appropriate order 1317  
restraining the person from continuing the violation. This 1318  
section shall operate in addition to and shall not prohibit the 1319  
enforcement of any other law. 1320

(C) Upon the request of the executive director or as a 1321

result of complaints, the board shall investigate the alleged 1322  
violation. 1323

(D) No person required to be registered under this chapter 1324  
shall have the benefit of any lien for labor or materials unless 1325  
the person is registered under this chapter. 1326

(E) No person whose application for registration under 1327  
this chapter is denied shall open or operate a facility for 1328  
business as a motor vehicle collision repair facility or motor 1329  
vehicle window tint installation facility under the name of the 1330  
person designated in the application for a registration 1331  
certificate or under any other name prior to registering as a 1332  
motor vehicle repair operator in accordance with this chapter. 1333

(F) (1) The board shall not issue a registration to or 1334  
renew the registration of a person who was convicted of or 1335  
pleaded guilty to a violation of division (B) of section 1336  
4737.041 of the Revised Code, a violation of section 2923.03 of 1337  
the Revised Code when division (G) of section 4737.99 of the 1338  
Revised Code applies, a violation of section 2913.02 of the 1339  
Revised Code when the person is sentenced pursuant to division 1340  
(B) (10) of that section, or a violation of section 2913.51 of 1341  
the Revised Code when the person is sentenced pursuant to 1342  
division (F) of that section. 1343

(2) The board shall revoke the registration of a person 1344  
who is convicted of or pleads guilty to a violation of division 1345  
(B) of section 4737.041 of the Revised Code, a violation of 1346  
section 2923.03 of the Revised Code when division (G) of section 1347  
4737.99 of the Revised Code applies, a violation of section 1348  
2913.02 of the Revised Code when the person is sentenced 1349  
pursuant to division (B) (10) of that section, or a violation of 1350  
section 2913.51 of the Revised Code when the person is sentenced 1351

pursuant to division (F) of that section. 1352

**Section 2.** That existing sections 2913.02, 2913.51, 1353  
4737.012, 4737.04, 4737.041, 4737.043, 4737.045, 4737.99, 1354  
4738.03, 4738.07, 4738.12, and 4775.09 of the Revised Code are 1355  
hereby repealed. 1356