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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

Senators Manning, Antonio, Cirino, Craig, DeMora, Hicks-Hudson, Johnson, Lang, O'Brien, Patton, Reineke, Roegner, Schaffer

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;	18
(4) By threat;	19
(5) By intimidation.	20
(B) (1) Whoever violates this section is guilty of theft.	21
(2) Except as otherwise provided in this division or division (B) (3), (4), (5), (6), (7), (8), or (9) , <u>or (10)</u> of this section, a violation of this section is misdemeanor theft, a misdemeanor of the first degree. If the value of the property or services stolen is one thousand dollars or more and is less than seven thousand five hundred dollars or if the property stolen is any of the property listed in section 2913.71 of the Revised Code, a violation of this section is theft, a felony of the fifth degree. If the value of the property or services stolen is seven thousand five hundred dollars or more and is less than one hundred fifty thousand dollars, 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	22
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dollars, a violation of this section is aggravated theft, a 44
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 assistance dog and the offender knows or should know that the property stolen is a police dog or horse or an assistance dog, a violation of this section is theft of a police dog or horse or an assistance dog, a felony of the third degree.

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

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

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

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

(c) The clerk of the court shall pay any fine imposed pursuant to division (B) (10) of this section to the county,

township, municipal corporation, park district as created 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 driver's or commercial driver's license, probationary driver's license, temporary instruction permit, or nonresident operating privilege pursuant to division ~~(B) (10) (a)~~ (B) (11) (a) or (b) of this section, instead may require the offender to perform community service for a number of hours determined by the court.

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

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

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

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

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

<u>Code.</u>	192
<u>(3) "Dangerous drug" has the same meaning as in section 4729.01 of the Revised Code.</u>	193 194
<u>(4) "Dangerous ordnance" and "firearm" have the same meanings as in section 2923.11 of the Revised Code.</u>	195 196
<u>(5) "Motor vehicle" has the same meaning as in section 4501.01 of the Revised Code.</u>	197 198
<u>(B)</u> No person shall receive, retain, or dispose of property of another knowing or having reasonable cause to believe that the property has been obtained through commission of a theft offense.	199 200 201 202
(B) <u>(C)</u> It is not a defense to a charge of receiving stolen property in violation of this section that the property was obtained by means other than through the commission of a theft offense if the property was explicitly represented to the accused person as being obtained through the commission of a theft offense.	203 204 205 206 207 208
(C) <u>(D)</u> Whoever violates this section is guilty of receiving stolen property. Except as otherwise provided in this division or division (D) <u>(E)</u> or <u>(F)</u> of this section, receiving stolen property is a misdemeanor of the first degree. If the value of the property involved is one thousand dollars or more and is less than seven thousand five hundred dollars, if the property involved is any of the property listed in section 2913.71 of the Revised Code, receiving stolen property is a felony of the fifth degree. If the property involved is a motor vehicle, as defined in section 4501.01 of the Revised Code, if the property involved is a dangerous drug, a firearm, or dangerous ordnance, as defined in section 4729.01 of the Revised	209 210 211 212 213 214 215 216 217 218 219 220

~~Code, or~~ if the value of the property involved is seven thousand 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) <u>"Catalytic converter" includes a catalytic converter</u>	365
<u>core, diesel particulate filter, and diesel oxidation catalyst.</u>	366
(6) <u>"Common recycled matter" means bottles and other</u>	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
(6) -(7) <u>"Consumer goods" has the same meaning as in</u>	377
section 1309.102 of the Revised Code.	378
(7) -(8) <u>"Recyclable materials" means the metal materials</u>	379
described in division (C) (5) of this section, on the condition	380
that those metal materials are not special purchase articles.	381
(8) -(9) <u>"Motor vehicle" has the same meaning as in section</u>	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 4737.045-	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 dealer in the course of the dealer's daily business. The record shall include a copy of any check or other traceable payment device issued pursuant to division (A) (4) of section 4737.041 of the Revised Code. On and after September 11, 2008, every entry in the record book or electronic file shall be numbered consecutively and, on or after September 28, 2012, shall be maintained for inspection in numerical order. Until the registry developed by the director pursuant to section 4737.045 of the Revised Code is operational, a dealer shall maintain the record for each article purchased or received for a minimum period of one year after the date the dealer purchased or received the article, except that the dealer shall maintain the photograph required under division (I) of this section only for a period of sixty days after the dealer purchased or received the article. Beginning on the date the registry is operational, a dealer shall maintain the record for each article purchased or received only for a period of sixty days after the date the dealer purchased or received the article. The director shall adopt rules for the format and maintenance of the records required under this division.

The records shall contain all of the following:

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

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

(3) If the seller or provider of the articles arrives at

the dealer's place of business in a motor vehicle, the license 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 bleachers, aluminum benches, aluminum frames, aluminum pipe, and other aluminum extrusions;	452 453 454
(j) "Cast aluminum," which includes aluminum grills, lawnmower decks made of aluminum, aluminum motor vehicle parts and rims, and other cast aluminum;	455 456 457
(k) "Clean aluminum wire";	458
(l) "Unclean aluminum wire";	459
(m) "Aluminum exteriors," which includes aluminum siding, aluminum gutters and downspouts, aluminum shutters, aluminum trim, and other aluminum exterior items;	460 461 462
(n) "Contaminated aluminum";	463
(o) "Stainless steel," which includes, sinks, appliance housing, dishes, pots, pans, pipe, and other items made out of stainless steel;	464 465 466
(p) "Large appliances," which includes consumer and other appliances;	467 468
(q) "Steel structural," which includes all structural steel such as I-beams, trusses, channel iron, and similar steel from buildings;	469 470 471
(r) "Miscellaneous steel," which includes steel grates, steel farm machinery, steel industrial machinery, steel motor vehicle frames, and other items made out of steel;	472 473 474
(s) "Sheet irons," which includes bicycles, motor vehicle body parts made of iron, and other items made using sheet iron;	475 476
(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	483
commercial electronic equipment such as computers, servers,	484
routers, video displays, and similar products.	485
(6) For recyclable materials that are special purchase	486
articles, the relevant category provided in division (A) (2) of	487
this section.	488
(D) Railroad material, including journal brasses, rail	489
spikes, rails, tie plates, frogs, and communication wire, other	490
than purchases and sales under sections 4973.13 to 4973.16 of	491
the Revised Code, shall be held by a scrap metal dealer for a	492
period of thirty days after being purchased or acquired.	493
(E) (1) The records required under division (C) of this	494
section or under section 4737.012 of the Revised Code shall be	495
open for inspection by the representative of any law enforcement	496
agency, railroad police officers, and the director of public	497
safety or the director's designated representative during all	498
business hours. A scrap metal dealer or bulk merchandise	499
container dealer shall do both <u>all</u> of the following:	500
(a) Provide a copy of those records to any law enforcement	501
agency or railroad police officer that requests the records or	502
to the director or director's representative, upon request;	503
(b) Prepare a daily electronic report, the content and	504
format of which shall be established in rules adopted by the	505

director, listing all retail transactions that occurred during 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
(A) (2), (3), or (4) of section 4737.041 of the Revised Code. 601
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 division 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 684
merchandise container dealer shall do all of the following with 685
respect to each special purchase article or catalytic converter 686
the scrap metal dealer purchases or receives or with respect to 687
each bulk merchandise container a bulk merchandise container 688
dealer purchases or receives that is subject to division (A) of 689
section 4737.012 of the Revised Code: 690

~~(A)~~ (1) Comply with the requirements of this section in 691
addition to complying with the applicable requirements of 692
section 4737.012 or 4737.04 of the Revised Code; 693

~~(B)~~ (2) Take a photograph of each special purchase article 694
or bulk merchandise container; 695

~~(C)~~ (3) Obtain from the seller or provider of the special 696
purchase article, catalytic converter, or bulk merchandise 697
container proof that the seller or provider owns the special 698
purchase article, catalytic converter, or bulk merchandise 699
container~~;~~ Subject to division (C) of this section, if the item 700
is a catalytic converter, only the following items constitute 701
proof of ownership: 702

(a) If the seller or provider is the owner of the motor 703
vehicle from which the catalytic converter was removed, either 704
of the following: 705

(i) Title to or registration of the vehicle from which the 706
catalytic converter was removed; 707

(ii) A bill, invoice, or receipt from a motor vehicle 708
collision repair operator as defined in section 4775.01 of the 709
Revised Code or a motor vehicle dealer as defined in section 710
4517.01 of the Revised Code that clearly indicates both of the 711

<u>following:</u>	712
<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
(D) <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
(E) <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

~~(F)~~ (6) If an asserted owner of stolen special purchase articles or bulk merchandise containers or that owner's agent provides proof of having filed a stolen property report with the appropriate law enforcement agency, make records describing special purchase articles or bulk merchandise containers the dealer purchased or received after the alleged date of theft available for inspection to the asserted owner or owner's agent for a period of six months after the alleged date of theft of the articles, except that the dealer shall withhold the name of the person from whom the special purchase articles or bulk merchandise containers were purchased or received and the amount paid for the special purchase articles or bulk merchandise containers. 740
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(B) A person, other than a scrap metal dealer or a motor vehicle dealer licensed under Chapter 4517. of the Revised Code, when receiving a used catalytic converter in the ordinary course of business, including a person licensed or registered under Chapter 4737., 4738., or 4775. of the Revised Code, shall meet the requirements of divisions (A) (1), (3), and (4) of this section with respect to each used catalytic converter the person purchases or receives as if the person were a scrap metal dealer, including the requirements of divisions (C), (E), and (F) of section 4737.04 of the Revised Code. No person described in this division shall recklessly fail to comply with this division. 753
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(C) (1) Not later than ninety days after the effective date of this amendment, the director of public safety shall create an affidavit form and publish the form on a publicly available web site maintained by the department of public safety. 765
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(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

~~(c)~~ (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 ~~institute~~ 895
~~of scrap recycling industries~~ recycled materials association 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
Sec. 4738.07. (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; ~~or~~ 1167

(9) Has less than twelve months prior to said application, 1168
been denied a license under this chapter; or 1169

(10) Was convicted of or pleaded guilty to a violation of 1170
division (B) of section 4737.041 of the Revised Code, a 1171
violation of section 2913.02 of the Revised Code when the person 1172
is sentenced pursuant to division (B)(10) of that section or a 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