

**As Reported by the Senate Judiciary Committee**

**136th General Assembly**

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**2025-2026**

**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**

**Senator Manning**

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 section 4737.046 of the Revised Code 4  
regarding the sale of used catalytic converters. 5

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

**Section 1.** That sections 2913.02, 2913.51, 4737.012, 6  
4737.04, 4737.041, 4737.043, 4737.045, 4737.99, 4738.03, 7  
4738.07, 4738.12, and 4775.09 be amended and section 4737.046 of 8  
the Revised Code be enacted to read as follows: 9

**Sec. 2913.02.** (A) No person, with purpose to deprive the 10  
owner of property or services, shall knowingly obtain or exert 11  
control over either the property or services in any of the 12  
following ways: 13

(1) Without the consent of the owner or person authorized 14  
to give consent; 15

(2) Beyond the scope of the express or implied consent of the owner or person authorized to give consent;	16
(3) By deception;	17
(4) By threat;	18
(5) By intimidation.	19
(B) (1) Whoever violates this section is guilty of theft.	20
(2) Except as otherwise provided in this division or division (B) (3), (4), (5), (6), (7), (8), <del>or (9)</del> , 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, or if the offender has been convicted of or pleaded guilty to a felony theft offense within the previous three years, 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, or if the offender two or more times has been convicted of or pleaded guilty to a felony theft offense within the previous three years, 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	21
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felony of the second degree. If the value of the property or 45  
services stolen is one million five hundred thousand dollars or 46  
more, a violation of this section is aggravated theft of one 47  
million five hundred thousand dollars or more, a felony of the 48  
first degree. 49

(3) Except as otherwise provided in division (B) (4), (5), 50  
(6), (7), (8), ~~or (9)~~, or (10) of this section, if the victim of 51  
the offense is an elderly person, disabled adult, active duty 52  
service member, or spouse of an active duty service member, a 53  
violation of this section is theft from a person in a protected 54  
class, and division (B) (3) of this section applies. Except as 55  
otherwise provided in this division, theft from a person in a 56  
protected class is a felony of the fifth degree. If the value of 57  
the property or services stolen is one thousand dollars or more 58  
and is less than seven thousand five hundred dollars, or if the 59  
offender has been convicted of or pleaded guilty to a felony 60  
theft offense within the previous three years, theft from a 61  
person in a protected class is a felony of the fourth degree. If 62  
the value of the property or services stolen is seven thousand 63  
five hundred dollars or more and is less than thirty-seven 64  
thousand five hundred dollars, or if the offender two or more 65  
times has been convicted of or pleaded guilty to a felony theft 66  
offense within the previous three years, theft from a person in 67  
a protected class is a felony of the third degree. If the value 68  
of the property or services stolen is thirty-seven thousand five 69  
hundred dollars or more and is less than one hundred fifty 70  
thousand dollars, theft from a person in a protected class is a 71  
felony of the second degree. If the value of the property or 72  
services stolen is one hundred fifty thousand dollars or more, 73  
theft from a person in a protected class is a felony of the 74  
first degree. If the victim of the offense is an elderly person, 75

in addition to any other penalty imposed for the offense, the 76  
offender shall be required to pay full restitution to the victim 77  
and to pay a fine of up to fifty thousand dollars. The clerk of 78  
court shall forward all fines collected under division (B) (3) of 79  
this section to the county department of job and family services 80  
to be used for the reporting and investigation of elder abuse, 81  
neglect, and exploitation or for the provision or arrangement of 82  
protective services under sections 5101.61 to 5101.71 of the 83  
Revised Code. 84

(4) If the property stolen is a firearm or dangerous 85  
ordnance, a violation of this section is grand theft. Except as 86  
otherwise provided in this division, grand theft when the 87  
property stolen is a firearm or dangerous ordnance is a felony 88  
of the third degree, and there is a presumption in favor of the 89  
court imposing a prison term for the offense. If the firearm or 90  
dangerous ordnance was stolen from a federally licensed firearms 91  
dealer, grand theft when the property stolen is a firearm or 92  
dangerous ordnance is a felony of the first degree. The offender 93  
shall serve a prison term imposed for grand theft when the 94  
property stolen is a firearm or dangerous ordnance consecutively 95  
to any other prison term or mandatory prison term previously or 96  
subsequently imposed upon the offender. 97

(5) If the property stolen is a motor vehicle, a violation 98  
of this section is grand theft of a motor vehicle, a felony of 99  
the fourth degree. 100

(6) If the property stolen is any dangerous drug, a 101  
violation of this section is theft of drugs, a felony of the 102  
fourth degree, or, if the offender previously has been convicted 103  
of a felony drug abuse offense, a felony of the third degree. 104

(7) If the property stolen is a police dog or horse or an 105

assistance dog and the offender knows or should know that the 106  
property stolen is a police dog or horse or an assistance dog, a 107  
violation of this section is theft of a police dog or horse or 108  
an assistance dog, a felony of the third degree. 109

(8) If the property stolen is anhydrous ammonia, a 110  
violation of this section is theft of anhydrous ammonia, a 111  
felony of the third degree. 112

(9) Except as provided in division (B) (2) of this section 113  
with respect to property with a value of seven thousand five 114  
hundred dollars or more and division (B) (3) of this section with 115  
respect to property with a value of one thousand dollars or 116  
more, if the property stolen is a special ~~purpose~~ purchase 117  
article as defined in section 4737.04 of the Revised Code or is 118  
a bulk merchandise container as defined in section 4737.012 of 119  
the Revised Code, a violation of this section is theft of a 120  
special ~~purpose~~ purchase article or articles or theft of a bulk 121  
merchandise container or containers, a felony of the fifth 122  
degree. 123

~~(10)~~ (10) (a) If the property stolen is a catalytic 124  
converter, a violation of this section is theft of a catalytic 125  
converter, a felony of the fifth degree. 126

(b) If the property stolen is a catalytic converter and 127  
the offender is a business entity, a violation of this section 128  
is enterprise theft of a catalytic converter and, pursuant to 129  
section 2929.31 of the Revised Code, is punishable by a fine of 130  
not more than seven thousand five hundred dollars per violation. 131

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(F) (1) Except as otherwise provided in this division, if 239  
the property involved is a catalytic converter, a violation of 240  
this section is receiving a stolen catalytic converter, a felony 241  
of the fifth degree. 242

(2) If the property involved is a catalytic converter and 243  
the offender is a business entity, a violation of this section 244  
is enterprise receipt of a stolen catalytic converter and, 245  
pursuant to section 2929.31 of the Revised Code, is punishable 246  
by a fine of not more than seven thousand five hundred dollars 247  
per violation. 248

(3) The clerk of the court shall pay any fine imposed 249  
pursuant to division (F) of this section to the county, 250  
township, municipal corporation, park district, as created 251

pursuant to section 511.18 or 1545.04 of the Revised Code, or 252  
state law enforcement agencies in this state that primarily were 253  
responsible for or involved in arresting and prosecuting the 254  
offender. 255

**Sec. 4737.012.** (A) Notwithstanding ~~division (A) of~~ section 256  
4737.01 of the Revised Code, a dealer who is in the business of 257  
purchasing, reselling, exchanging, recycling, shredding, or 258  
receiving bulk merchandise containers shall not purchase or 259  
receive plastic bulk merchandise containers that are marked with 260  
a company name or logo, or more than nine wooden bulk 261  
merchandise containers, from any other person at one time, 262  
unless the dealer maintains a record book or electronic file in 263  
which the dealer keeps an accurate and complete record of all 264  
containers purchased or received by the dealer. Every entry in 265  
the record book or electronic file shall be numbered 266  
consecutively. Until the registry developed by the director of 267  
public safety pursuant to section 4737.045 of the Revised Code 268  
is operational, a dealer shall maintain the record for each 269  
container purchased or received for a minimum period of one year 270  
after the date the dealer purchased or received the container. 271  
Beginning on the date the registry is operational, a dealer 272  
shall maintain the record for each container purchased or 273  
received only for a period of sixty days after the date the 274  
dealer purchased or received the container. The director shall 275  
adopt rules for the format and maintenance of the records 276  
required under this division. 277

The records shall contain all of the following: 278

(1) The name and residence of the person from whom the 279  
containers were purchased or received, a copy of that person's 280  
personal identification card, and, if required, a photograph of 281

the person taken pursuant to division (B) (2) of this section;	282
(2) A description of the containers, including the number	283
purchased or received and, if required, a photograph of the	284
containers taken pursuant to division (B) (1) of this section;	285
(3) The date and time the dealer purchased or received the	286
containers;	287
(4) If the seller or provider of the containers arrives at	288
the dealer's place of business in a motor vehicle, the license	289
plate number of that motor vehicle along with the state that	290
issued the license plate.	291
(B) Every dealer who is in the business of reselling bulk	292
merchandise containers shall take a photograph, in accordance	293
with rules adopted by the director, of both of the following:	294
(1) Each container for which the dealer must make a record	295
under division (A) of this section;	296
(2) Each person who sells or otherwise gives the dealer	297
the containers.	298
The dealer shall take the required photographs at the time	299
the dealer purchases or receives the containers and shall keep	300
the photographs as part of the record in accordance with	301
division (A) of this section.	302
(C) A dealer who is in the business of purchasing,	303
reselling, exchanging, recycling, shredding, or receiving bulk	304
merchandise containers shall fulfill the requirements of section	305
4737.041 of the Revised Code with respect to the containers	306
purchased or received by the dealer for which the dealer must	307
make a record under division (A) of this section. No dealer	308
shall purchase or receive any bulk merchandise container for	309

which the dealer must make a record under division (A) of this 310  
section without complying with ~~division (B), (C), or~~ 311  
~~(D)~~ divisions (A) (2), (3), or (4) of section 4737.041 of the 312  
Revised Code. 313

(D) As used in this section, "bulk merchandise container" 314  
means a plastic or wooden carrier or holder used by a 315  
manufacturer or distributor to transport merchandise to 316  
wholesale and retail outlets. 317

**Sec. 4737.04.** (A) As used in this section and sections 318  
4737.041, 4737.042, 4737.043, 4737.044, 4737.045, 4737.046, and 319  
4737.99 of the Revised Code: 320

(1) "Scrap metal dealer" means the owner or operator of a 321  
business that purchases or receives scrap metal for the purpose 322  
of sorting, grading, and shipping metals to third parties for 323  
direct or indirect melting into new products. 324

(2) "Special purchase article" means all of the following: 325

(a) Beer kegs; 326

(b) Cable, wire, electrical components, and other 327  
equipment used in providing cable service or any utility 328  
service, including, but not limited to, copper or aluminum 329  
coverings, housings, or enclosures related thereto; 330

(c) Grave markers, sculptures, plaques, and vases made out 331  
of metal, the appearance of which suggests that the articles 332  
have been obtained from a cemetery; 333

(d) Guard rails for bridges, highways, and roads; highway 334  
and street signs; street light poles and fixtures; worker access 335  
hole covers, water meter covers, and other similar types of 336  
utility access covers; traffic directional and control signs and 337

light signals, metal marked with the name of a political 338  
subdivision of the state, and other metal articles that are 339  
purchased and installed for use upon authorization of the state 340  
or any political subdivision of the state; 341

(e) Historical, commemorative, and memorial markers and 342  
plaques made out of metal; 343

(f) Four-wheel metal carts, commonly referred to as 344  
"grocery carts," that are generally used by individuals to 345  
collect and transport consumer goods while shopping; 346

(g) Four-wheel metal carts, commonly referred to as "metal 347  
bossies," that are used to transport or merchandise food 348  
products that are stored in crates, shells, or trays; 349

(h) Railroad material, including journal brasses, rail 350  
spikes, rails, tie plates, frogs, and communication wire; 351

(i) Metal trays, merchandise containers, or similar 352  
transport containers used by a product producer, distributor, 353  
retailer, or an agent of a product producer, distributor, or 354  
retailer as a means for the bulk transportation, storage, or 355  
carrying of retail containers of milk, baked goods, eggs, or 356  
bottled beverage products; 357

(j) "Burnt wire," which is any coated metal wire that has 358  
been smelted, burned, or melted thereby removing the 359  
manufacturer's or owner's identifying marks. 360

(3) "Bulk merchandise container" has the same meaning as 361  
in section 4737.012 of the Revised Code. 362

(4) "Bulk merchandise container dealer" means a dealer who 363  
is subject to section 4737.012 of the Revised Code. 364

(5) "Catalytic converter" includes a catalytic converter 365

<u>core, diesel particulate filter, and diesel oxidation catalyst.</u>	366
(6) "Common recycled matter" means bottles and other	367
containers made out of steel, tin, or aluminum and other	368
consumer goods that are metal that are recycled by individual	369
consumers and not in the bulk or quantity that could be supplied	370
or recycled by large business establishments. "Common recycled	371
matter" does not include a metal tray used by a product	372
producer, distributor, retailer, or agent of a product producer,	373
distributor, or retailer as a means for the bulk transportation,	374
storage, or carrying of retail containers of milk, baked goods,	375
eggs, or bottled beverage products.	376
<del>(6)</del> <u>(7)</u> "Consumer goods" has the same meaning as in	377
section 1309.102 of the Revised Code.	378
<del>(7)</del> <u>(8)</u> "Recyclable materials" means the metal materials	379
described in division (C) (5) of this section, on the condition	380
that those metal materials are not special purchase articles.	381
<del>(8)</del> <u>(9)</u> "Motor vehicle" has the same meaning as in section	382
4501.01 of the Revised Code.	383
(B) (1) No person shall engage in the business of scrap	384
metal dealing or act as a bulk merchandise container dealer	385
without first registering with the director of public safety in	386
accordance with section 4737.045 of the Revised Code.	387
(2) No person shall receive, purchase, or sell a special	388
purchase article or a bulk merchandise container except as in	389
accordance with sections 4737.012 and 4737.04 to <del>4737.045</del>	390
<u>4737.046</u> of the Revised Code.	391
(C) Every scrap metal dealer shall maintain a record book	392
or electronic file, in which the dealer shall keep an accurate	393
and complete record of all articles purchased or received by the	394

dealer in the course of the dealer's daily business. The record 395  
shall include a copy of any check or other traceable payment 396  
device issued pursuant to division (A) (4) of section 4737.041 of 397  
the Revised Code. On and after September 11, 2008, every entry 398  
in the record book or electronic file shall be numbered 399  
consecutively and, on or after September 28, 2012, shall be 400  
maintained for inspection in numerical order. Until the registry 401  
developed by the director pursuant to section 4737.045 of the 402  
Revised Code is operational, a dealer shall maintain the record 403  
for each article purchased or received for a minimum period of 404  
one year after the date the dealer purchased or received the 405  
article, except that the dealer shall maintain the photograph 406  
required under division (I) of this section only for a period of 407  
sixty days after the dealer purchased or received the article. 408  
Beginning on the date the registry is operational, a dealer 409  
shall maintain the record for each article purchased or received 410  
only for a period of sixty days after the date the dealer 411  
purchased or received the article. The director shall adopt 412  
rules for the format and maintenance of the records required 413  
under this division. 414

The records shall contain all of the following: 415

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

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

(3) If the seller or provider of the articles arrives at 423  
the dealer's place of business in a motor vehicle, the license 424

plate number of that motor vehicle along with the state that 425  
issued the license plate; 426

(4) For metal articles that are not recyclable materials, 427  
a full and accurate description of each article purchased or 428  
received by the dealer that includes identifying letters or 429  
marks written, inscribed, or otherwise included on the article 430  
and the name and maker of the article if known; 431

(5) For recyclable materials that are not special purchase 432  
articles, the following category codes to identify the 433  
recyclable materials that the dealer receives: 434

(a) "Number one copper," which includes clean copper pipe, 435  
clean copper wire, or other number one copper that does not have 436  
solder, paint, or coating; 437

(b) "Number two copper," which includes unclean copper 438  
pipe, unclean copper wire, or other number two copper; 439

(c) "Sheet copper," which includes copper roofing, copper 440  
gutters, copper downspouts, and other sheet copper; 441

(d) "Insulated copper wire"; 442

(e) "Aluminum or copper radiators," which includes 443  
aluminum radiators, aluminum copper radiators, and copper 444  
radiators; 445

(f) "Red brass," which includes red brass valves and other 446  
red brass; 447

(g) "Yellow brass," which includes yellow brass fixtures, 448  
yellow brass valve and fitting, ornamental brass, and other 449  
yellow brass; 450

(h) "Aluminum sheet"; 451

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

parts;	479
(u) "Catalytic converters";	480
(v) "Lead";	481
(w) "Electric motors";	482
(x) "Electronic scrap," which includes any consumer or commercial electronic equipment such as computers, servers, routers, video displays, and similar products.	483 484 485
(6) For recyclable materials that are special purchase articles, the relevant category provided in division (A) (2) of this section.	486 487 488
(D) Railroad material, including journal brasses, rail spikes, rails, tie plates, frogs, and communication wire, other than purchases and sales under sections 4973.13 to 4973.16 of the Revised Code, shall be held by a scrap metal dealer for a period of thirty days after being purchased or acquired.	489 490 491 492 493
(E) (1) The records required under division (C) of this section or under section 4737.012 of the Revised Code shall be open for inspection by the representative of any law enforcement agency, railroad police officers, and the director of public safety or the director's designated representative during all business hours. A scrap metal dealer or bulk merchandise container dealer shall do <del>both</del> <u>all</u> of the following:	494 495 496 497 498 499 500
(a) Provide a copy of those records to any law enforcement agency or railroad police officer that requests the records or to the director or director's representative, upon request;	501 502 503
(b) Prepare a daily electronic report, the content and format of which shall be established in rules adopted by the director, listing all retail transactions that occurred during	504 505 506

the preceding day and containing the information described in 507  
division (C) of this section or division (A) of section 4737.012 508  
of the Revised Code, as applicable. The dealer shall 509  
electronically transfer, by twelve noon eastern standard time, 510  
the report to the director of public safety for inclusion in the 511  
registry created pursuant to division (E) of section 4737.045 of 512  
the Revised Code. 513

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

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

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

(5) A person who claims to own a stolen article that may 530  
be identified in those records, or an agent of that person, who 531  
provides proof of having filed a stolen property report with the 532  
appropriate law enforcement agency, may request those records. 533  
The law enforcement agency shall provide those records upon a 534  
request made by such a person or that person's agent, but the 535  
law enforcement agency shall redact information that reveals the 536

name of the seller of any article and the price the dealer paid 537  
for any article the dealer purchased or the estimated value of 538  
any article the dealer received. The law enforcement agency 539  
shall determine which records to provide, based upon the time 540  
period that the alleged theft is reported to have taken place. A 541  
law enforcement agency may charge or collect a fee for providing 542  
records as required by this section. 543

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

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

(F) (1) No scrap metal dealer shall purchase or receive any 563  
metal articles, and no bulk merchandise container dealer shall 564  
purchase or receive any bulk merchandise containers, from a 565  
person who refuses to show the dealer the person's personal 566

identification card, or who refuses to allow the dealer to take 567  
a photograph of the person as required under division (I) of 568  
this section or of the person or container as required under 569  
division (B) of section 4737.012 of the Revised Code. 570

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

(3) A law enforcement agency shall submit all records of 590  
any investigation into a scrap metal dealer or bulk merchandise 591  
container dealer related to the practice of buying and selling 592  
scrap to the registry created pursuant to division (E) of 593  
section 4737.045 of the Revised Code. 594

(4) No scrap metal dealer or bulk merchandise container 595  
dealer shall purchase or receive any special purchase articles 596

or bulk merchandise containers from any person who is under 597  
eighteen years of age. 598

~~(4)~~ (5) No scrap metal dealer shall purchase or receive 599  
any special purchase article without complying with division (C) 600  
and (I) of this section and ~~division (B), (C), or (D)~~ divisions 601  
(A) (2), (3), or (4) of section 4737.041 of the Revised Code. 602

~~(5)~~ (6) No scrap metal dealer shall purchase or receive 603  
more than one catalytic converter per day from the same person 604  
except from a motor vehicle dealer as defined in section 4517.01 605  
of the Revised Code. 606

~~(6)~~ (7) No scrap metal dealer shall purchase or receive a 607  
beer keg that is marked with a company name or logo except from 608  
a manufacturer of beer as described in section 4303.02 of the 609  
Revised Code or an agent authorized by the manufacturer to 610  
dispose of damaged kegs. 611

~~(7)~~ (8) No scrap metal dealer shall treat a transaction as 612  
exempt from section 4737.04 or 4737.041 of the Revised Code 613  
unless the ~~seller~~ scrap metal dealer provides evidence of 614  
satisfying one or more of the exceptions described in 615  
~~(D) (3)~~ (A) of section 4737.043 of the Revised Code. 616

~~(G)~~ (G) (1) Every scrap metal dealer and bulk merchandise 617  
container dealer shall post a notice in a conspicuous place on 618  
the dealer's premises notifying persons who may wish to transact 619  
business with the dealer of the penalties applicable to any 620  
person who does any of the following: 621

~~(1)~~ (a) Provides a false personal identification card to 622  
the dealer; 623

~~(2)~~ (b) With purpose to defraud, provides any other false 624  
information to the dealer in connection with the dealer's duty 625

to maintain the records required under division (C) of this 626  
section or under section 4737.012 of the Revised Code; 627

~~(3)~~ (c) Violates section 2913.02 of the Revised Code. 628

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

(b) The director of public safety shall impose a civil 632  
penalty of five hundred dollars on any person who violates 633  
division (G) (2) (a) of this section and shall deposit that 634  
penalty into the state treasury to the credit of the 635  
infrastructure protection fund created under section 4737.045 of 636  
the Revised Code. 637

(H) (1) Except as otherwise provided in division (F) (2) of 638  
this section, a clerk of courts or an employee of a clerk of 639  
courts; a chief of police, marshal, or other chief law 640  
enforcement officer; a sheriff, constable, or chief of police of 641  
a township police department or police district police force; a 642  
deputy, officer, or employee of the law enforcement agency 643  
served by the marshal or the municipal or township chief, the 644  
office of the sheriff, or the constable; and an employee of the 645  
department of public safety is immune from liability in a civil 646  
action, including an action for defamation, libel, or slander, 647  
to recover damages for injury, death, or loss to persons or 648  
property or reputation allegedly caused by an act or omission in 649  
connection with compiling and providing the list required by 650  
division (F) (2) of this section. 651

(2) The immunity described in division (H) (1) of this 652  
section does not apply to a person described in that division 653  
if, in relation to the act or omission in question, any of the 654

following applies: 655

(a) The act or omission was manifestly outside the scope 656  
of the person's employment or official responsibilities. 657

(b) The act or omission was with malicious purpose, in bad 658  
faith, or in a wanton or reckless manner. 659

(c) Liability for the act or omission is expressly imposed 660  
by a section of the Revised Code. 661

(I) Every scrap metal dealer shall take a photograph, in 662  
accordance with rules adopted by the director, of each person 663  
who sells or otherwise gives the dealer an article for which the 664  
dealer must make record under division (C) of this section. 665

The dealer shall take the required photograph at the time 666  
the dealer purchases or receives the article and shall keep the 667  
photograph as part of the record in accordance with division (C) 668  
of this section. 669

(J) (1) An individual listed as a known thief or receiver 670  
of stolen property on a list prepared pursuant to division (F) 671  
(2) of this section may request that the individual's name be 672  
removed from the list by filing an application with the law 673  
enforcement agency responsible for preparing the list. 674

(2) A law enforcement agency receiving an application in 675  
accordance with division (J) (1) of this section shall remove the 676  
applicant's name from the list of known thieves and receivers of 677  
stolen property if the individual has not been convicted of or 678  
pleaded guilty to either a misdemeanor that is a theft offense, 679  
as defined in section 2913.01 of the Revised Code, within three 680  
years immediately prior to the date of the application or a 681  
felony that is a theft offense within six years immediately 682  
prior to the date of the application. 683

**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 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:

<u>(I) The removal and replacement of the catalytic converter;</u>	713 714
<u>(II) The make, model, year, and vehicle identification number of the motor vehicle that was repaired.</u>	715 716
<u>(b) If the seller or provider is the motor vehicle collision repair operator or motor vehicle dealer that repaired the motor vehicle from which the catalytic converter was removed, both of the following:</u>	717 718 719 720
<u>(i) The motor vehicle collision repair operator's registration certificate or motor vehicle dealer's license number;</u>	721 722 723
<u>(ii) A bill, invoice, or receipt that clearly indicates both of the following:</u>	724 725
<u>(I) The removal and replacement of the catalytic converter;</u>	726 727
<u>(II) The make, model, year, and vehicle identification number of the motor vehicle that was repaired.</u>	728 729
<del>(D)</del> <u>(4) If payment is rendered for the special purchase articles, catalytic converters, or bulk merchandise containers, issue a check or some other traceable payment device, as defined by the department of public safety in rule, which shall not include cash payments, for the purchase of the special purchase articles, catalytic converters, or bulk merchandise containers;</u>	730 731 732 733 734 735
<del>(E)</del> <u>(5) Withhold payment for the purchase of the special purchase articles or bulk merchandise containers for a period of two days after the day the special purchase articles or bulk merchandise containers are purchased;</u>	736 737 738 739
<del>(F)</del> <u>(6) If an asserted owner of stolen special purchase</u>	740

articles or bulk merchandise containers or that owner's agent 741  
provides proof of having filed a stolen property report with the 742  
appropriate law enforcement agency, make records describing 743  
special purchase articles or bulk merchandise containers the 744  
dealer purchased or received after the alleged date of theft 745  
available for inspection to the asserted owner or owner's agent 746  
for a period of six months after the alleged date of theft of 747  
the articles, except that the dealer shall withhold the name of 748  
the person from whom the special purchase articles or bulk 749  
merchandise containers were purchased or received and the amount 750  
paid for the special purchase articles or bulk merchandise 751  
containers. 752

(B) A person, other than a scrap metal dealer or a motor 753  
vehicle dealer licensed under Chapter 4517. of the Revised Code, 754  
when receiving a used catalytic converter in the ordinary course 755  
of business, including a person licensed or registered under 756  
Chapter 4737., 4738., or 4775. of the Revised Code, shall meet 757  
the requirements of divisions (A) (1), (3), and (4) of this 758  
section with respect to each used catalytic converter the person 759  
purchases or receives as if the person were a scrap metal 760  
dealer, including the requirements of divisions (C), (E), and 761  
(F) of section 4737.04 of the Revised Code. No person described 762  
in this division shall recklessly fail to comply with this 763  
division. 764

(C) (1) Not later than ninety days after the effective date 765  
of this amendment, the director of public safety shall create an 766  
affidavit form and publish the form on a publicly available web 767  
site maintained by the department of public safety. 768

(2) The affidavit form shall include the name and contact 769  
information of the seller or provider, a statement of the 770

reasons the seller or provider is unable to produce the items 771  
described in division (A) (3) of this section, and any other 772  
information and documents required by the director. 773

(3) A scrap metal dealer, bulk merchandise container 774  
dealer, or person described in division (B) of this section may 775  
accept an affidavit form that is completed and signed by a 776  
seller or provider who is a natural person in lieu of the items 777  
otherwise required to establish ownership of a catalytic 778  
converter under division (A) (3) of this section. 779

(4) Whoever knowingly makes a false statement on an 780  
affidavit described in division (C) of this section is guilty of 781  
the offense of falsification under section 2921.13 of the 782  
Revised Code. 783

**Sec. 4737.043.** ~~Sections~~ (A) Subject to division (B) of 784  
this section, sections 4737.04 and 4737.041 of the Revised Code 785  
do not apply with respect to any of the following: 786

~~(A)~~ (1) The donation of articles to nonprofit 787  
organizations or to any other person, on the condition that the 788  
person donating the articles receives no payment or any other 789  
valuable consideration in exchange for or due to donating the 790  
articles; 791

~~(B)~~ (2) The sale or donation of common recycled matter; 792

~~(C)~~ (3) Sales transacted between a scrap metal dealer and 793  
an organization that is exempt from federal taxation under 794  
section 501(c) (3) of the "Internal Revenue Code of 1986," 100 795  
Stat. 285, 26 U.S.C. 501(c) (3), as amended, and that collects, 796  
for its own fundraising purposes, scrap ferrous and nonferrous 797  
metals for recycling rather than disposal; 798

~~(D)~~ (4) Sales transacted between a scrap metal dealer and 799

a government unit or another business, including a demolition 800  
company, public utility company, or another scrap metal dealer, 801  
on the condition that the government unit or business satisfies 802  
the following criteria: 803

~~(1)~~ (a) In the course of providing the government unit's 804  
or business's services to others or maintaining the government 805  
unit's or business's property, whether onsite or offsite, the 806  
government unit or business generates scrap ferrous and 807  
nonferrous metals for recycling rather than disposal. 808

~~(2)~~ (b) If the sales transaction involves a government 809  
unit, reference to the government unit as a bona fide unit of 810  
government can be readily found by the public. 811

~~(3)~~ (c) If the sales transaction involves a business, the 812  
business satisfies one of the following criteria: 813

~~(a)~~ (i) The business is registered with the secretary of 814  
state. 815

~~(b)~~ (ii) The business has been issued a license under 816  
section 5739.17 of the Revised Code. 817

~~(e)~~ (iii) The business advertises its services in a 818  
newspaper of general circulation once a week for not less than 819  
six consecutive months or provides a receipt showing payment for 820  
such advertising, a telephone book, electronic media that is 821  
available to the public, or some other type of media that is 822  
owned and operated by a person other than the business and, if 823  
an individual operates the business, the individual advertising 824  
the business has a specific place of business that is not the 825  
individual's permanent home residence. 826

~~(4)~~ (d) The government unit provides proof of compliance 827  
with division ~~(D)~~ ~~(2)~~ (A) (4) (b) of this section or the business 828

provides proof of compliance with division ~~(D) (3)~~ (A) (4) (c) of 829  
this section to the scrap metal dealer with whom the government 830  
unit or business transacts business. 831

~~(E)~~ (5) Sales transacted between a scrap metal dealer and 832  
a person whose primary business is to create products that 833  
result in bulk quantities of ferrous and nonferrous metal used 834  
for recycling rather than disposal. 835

~~(F)~~ (6) Sales of catalytic converters transacted between a 836  
scrap metal dealer and a motor vehicle dealer as defined in 837  
section 4517.01 of the Revised Code. 838

(B) No provision of sections 4737.04 and 4737.041 of the 839  
Revised Code that is specific to sales or donations of catalytic 840  
converters applies to a sale or donation of a motor vehicle, 841  
even if a catalytic converter is a component or part of such 842  
motor vehicle. 843

**Sec. 4737.045.** (A) To register as a scrap metal dealer or 844  
a bulk merchandise container dealer with the director of public 845  
safety as required by division (B) of section 4737.04 of the 846  
Revised Code, a person shall do all of the following: 847

(1) Provide the name and street address of the dealer's 848  
place of business; 849

(2) Provide the name of the primary owner of the business, 850  
and of the manager of the business, if the manager is not the 851  
primary owner; 852

(3) Provide the electronic mail address of the business; 853

(4) Provide confirmation that the dealer has the 854  
capabilities to electronically connect with the department of 855  
public safety for the purpose of sending and receiving 856

information; 857

(5) Provide any other information required by the director 858  
in rules the director adopts pursuant to sections 4737.01 to 859  
~~4737.045~~4737.046 of the Revised Code; 860

(6) Pay an initial registration fee of two hundred 861  
dollars. 862

(B) A person engaging in the business of a scrap metal 863  
dealer or a bulk merchandise container dealer in this state on 864  
or before September 28, 2012, shall register with the director 865  
not later than January 1, 2013. With respect to a person who 866  
commences engaging in the business of a scrap metal dealer or a 867  
bulk merchandise container dealer after September 28, 2012, the 868  
person shall register with the director pursuant to this section 869  
prior to commencing business as a scrap metal dealer or a bulk 870  
merchandise container dealer. 871

(C) A registration issued to a scrap metal dealer or a 872  
bulk merchandise container dealer pursuant to this section is 873  
valid for a period of one year. A dealer shall renew the 874  
registration in accordance with the rules adopted by the 875  
director and pay a renewal fee of one hundred fifty dollars to 876  
cover the costs of operating and maintaining the registry 877  
created pursuant to division (E) of this section. 878

(D) A scrap metal dealer or a bulk merchandise container 879  
dealer registered under this section shall prominently display a 880  
copy of the annual registration certificate received from the 881  
director pursuant to division (E) (2) of this section. 882

(E) The director shall do all of the following: 883

(1) Develop and implement, by January 1, 2014, and 884  
maintain as a registry a secure database for use by law 885

enforcement agencies that is capable of all of the following:	886
(a) Receiving and securely storing all of the information	887
required by division (A) of this section and the daily	888
transaction data that scrap metal dealers and bulk merchandise	889
dealers are required to send pursuant to division (E) (1) of	890
section 4737.04 of the Revised Code;	891
(b) Providing secure search capabilities to law	892
enforcement agencies for enforcement purposes;	893
(c) Creating a link and retransmission capability for	894
receipt of routine scrap theft alerts published by the <del>institute</del>	895
<del>of scrap recycling industries</del> <u>recycled materials association</u> for	896
transmission to dealers and law enforcement agencies in the	897
state;	898
(d) Making the electronic lists prepared pursuant to	899
division (F) (2) of section 4737.04 of the Revised Code available	900
through an electronic searchable format for individual law	901
enforcement agencies and for dealers in the state;	902
(e) Providing, without charge, interlink programming	903
enabling the transfer of information to dealers.	904
(2) Issue, reissue, or deny registration to dealers;	905
(3) Adopt rules to enforce sections 4737.01 to 4737.045 of	906
the Revised Code, rules establishing procedures to renew a	907
registration issued under this section, rules for the format and	908
maintenance for the records required under division (A) of	909
section 4737.012 of the Revised Code or division (C) of section	910
4737.04 of the Revised Code, and rules regarding the delivery of	911
the report required by division (E) (1) of section 4737.04 of the	912
Revised Code to the registry, which shall be used exclusively by	913
law enforcement agencies.	914

(F) A scrap metal dealer or bulk merchandise container 915  
dealer may search, modify, or update only the dealer's own 916  
business data contained within the registry established in 917  
division (E) of this section. 918

(G) All fees received by the director pursuant to this 919  
section and division (F) of section 4737.99 of the Revised Code 920  
shall be used to develop and maintain the registry required 921  
under this section and for the department of public safety's 922  
operating expenses. The fees shall be deposited into the 923  
infrastructure protection fund which is hereby created in the 924  
state treasury. 925

(H) (1) The director of public safety shall not issue a 926  
registration to, or renew the registration of, a person who was 927  
convicted of, or pleaded guilty to, a violation of section 928  
4737.041 of the Revised Code, a violation of section 2913.02 of 929  
the Revised Code when the person is sentenced pursuant to 930  
division (B) (10) of that section, or a violation of section 931  
2913.51 of the Revised Code when the person is sentenced 932  
pursuant to division (F) of that section. 933

(2) The director of public safety may revoke the 934  
registration of a person who is convicted of or pleads guilty to 935  
a violation of section 4737.041 of the Revised Code, a violation 936  
of section 2913.02 of the Revised Code when the person is 937  
sentenced pursuant to division (B) (10) of that section, or a 938  
violation of section 2913.51 of the Revised Code when the person 939  
is sentenced pursuant to division (F) of that section. 940

**Sec. 4737.046.** (A) The director of public safety may 941  
investigate a scrap metal dealer, bulk merchandise container 942  
dealer, a person described in division (B) of section 4737.041 943  
of the Revised Code, and any employee, officer, or agent of any 944

of the foregoing. As part of the investigation, the director 945  
may, only after consulting with local law enforcement, search 946  
the person's premises during the person's regular work hours or 947  
between the hours of eight a.m. and five p.m., Monday through 948  
Friday. 949

(B) (1) The director may compel witnesses by subpoena to 950  
appear and testify in relation to an investigation under this 951  
section, and may compel by subpoena duces tecum the production 952  
of any books, papers, documents, or other records pertaining to 953  
such an investigation. 954

(2) If a person does not comply with a subpoena or 955  
subpoena duces tecum issued under division (B) (1) of this 956  
section, the director may apply to the court of common pleas of 957  
Franklin county or of the county in which the person conducts 958  
business for an order compelling the person to comply with the 959  
subpoena or subpoena duces tecum or, for failure to do so, be 960  
held in contempt of court. 961

(C) If as a result of an investigation the director finds 962  
that a person violated any provision of sections 4737.04 to 963  
4737.046 of the Revised Code, the director may suspend the 964  
person's registration or license and shall reinstate the 965  
registration or license upon evidence that the person has 966  
remedied the violation. The director may revoke a registration 967  
or license if the director finds a subsequent violation of any 968  
provision of this chapter in any subsequent investigation. 969

(D) (1) No person shall undertake any activities that 970  
require registration under section 4737.045 of the Revised Code 971  
following a suspension or revocation. 972

(2) Following a suspension or revocation, the director 973

shall conduct a follow-up investigation to determine whether the 974  
person violated division (D) (1) of this section. If the director 975  
determines the person violated division (D) (1) of this section, 976  
the director shall seek an injunction from the court of common 977  
pleas of Franklin county or of the county in which the person 978  
conducts business ordering the person to cease the violation. 979

(E) (1) The director may investigate, on the director's own 980  
initiative, the actions or proposed actions of a person who is 981  
not registered under section 4737.045 of the Revised Code and 982  
who appears to be acting as a scrap metal dealer or bulk 983  
merchandise container dealer in the same manner as described in 984  
divisions (A) and (B) of this section. 985

(2) If, following an investigation, the director finds 986  
that a person acted as a scrap metal dealer or bulk merchandise 987  
container dealer without a registration or license, the director 988  
shall do both of the following: 989

(a) Seek an injunction from the court of common pleas of 990  
Franklin county or of the county in which the person conducts 991  
business ordering the person to cease the violation; 992

(b) Impose a civil penalty of ten thousand dollars in 993  
accordance with Chapter 119. of the Revised Code. Each day the 994  
violation occurred or continues to occur constitutes a separate 995  
violation and is subject to a separate penalty, except that the 996  
penalty for each consecutive day after the first day shall be 997  
one thousand dollars. 998

(3) The director shall deposit all penalties collected 999  
pursuant to division (E) (2) of this section into the state 1000  
treasury to the credit of the infrastructure protection fund 1001  
created under section 4737.045 of the Revised Code. 1002

Notwithstanding any contrary provision of that section, all such 1003  
penalties shall be expended only to conduct investigations 1004  
authorized under this section. 1005

(4) If a person fails to pay a civil penalty imposed under 1006  
division (E) (2) of this section within the time prescribed by 1007  
the director, the director shall submit to the attorney general 1008  
the person's name and the amount of the penalty. In that case, 1009  
the attorney general shall collect the penalty. In addition to 1010  
the penalty, the attorney general may assess, and the person 1011  
shall pay, a fee covering the costs of collecting the penalty. 1012

(F) (1) A person shall not do any of the following when 1013  
applying for a registration, licensure, or renewal under section 1014  
4737.045 of the Revised Code: 1015

(a) Engage in fraud; 1016

(b) Knowingly provide false information; 1017

(c) Knowingly fail to disclose relevant information that 1018  
would result in a denial of or nonrenewal of a registration or 1019  
license. 1020

(2) The director shall impose a civil penalty of five 1021  
hundred dollars on any person who violates division (F) (1) of 1022  
this section in accordance with Chapter 119. of the Revised 1023  
Code. The director shall deposit all such penalties into the 1024  
state treasury to the credit of the infrastructure protection 1025  
fund created under section 4737.045 of the Revised Code. 1026

(G) Any refusal to renew and any denial, suspension, or 1027  
revocation of any registration or license required under section 1028  
4737.045 of the Revised Code is subject to Chapter 119. of the 1029  
Revised Code. 1030

(H) The director shall record information on all 1031  
noninvestigative visits made by the director to a scrap metal 1032  
dealer or bulk merchandise container dealer. Such information 1033  
shall be reported to the public on a quarterly basis via the 1034  
department of public safety's web site. 1035

**Sec. 4737.99.** (A) Except as specified in divisions (B), 1036  
(C), (D), (E), and (F) of this section, whoever violates 1037  
sections 4737.01 to 4737.11 of the Revised Code, shall be fined 1038  
not less than twenty-five nor more than one thousand dollars and 1039  
the costs of prosecution. 1040

(B) Whoever violates division (F) (2) of section 4737.10 of 1041  
the Revised Code is guilty of a misdemeanor of the fourth 1042  
degree. 1043

~~(C) Whoever~~ (C) (1) Except as provided in division (C) (2) 1044  
of this section, whoever fails to comply with or violates 1045  
section 4737.01, 4737.012, or 4737.041, division (C), (D), (E), 1046  
(F), (G), or (I) of section 4737.04, or division (D) of section 1047  
4737.045 of the Revised Code is guilty of a misdemeanor of the 1048  
first degree. If the offender one time previously has violated 1049  
or failed to comply with section 4737.01, 4737.012, or 4737.041, 1050  
division (C), (D), (E), (F), (G), or (I) of section 4737.04, or 1051  
division (D) of section 4737.045 of the Revised Code, the 1052  
violation or failure is a felony of the fifth degree. If the 1053  
offender two or more times previously has violated or failed to 1054  
comply with section 4737.01, 4737.012, or 4737.041, division 1055  
(C), (D), (E), (F), (G), or (I) of section 4737.04, or division 1056  
(D) of section 4737.045 of the Revised Code, the violation or 1057  
failure is a felony of the fourth degree. For any second or 1058  
subsequent violation of or failure to comply with section 1059  
4737.01, 4737.012, or 4737.041, or division (C), (D), (E), (F), 1060

(G), or (I) of section 4737.04, or division (D) of section 1061  
4737.045 of the Revised Code, a court may suspend the 1062  
registration issued to the scrap metal dealer or bulk 1063  
merchandise container dealer under section 4737.045 of the 1064  
Revised Code for a period of ninety days, during which time 1065  
period the person shall not engage in the business of a scrap 1066  
metal dealer or a bulk merchandise container dealer, as 1067  
applicable. 1068

(2) Notwithstanding section 2929.31 of the Revised Code, a 1069  
business entity that, with respect to the sale, purchase, or 1070  
receipt of a catalytic converter, violates division (C), (E) (1), 1071  
(F) (2), (F) (5), or (I) of section 4737.04 or division (B) of 1072  
section 4737.041 of the Revised Code shall be fined not more 1073  
than seven thousand five hundred dollars per violation. 1074

(D) Whoever violates division (B) (1) of section 4737.04 of 1075  
the Revised Code is guilty of a felony of the fifth degree. The 1076  
court also shall enjoin the person from engaging in the business 1077  
of a scrap metal dealer or a bulk merchandise dealer. 1078

(E) Whoever violates division (B) (2) of section 4737.04 of 1079  
the Revised Code is guilty of a felony of the fifth degree for 1080  
the first offense and a felony of the third degree for any 1081  
subsequent offense. 1082

(F) Any motor vehicle used in the theft or illegal 1083  
transportation of metal shall be impounded for at least thirty 1084  
days and not more than sixty days. If the same motor vehicle is 1085  
used in connection with a second or subsequent theft or illegal 1086  
transportation of metal, the motor vehicle shall be impounded 1087  
for at least sixty days and not more than one hundred eighty 1088  
days. Any motor vehicle used in the theft or illegal 1089  
transportation of a special purchase article or bulk merchandise 1090

container shall be impounded for at least ninety days and not 1091  
more than three hundred sixty days. A motor vehicle impounded 1092  
pursuant to this division shall be stored at a municipal 1093  
corporation impound lot, if available, or at a lot owned by a 1094  
private entity or another governmental unit that the municipal 1095  
corporation utilizes for the purpose of impounding a motor 1096  
vehicle. An impounded motor vehicle may be recovered from the 1097  
impound lot at the end of the impound term upon payment of fees. 1098

(G) If a transaction involving the purchase or sale of a 1099  
used catalytic converter formed the basis of an offense under 1100  
division (C) or (E) of this section, the clerk of the court 1101  
shall pay any fine imposed to the county, township, municipal 1102  
corporation, park district, as created pursuant to section 1103  
511.18 or 1545.04 of the Revised Code, or state law enforcement 1104  
agencies in this state that primarily were responsible for, or 1105  
involved in, arresting and prosecuting, the offender. 1106

**Sec. 4738.03.** (A) No person licensed as a motor vehicle 1107  
salvage dealer under this chapter shall ~~engage~~do either of the 1108  
following: 1109

(1) Engage in the business of selling at retail salvage 1110  
motor vehicle parts or salvage motor vehicles, unless the 1111  
business is operated primarily for the purpose of selling at 1112  
retail salvage motor vehicle parts. Any person operating such a 1113  
business primarily for the purpose of selling at retail salvage 1114  
motor vehicle parts may secondarily sell at retail salvage motor 1115  
vehicles or manufacture a product of gradable scrap metal for 1116  
sale to scrap metal processors or any other consumer. 1117

(2) Purchase or accept a catalytic converter as defined in 1118  
section 4737.04 of the Revised Code. 1119

(B) No person licensed as a salvage motor vehicle auction	1120
under this chapter shall:	1121
(1) Knowingly sell a salvage motor vehicle to anyone other	1122
than an authorized purchaser;	1123
(2) Sell a salvage motor vehicle when having reasonable	1124
cause to believe it is not offered by the legal owner thereof;	1125
(3) Fail to make an Ohio salvage certificate of title	1126
available to the purchaser of a salvage motor vehicle sold by	1127
the salvage motor vehicle auction, before payment for the	1128
salvage motor vehicle is completed;	1129
(4) Operate as a motor vehicle salvage dealer at the same	1130
location where any salvage motor vehicle auction is operated.	1131
(C) No person licensed as a salvage motor vehicle pool	1132
under this chapter shall:	1133
(1) Knowingly sell a salvage motor vehicle to anyone other	1134
than an authorized purchaser;	1135
(2) Sell a salvage motor vehicle when having reasonable	1136
cause to believe it is not offered by the legal owner thereof;	1137
(3) Fail to make an Ohio salvage certificate of title	1138
available to the purchaser of a salvage motor vehicle sold by	1139
the salvage motor vehicle pool, before payment for the salvage	1140
motor vehicle is completed;	1141
(4) Operate as a motor vehicle salvage dealer at the same	1142
location where any salvage motor vehicle pool is operated.	1143
<b>Sec. 4738.07.</b> (A) Except as otherwise provided in division	1144
(B) of this section, the registrar of motor vehicles shall deny	1145
the application of any person for a license under this chapter	1146

and refuse to issue the person a license if the registrar finds	1147
that the applicant:	1148
(1) Has made false statement of a material fact in the	1149
individual's application;	1150
(2) Has not complied with sections 4738.01 to 4738.15 of	1151
the Revised Code:	1152
(3) Has habitually defaulted on financial obligations;	1153
(4) Has been convicted of or pleaded guilty to a	1154
disqualifying offense, provided the registrar complies with	1155
section 9.79 of the Revised Code;	1156
(5) Has been guilty of a fraudulent act in connection with	1157
dealing in salvage motor vehicles or when operating as a motor	1158
vehicle salvage dealer, salvage motor vehicle auction, or	1159
salvage motor vehicle pool;	1160
(6) Is insolvent;	1161
(7) Is of insufficient responsibility to assure the prompt	1162
payment of any final judgments which might reasonably be entered	1163
against the individual because of the transaction of the	1164
individual's business during the period of the license applied	1165
for;	1166
(8) Has no established place of business; <del>or</del>	1167
(9) Has less than twelve months prior to said application,	1168
been denied a license under this chapter; <u>or</u>	1169
<u>(10) Was convicted of or pleaded guilty to a violation of</u>	1170
<u>division (B) of section 4737.041 of the Revised Code, a</u>	1171
<u>violation of section 2913.02 of the Revised Code when the person</u>	1172
<u>is sentenced pursuant to division (B)(10) of that section or a</u>	1173

violation of section 2913.51 of the Revised Code when the person 1174  
is sentenced pursuant to division (F) of that section. 1175

~~(B)~~ In (B) (1) Except as provided in division (B) (2) of 1176  
this section, in considering a renewal of an individual's 1177  
license, the registrar shall not consider any conviction or plea 1178  
of guilty prior to the initial licensing. However, the registrar 1179  
may consider a conviction or plea of guilty if it occurred after 1180  
the individual was initially licensed, or after the most recent 1181  
license renewal. 1182

(2) The registrar shall not renew an individual's license 1183  
if the individual was convicted of or pleaded guilty to a 1184  
violation of division (B) of section 4737.041 of the Revised 1185  
Code, a violation of section 2913.02 of the Revised Code when 1186  
the person is sentenced pursuant to division (B) (10) of that 1187  
section or a violation of section 2913.51 of the Revised Code 1188  
when the person is sentenced pursuant to division (F) of that 1189  
section. 1190

(C) The registrar may grant a person a conditional license 1191  
that lasts for one year. After the one-year period has expired, 1192  
the license is no longer considered conditional, and the person 1193  
shall be considered fully licensed. 1194

(D) If the applicant is a corporation or partnership, the 1195  
registrar may refuse to issue a license if any officer, 1196  
director, or partner of the applicant has been guilty of any 1197  
disqualifying offense and the refusal is in accordance with 1198  
section 9.79 of the Revised Code. The registrar's finding may be 1199  
based upon facts contained in the application or upon any other 1200  
information which the registrar may have. Immediately upon 1201  
denying an application for any of the reasons in this section, 1202  
the registrar shall enter a final order together with the 1203

registrar's findings and certify the same to the motor vehicle 1204  
salvage dealer's licensing board. 1205

(E) If the registrar refuses an application for a license, 1206  
the reasons for such refusal shall be put in writing. An 1207  
applicant who has been refused a license may appeal from the 1208  
action of the registrar to the motor vehicle salvage dealer's 1209  
licensing board in the manner prescribed in section 4738.12 of 1210  
the Revised Code. 1211

(F) The registrar of motor vehicles shall not adopt, 1212  
maintain, renew, or enforce any rule, or otherwise preclude in 1213  
any way, an individual from renewing a license under this 1214  
chapter due to any past criminal activity or interpretation of 1215  
moral character, except as pursuant to division (B) of this 1216  
section. If the registrar denies an individual a license or 1217  
license renewal, the reasons for such denial shall be put in 1218  
writing. 1219

**Sec. 4738.12.** The motor vehicle salvage dealer's licensing 1220  
board shall hear appeals which may be taken from an order of the 1221  
registrar of motor vehicles, refusing to issue a license. All 1222  
appeals from any order of the registrar refusing to issue any 1223  
license upon proper application made must be taken within thirty 1224  
days from the date of the order, or the order is final and 1225  
conclusive. All appeals from orders of the registrar must be by 1226  
petition in writing and verified under oath by the applicant 1227  
whose application for license has been denied, and must set 1228  
forth the reason why, in the petitioner's opinion, the order of 1229  
the registrar is not correct. In appeals the board may make 1230  
investigation to determine the correctness and legality of the 1231  
order of the registrar. 1232

The board may make rules governing its actions relative to 1233

the suspension and revocation of licenses and may, upon its own 1234  
motion, and shall, upon the verified complaint in writing of any 1235  
person, investigate the conduct of any licensee under this 1236  
chapter. The board shall suspend or revoke or notify the 1237  
registrar to refuse to renew any license if any ground existed 1238  
upon which the license would have been refused, or if a ground 1239  
exists which would be cause for refusal to issue a license. 1240

The board may suspend or revoke any license if the 1241  
licensee has in any manner violated the rules issued pursuant to 1242  
sections 4738.01 to 4738.16 of the Revised Code, or has been 1243  
convicted of committing a felony or violating any law which in 1244  
any way relates to the theft of motor vehicles. 1245

The board shall revoke any license if the licensee is 1246  
convicted of or pleads guilty to a violation of division (B) of 1247  
section 4737.041 of the Revised Code, a violation of section 1248  
2913.02 of the Revised Code when the licensee is sentenced 1249  
pursuant to division (B)(10) of that section or a violation of 1250  
section 2913.51 of the Revised Code when the licensee is 1251  
sentenced pursuant to division (F) of that section. 1252

**Sec. 4775.09.** (A) (1) In accordance with Chapter 119. of 1253  
the Revised Code, the motor vehicle repair board may refuse to 1254  
issue or renew a registration certificate or may determine 1255  
whether to waive a suspension of a registration certificate as 1256  
provided in division (D) of section 4775.07 of the Revised Code. 1257

(2) Within ten days after receipt of an abstract from a 1258  
county court judge, mayor of a mayor's court, or clerk of a 1259  
court of record indicating a violation of division (D) of 1260  
section 4513.241 of the Revised Code, the board shall determine 1261  
whether the person named in the abstract is registered with the 1262  
board and, if the person is so registered, shall further 1263

determine whether the person previously has been convicted of or 1264  
pleaded guilty to a violation of that section. If the person 1265  
previously has been convicted of or pleaded guilty to a 1266  
violation of that section, the board, in accordance with Chapter 1267  
119. of the Revised Code but without a prior hearing, shall 1268  
suspend the person's registration for a period of not more than 1269  
one hundred eighty days. 1270

(B) The court of common pleas of Franklin county has 1271  
exclusive jurisdiction over any person who conducts, or attempts 1272  
to conduct, business as a motor vehicle repair operator in 1273  
violation of this chapter or any rule adopted under this 1274  
chapter. The court, on application of the board, may issue an 1275  
injunction, a cease and desist order, or other appropriate order 1276  
restraining the person from continuing the violation. This 1277  
section shall operate in addition to and shall not prohibit the 1278  
enforcement of any other law. 1279

(C) Upon the request of the executive director or as a 1280  
result of complaints, the board shall investigate the alleged 1281  
violation. 1282

(D) No person required to be registered under this chapter 1283  
shall have the benefit of any lien for labor or materials unless 1284  
the person is registered under this chapter. 1285

(E) No person whose application for registration under 1286  
this chapter is denied shall open or operate a facility for 1287  
business as a motor vehicle collision repair facility or motor 1288  
vehicle window tint installation facility under the name of the 1289  
person designated in the application for a registration 1290  
certificate or under any other name prior to registering as a 1291  
motor vehicle repair operator in accordance with this chapter. 1292

(F) (1) The board shall not issue a registration to or 1293  
renew the registration of a person who was convicted of or 1294  
pleaded guilty to a violation of division (B) of section 1295  
4737.041 of the Revised Code, a violation of section 2913.02 of 1296  
the Revised Code when the person is sentenced pursuant to 1297  
division (B) (10) of that section or a violation of section 1298  
2913.51 of the Revised Code when the person is sentenced 1299  
pursuant to division (F) of that section. 1300

(2) The board shall revoke the registration of a person 1301  
who is convicted of or pleads guilty to a violation of division 1302  
(B) of section 4737.041 of the Revised Code, a violation of 1303  
section 2913.02 of the Revised Code when the person is sentenced 1304  
pursuant to division (B) (10) of that section or a violation of 1305  
section 2913.51 of the Revised Code when the person is sentenced 1306  
pursuant to division (F) of that section. 1307

**Section 2.** That existing sections 2913.02, 2913.51, 1308  
4737.012, 4737.04, 4737.041, 4737.043, 4737.045, 4737.99, 1309  
4738.03, 4738.07, 4738.12, and 4775.09 of the Revised Code are 1310  
hereby repealed. 1311