

As Introduced

135th General Assembly

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H. B. No. 110

Representatives Young, B., Roemer

Cosponsors: Representatives Lampton, Young, T., Johnson, Swearingen, White, Seitz, Creech, Ghanbari, Mathews, Dell'Aquila, Carruthers, Lipps, Jones, Cross, Cutrona, Schmidt, Brown, Weinstein, Dean, LaRe, Plummer, Stoltzfus, Hillyer, Humphrey, Troy, Miller, K., Dobos, Williams

A BILL

To amend sections 2913.02, 2913.51, 4737.012, 1
4737.04, 4737.041, 4737.045, 4737.99, 4738.03, 2
4738.07, 4738.12, 4745.01, 4775.09, and 5703.21 3
and to enact sections 4737.046, 4737.20, 4
4737.21, 4737.22, 4737.23, 4737.24, 4737.25, and 5
4737.98 of the Revised Code regarding the sale 6
of used catalytic converters, and to make an 7
appropriation. 8

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

Section 1. That sections 2913.02, 2913.51, 4737.012, 9
4737.04, 4737.041, 4737.045, 4737.99, 4738.03, 4738.07, 4738.12, 10
4745.01, 4775.09, and 5703.21 be amended and sections 4737.046, 11
4737.20, 4737.21, 4737.22, 4737.23, 4737.24, 4737.25, and 12
4737.98 of the Revised Code be enacted to read as follows: 13

Sec. 2913.02. (A) No person, with purpose to deprive the 14
owner of property or services, shall knowingly obtain or exert 15
control over either the property or services in any of the 16

following ways:	17
(1) Without the consent of the owner or person authorized to give consent;	18 19
(2) Beyond the scope of the express or implied consent of the owner or person authorized to give consent;	20 21
(3) By deception;	22
(4) By threat;	23
(5) By intimidation.	24
(B) (1) Whoever violates this section is guilty of theft.	25
(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, a violation of this section is grand theft, a felony of the fourth degree. If the value of the property or services stolen is one hundred fifty thousand dollars or more and is less than seven hundred fifty thousand dollars, a violation of this section is aggravated theft, a felony of the third degree. If the value of the property or services is seven hundred fifty thousand dollars or more and is less than one million five hundred thousand dollars, a violation of this section is aggravated theft, a felony of the second degree. If the value of the property or	26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 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, theft from 59
a person in a protected class is a felony of the fourth degree. 60
If the value of the property or services stolen is seven 61
thousand five hundred dollars or more and is less than thirty- 62
seven thousand five hundred dollars, theft from a person in a 63
protected class is a felony of the third degree. If the value of 64
the property or services stolen is thirty-seven thousand five 65
hundred dollars or more and is less than one hundred fifty 66
thousand dollars, theft from a person in a protected class is a 67
felony of the second degree. If the value of the property or 68
services stolen is one hundred fifty thousand dollars or more, 69
theft from a person in a protected class is a felony of the 70
first degree. If the victim of the offense is an elderly person, 71
in addition to any other penalty imposed for the offense, the 72
offender shall be required to pay full restitution to the victim 73
and to pay a fine of up to fifty thousand dollars. The clerk of 74
court shall forward all fines collected under division (B) (3) of 75
this section to the county department of job and family services 76

to be used for the reporting and investigation of elder abuse, 77
neglect, and exploitation or for the provision or arrangement of 78
protective services under sections 5101.61 to 5101.71 of the 79
Revised Code. 80

(4) If the property stolen is a firearm or dangerous 81
ordnance, a violation of this section is grand theft. Except as 82
otherwise provided in this division, grand theft when the 83
property stolen is a firearm or dangerous ordnance is a felony 84
of the third degree, and there is a presumption in favor of the 85
court imposing a prison term for the offense. If the firearm or 86
dangerous ordnance was stolen from a federally licensed firearms 87
dealer, grand theft when the property stolen is a firearm or 88
dangerous ordnance is a felony of the first degree. The offender 89
shall serve a prison term imposed for grand theft when the 90
property stolen is a firearm or dangerous ordnance consecutively 91
to any other prison term or mandatory prison term previously or 92
subsequently imposed upon the offender. 93

(5) If the property stolen is a motor vehicle, a violation 94
of this section is grand theft of a motor vehicle, a felony of 95
the fourth degree. 96

(6) If the property stolen is any dangerous drug, a 97
violation of this section is theft of drugs, a felony of the 98
fourth degree, or, if the offender previously has been convicted 99
of a felony drug abuse offense, a felony of the third degree. 100

(7) If the property stolen is a police dog or horse or an 101
assistance dog and the offender knows or should know that the 102
property stolen is a police dog or horse or an assistance dog, a 103
violation of this section is theft of a police dog or horse or 104
an assistance dog, a felony of the third degree. 105

(8) If the property stolen is anhydrous ammonia, a 106
violation of this section is theft of anhydrous ammonia, a 107
felony of the third degree. 108

(9) Except as provided in division (B) (2) of this section 109
with respect to property with a value of seven thousand five 110
hundred dollars or more and division (B) (3) of this section with 111
respect to property with a value of one thousand dollars or 112
more, if the property stolen is a special purpose article as 113
defined in section 4737.04 of the Revised Code or is a bulk 114
merchandise container as defined in section 4737.012 of the 115
Revised Code, a violation of this section is theft of a special 116
purpose article or articles or theft of a bulk merchandise 117
container or containers, a felony of the fifth degree. 118

~~(10)~~ (10) (a) If the property stolen is a catalytic 119
converter, a violation of this section is theft of a catalytic 120
converter, a felony of the fifth degree. 121

(b) If the offender has previously been convicted of or 122
pleaded guilty to a violation of Chapter 2911., 2913., or 2923. 123
of the Revised Code, theft of a catalytic converter is a felony 124
of the fourth degree. 125

(c) If the property stolen is a catalytic converter and 126
the offender is a business entity, a violation of this section 127
is enterprise theft of a catalytic converter and, 128
notwithstanding section 2929.31 of the Revised Code, is 129
punishable by a fine of not less than ten thousand dollars and 130
not more than fifty thousand dollars per violation. 131

(d) 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

(e) 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) 157
(11) (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
<u>property of another knowing or having reasonable cause to</u>	200
<u>believe that the property has been obtained through commission</u>	201
<u>of a theft offense.</u>	202
(B) <u>(C) It is not a defense to a charge of receiving</u>	203
<u>stolen property in violation of this section that the property</u>	204
<u>was obtained by means other than through the commission of a</u>	205
<u>theft offense if the property was explicitly represented to the</u>	206
<u>accused person as being obtained through the commission of a</u>	207
<u>theft offense.</u>	208
(C) <u>(D) Whoever violates this section is guilty of</u>	209
<u>receiving stolen property. Except as otherwise provided in this</u>	210
<u>division or division (D) <u>(E) or (F)</u> of this section, receiving</u>	211
<u>stolen property is a misdemeanor of the first degree. If the</u>	212
<u>value of the property involved is one thousand dollars or more</u>	213
<u>and is less than seven thousand five hundred dollars, if the</u>	214
<u>property involved is any of the property listed in section</u>	215
<u>2913.71 of the Revised Code, receiving stolen property is a</u>	216
<u>felony of the fifth degree. If the property involved is a motor</u>	217
<u>vehicle, as defined in section 4501.01 of the Revised Code, if</u>	218
<u>the property involved is a dangerous drug, a firearm, or</u>	219
<u>dangerous ordnance, as defined in section 4729.01 of the Revised</u>	220
<u>Code, or 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,~~ other than a catalytic converter, or a bulk 234
merchandise container ~~as defined in section 4737.012 of the~~ 235
~~Revised Code,~~ a violation of this section is receiving a stolen 236
special purchase article or articles or receiving a stolen bulk 237
merchandise container or containers, a felony of the fifth 238
degree. 239

(F) (1) Except as otherwise provided in this division, if 240
the property involved is a catalytic converter, a violation of 241
this section is receiving a stolen catalytic converter, a felony 242
of the fifth degree. 243

(2) If the offender has previously been convicted of or 244
pleaded guilty to a violation of Chapter 2911. or 2913. of the 245
Revised Code, receiving a stolen catalytic converter is a felony 246
of the fourth degree. 247

(3) If the property involved is a catalytic converter and 248
the offender is a business entity, a violation of this section 249
is enterprise receipt of a stolen catalytic converter and, 250
notwithstanding section 2929.31 of the Revised Code, is 251

punishable by a fine of not less than ten thousand dollars and 252
not more than fifty thousand dollars per violation. 253

(4) The clerk of the court shall pay any fine imposed 254
pursuant to division (F) of this section to the county, 255
township, municipal corporation, park district, as created 256
pursuant to section 511.18 or 1545.04 of the Revised Code, or 257
state law enforcement agencies in this state that primarily were 258
responsible for or involved in arresting and prosecuting the 259
offender. 260

Sec. 4737.012. (A) Notwithstanding ~~division (A) of~~ section 261
4737.01 of the Revised Code, a dealer who is in the business of 262
purchasing, reselling, exchanging, recycling, shredding, or 263
receiving bulk merchandise containers shall not purchase or 264
receive plastic bulk merchandise containers that are marked with 265
a company name or logo, or more than nine wooden bulk 266
merchandise containers, from any other person at one time, 267
unless the dealer maintains a record book or electronic file in 268
which the dealer keeps an accurate and complete record of all 269
containers purchased or received by the dealer. Every entry in 270
the record book or electronic file shall be numbered 271
consecutively. Until the registry developed by the director of 272
public safety pursuant to section 4737.045 of the Revised Code 273
is operational, a dealer shall maintain the record for each 274
container purchased or received for a minimum period of one year 275
after the date the dealer purchased or received the container. 276
Beginning on the date the registry is operational, a dealer 277
shall maintain the record for each container purchased or 278
received only for a period of sixty days after the date the 279
dealer purchased or received the container. The director shall 280
adopt rules for the format and maintenance of the records 281
required under this division. 282

The records shall contain all of the following:	283
(1) The name and residence of the person from whom the containers were purchased or received, a copy of that person's personal identification card, and, if required, a photograph of the person taken pursuant to division (B)(2) of this section;	284 285 286 287
(2) A description of the containers, including the number purchased or received and, if required, a photograph of the containers taken pursuant to division (B)(1) of this section;	288 289 290
(3) The date and time the dealer purchased or received the containers;	291 292
(4) If the seller or provider of the containers arrives at the dealer's place of business in a motor vehicle, the license plate number of that motor vehicle along with the state that issued the license plate.	293 294 295 296
(B) Every dealer who is in the business of reselling bulk merchandise containers shall take a photograph, in accordance with rules adopted by the director, of both of the following:	297 298 299
(1) Each container for which the dealer must make a record under division (A) of this section;	300 301
(2) Each person who sells or otherwise gives the dealer the containers.	302 303
The dealer shall take the required photographs at the time the dealer purchases or receives the containers and shall keep the photographs as part of the record in accordance with division (A) of this section.	304 305 306 307
(C) A dealer who is in the business of purchasing, reselling, exchanging, recycling, shredding, or receiving bulk merchandise containers shall fulfill the requirements of section	308 309 310

4737.041 of the Revised Code with respect to the containers 311
purchased or received by the dealer for which the dealer must 312
make a record under division (A) of this section. No dealer 313
shall purchase or receive any bulk merchandise container for 314
which the dealer must make a record under division (A) of this 315
section without complying with ~~division (B), (C), or (D)~~ 316
divisions (A) (2) to (4) of section 4737.041 of the Revised Code. 317

(D) As used in this section, "bulk merchandise container" 318
means a plastic or wooden carrier or holder used by a 319
manufacturer or distributor to transport merchandise to 320
wholesale and retail outlets. 321

Sec. 4737.04. (A) As used in this section and sections 322
4737.041, 4737.042, 4737.043, 4737.044, 4737.045, 4737.046, and 323
4737.99 of the Revised Code: 324

(1) "Scrap metal dealer" means the owner or operator of a 325
business that purchases or receives scrap metal for the purpose 326
of sorting, grading, and shipping metals to third parties for 327
direct or indirect melting into new products. 328

(2) "Special purchase article" means all of the following: 329

(a) Beer kegs; 330

(b) Cable, wire, electrical components, and other 331
equipment used in providing cable service or any utility 332
service, including, but not limited to, copper or aluminum 333
coverings, housings, or enclosures related thereto; 334

(c) Grave markers, sculptures, plaques, and vases made out 335
of metal, the appearance of which suggests that the articles 336
have been obtained from a cemetery; 337

(d) Guard rails for bridges, highways, and roads; highway 338

and street signs; street light poles and fixtures; worker access	339
hole covers, water meter covers, and other similar types of	340
utility access covers; traffic directional and control signs and	341
light signals, metal marked with the name of a political	342
subdivision of the state, and other metal articles that are	343
purchased and installed for use upon authorization of the state	344
or any political subdivision of the state;	345
(e) Historical, commemorative, and memorial markers and	346
plaques made out of metal;	347
(f) Four-wheel metal carts, commonly referred to as	348
"grocery carts," that are generally used by individuals to	349
collect and transport consumer goods while shopping;	350
(g) Four-wheel metal carts, commonly referred to as "metal	351
bossies," that are used to transport or merchandise food	352
products that are stored in crates, shells, or trays;	353
(h) Railroad material, including journal brasses, rail	354
spikes, rails, tie plates, frogs, and communication wire;	355
(i) Metal trays, merchandise containers, or similar	356
transport containers used by a product producer, distributor,	357
retailer, or an agent of a product producer, distributor, or	358
retailer as a means for the bulk transportation, storage, or	359
carrying of retail containers of milk, baked goods, eggs, or	360
bottled beverage products;	361
(j) "Burnt wire," which is any coated metal wire that has	362
been smelted, burned, or melted thereby removing the	363
manufacturer's or owner's identifying marks;	364
<u>(k) Catalytic converters.</u>	365
(3) "Bulk merchandise container" has the same meaning as	366

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

accordance with sections 4737.012 and 4737.04 to ~~4737.045~~ 395
4737.046 of the Revised Code. 396

(C) Every scrap metal dealer shall maintain a record book 397
or electronic file, in which the dealer shall keep an accurate 398
and complete record of all articles purchased or received by the 399
dealer in the course of the dealer's daily business. The record 400
shall include a copy of any check issued pursuant to division 401
(A) (4) of section 4737.041 of the Revised Code. On and after 402
September 11, 2008, every entry in the record book or electronic 403
file shall be numbered consecutively and, on or after September 404
28, 2012, shall be maintained for inspection in numerical order. 405
Until the registry developed by the director pursuant to section 406
4737.045 of the Revised Code is operational, a dealer shall 407
maintain the record for each article purchased or received for a 408
minimum period of one year after the date the dealer purchased 409
or received the article, except that the dealer shall maintain 410
the photograph required under division (I) of this section only 411
for a period of sixty days after the dealer purchased or 412
received the article. Beginning on the date the registry is 413
operational, a dealer shall maintain the record for each article 414
purchased or received only for a period of sixty days after the 415
date the dealer purchased or received the article. The director 416
shall adopt rules for the format and maintenance of the records 417
required under this division. 418

The records shall contain all of the following: 419

(1) The name and residence of the person from whom the 420
articles were purchased or received, a copy of that person's 421
personal identification card, and a photograph of the person 422
taken pursuant to division (I) of this section; 423

(2) The date and time the scrap metal dealer purchased or 424

received the articles and the weight of the articles as 425
determined by a licensed commercial scale; 426

(3) If the seller or provider of the articles arrives at 427
the dealer's place of business in a motor vehicle, the license 428
plate number of that motor vehicle along with the state that 429
issued the license plate; 430

(4) For metal articles that are not recyclable materials, 431
a full and accurate description of each article purchased or 432
received by the dealer that includes identifying letters or 433
marks written, inscribed, or otherwise included on the article 434
and the name and maker of the article if known; 435

(5) For recyclable materials that are not special purchase 436
articles, the following category codes to identify the 437
recyclable materials that the dealer receives: 438

(a) "Number one copper," which includes clean copper pipe, 439
clean copper wire, or other number one copper that does not have 440
solder, paint, or coating; 441

(b) "Number two copper," which includes unclean copper 442
pipe, unclean copper wire, or other number two copper; 443

(c) "Sheet copper," which includes copper roofing, copper 444
gutters, copper downspouts, and other sheet copper; 445

(d) "Insulated copper wire"; 446

(e) "Aluminum or copper radiators," which includes 447
aluminum radiators, aluminum copper radiators, and copper 448
radiators; 449

(f) "Red brass," which includes red brass valves and other 450
red brass; 451

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

(s) "Sheet irons," which includes bicycles, motor vehicle body parts made of iron, and other items made using sheet iron;	479 480
(t) "Motor vehicle nonbody parts," which includes motor vehicle batteries, radiators, and other nonbody motor vehicle parts;	481 482 483
(u) "Catalytic converters";	484
(v) "Lead";	485
(w) <u>(v)</u> "Electric motors";	486
(x) <u>(w)</u> "Electronic scrap," which includes any consumer or commercial electronic equipment such as computers, servers, routers, video displays, and similar products.	487 488 489
(6) For recyclable materials that are special purchase articles, the relevant category provided in division (A) (2) of this section.	490 491 492
(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.	493 494 495 496 497
(E) (1) The records required under division (C) of this section or under section 4737.012 of the Revised Code shall be open for inspection by the representative of any law enforcement agency, railroad police officers, and the director of public safety or the director's designated representative during all business hours. A scrap metal dealer or bulk merchandise container dealer shall do both <u>all</u> of the following:	498 499 500 501 502 503 504
(a) Provide a copy of those records to any law enforcement agency or railroad police officer that requests the records or	505 506

to the director or director's representative, upon request; 507

(b) Prepare a daily electronic report, the content and 508
format of which shall be established in rules adopted by the 509
director, listing all retail transactions that occurred during 510
the preceding day and containing the information described in 511
division (C) of this section or division (A) of section 4737.012 512
of the Revised Code, as applicable. The dealer shall 513
electronically transfer, by twelve noon eastern standard time, 514
the report to the director of public safety for inclusion in the 515
registry created pursuant to division (E) of section 4737.045 of 516
the Revised Code. 517

(2) A law enforcement agency may inspect any photographic 518
records collected and maintained by a scrap metal dealer of 519
either yard operations or individual transactions. Records 520
submitted to any law enforcement agency pursuant to this section 521
are not public records for purposes of section 149.43 of the 522
Revised Code. 523

(3) Records submitted to any law enforcement agency, 524
railroad police officer, or the director of public safety or the 525
director's designated representative as required by section 526
4737.012 of the Revised Code and sections 4737.04 to ~~4737.045~~ 527
4737.046 of the Revised Code shall not be public records for the 528
purposes of section 149.43 of the Revised Code. 529

(4) Notwithstanding division (E) (3) of this section, the 530
names and addresses of scrap metal dealers and bulk merchandise 531
container dealers shall be made available to the public by the 532
director upon request. 533

(5) A person who claims to own a stolen article that may 534
be identified in those records, or an agent of that person, who 535

provides proof of having filed a stolen property report with the 536
appropriate law enforcement agency, may request those records. 537
The law enforcement agency shall provide those records upon a 538
request made by such a person or that person's agent, but the 539
law enforcement agency shall redact information that reveals the 540
name of the seller of any article and the price the dealer paid 541
for any article the dealer purchased or the estimated value of 542
any article the dealer received. The law enforcement agency 543
shall determine which records to provide, based upon the time 544
period that the alleged theft is reported to have taken place. A 545
law enforcement agency may charge or collect a fee for providing 546
records as required by this section. 547

(6) The director of public safety shall impose a civil 548
penalty of five hundred dollars on a person who violates 549
division (E) (1) (b) of this section, including any person who 550
concurrently violates division (G) (2) of section 4737.046 of the 551
Revised Code. The director shall impose an additional fine of 552
five hundred dollars for each day the violation continues. The 553
director shall deposit the fine into the state treasury to the 554
credit of the department of public safety operating fund. 555

(7) The director of public safety shall suspend, in 556
accordance with Chapter 119. of the Revised Code, the 557
registration of a person that violates division (E) (1) (b) of 558
this section until such time as the director determines that the 559
person is likely to comply with that division. 560

(F) (1) No scrap metal dealer shall purchase or receive any 561
metal articles, and no bulk merchandise container dealer shall 562
purchase or receive any bulk merchandise containers, from a 563
person who refuses to show the dealer the person's personal 564
identification card, or who refuses to allow the dealer to take 565

a photograph of the person as required under division (I) of 566
this section or of the person or container as required under 567
division (B) of section 4737.012 of the Revised Code. 568

(2) The law enforcement agency that serves the 569
jurisdiction in which a scrap metal dealer or a bulk merchandise 570
container dealer is located shall provide to the scrap metal 571
dealer or bulk merchandise container dealer a searchable, 572
electronic list prepared in accordance with rules adopted by the 573
director, as that agency determines appropriate, of the names 574
and descriptions of persons known to be thieves or receivers of 575
stolen property. The law enforcement agency may request the 576
appropriate clerk of courts to provide the list. No scrap metal 577
dealer or bulk merchandise container dealer shall purchase or 578
receive articles from any person who is either identified on the 579
list the dealer receives from the law enforcement agency, or who 580
appears on the lists made available by the director pursuant to 581
division (E) of section 4737.045 of the Revised Code. The law 582
enforcement agency also shall provide the list, in an electronic 583
format, to the department of public safety, in an electronic 584
format in accordance with rules adopted by the director, for 585
inclusion in the registry created in under division (E) of 586
section 4737.045 of the Revised Code. 587

(3) A law enforcement agency shall submit all records of 588
any investigation into a scrap metal dealer, bulk merchandise 589
container dealer, or holder of a bulk used catalytic converter 590
sales license to the registry created pursuant to division (E) 591
of section 4737.045 of the Revised Code. 592

(4) No scrap metal dealer or bulk merchandise container 593
dealer shall purchase or receive any special purchase articles 594
or bulk merchandise containers from any person who is under 595

eighteen years of age. 596

~~(4)~~ (5) No scrap metal dealer shall purchase or receive 597
any special purchase article without complying with division (C) 598
and (I) of this section and ~~division (B), (C), or (D)~~ divisions 599
(A) (2) to (4) of section 4737.041 of the Revised Code. 600

~~(5)~~ (6) No scrap metal dealer shall purchase or receive 601
more than one catalytic converter per day from the same person 602
except from a motor vehicle dealer as defined in section 4517.01 603
of the Revised Code. 604

~~(6)~~ (7) No scrap metal dealer shall purchase or receive a 605
beer keg that is marked with a company name or logo except from 606
a manufacturer of beer as described in section 4303.02 of the 607
Revised Code or an agent authorized by the manufacturer to 608
dispose of damaged kegs. 609

~~(7)~~ (8) No scrap metal dealer shall treat a transaction as 610
exempt from section 4737.04 or 4737.041 of the Revised Code 611
unless the seller provides evidence of satisfying division (D) 612
(3) of section 4737.043 of the Revised Code. 613

~~(G)~~ (G) (1) Every scrap metal dealer and bulk merchandise 614
container dealer shall post a notice in a conspicuous place on 615
the dealer's premises notifying persons who may wish to transact 616
business with the dealer of the penalties applicable to any 617
person who does any of the following: 618

~~(1)~~ (a) Provides a false personal identification card to 619
the dealer; 620

~~(2)~~ (b) With purpose to defraud, provides any other false 621
information to the dealer in connection with the dealer's duty 622
to maintain the records required under division (C) of this 623
section or under section 4737.012 of the Revised Code; 624

~~(3)~~ (c) Violates section 2913.02 of the Revised Code. 625

(2) Every scrap metal dealer shall post a notice in a 626
conspicuous place on the dealer's premises notifying persons 627
that catalytic converters are special purchase articles. 628

(3) (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) (3) (a) of this section and shall deposit that 634
penalty into the state treasury to the credit of the department 635
of public safety operating fund. 636

(H) (1) Except as otherwise provided in division (F) (2) of 637
this section, a clerk of courts or an employee of a clerk of 638
courts; a chief of police, marshal, or other chief law 639
enforcement officer; a sheriff, constable, or chief of police of 640
a township police department or police district police force; a 641
deputy, officer, or employee of the law enforcement agency 642
served by the marshal or the municipal or township chief, the 643
office of the sheriff, or the constable; and an employee of the 644
department of public safety is immune from liability in a civil 645
action, including an action for defamation, libel, or slander, 646
to recover damages for injury, death, or loss to persons or 647
property or reputation allegedly caused by an act or omission in 648
connection with compiling and providing the list required by 649
division (F) (2) of this section. 650

(2) The immunity described in division (H) (1) of this 651
section does not apply to a person described in that division 652
if, in relation to the act or omission in question, any of the 653

following applies: 654

(a) The act or omission was manifestly outside the scope 655
of the person's employment or official responsibilities. 656

(b) The act or omission was with malicious purpose, in bad 657
faith, or in a wanton or reckless manner. 658

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

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

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

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

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

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 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 or bulk merchandise container proof that the seller or provider owns the special purchase article or bulk merchandise container. If the item is a catalytic converter, only the following items constitute proof of ownership:

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

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

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

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

(II) The make, model, year, and vehicle identification 712
number of the motor vehicle that was repaired. 713

(b) If the seller or provider is the motor vehicle 714
collision repair operator that repaired the motor vehicle from 715
which the catalytic converter was removed, both of the 716
following: 717

(i) The motor vehicle collision repair operator's 718
registration certificate; 719

(ii) A bill, invoice, or receipt that clearly indicates 720
both of the following: 721

(I) The removal and replacement of the catalytic 722
converter; 723

(II) The make, model, year, and vehicle identification 724
number of the motor vehicle that was repaired. 725

~~(D)~~ (4) If payment is rendered for the special purchase 726
articles or bulk merchandise containers, issue a check for the 727
purchase of the special purchase articles or bulk merchandise 728
containers; 729

~~(E)~~ (5) Withhold payment for the purchase of the special 730
purchase articles or bulk merchandise containers for a period of 731
two days after the day the special purchase articles or bulk 732
merchandise containers are purchased; 733

~~(F)~~ (6) If an asserted owner of stolen special purchase 734
articles or bulk merchandise containers or that owner's agent 735
provides proof of having filed a stolen property report with the 736
appropriate law enforcement agency, make records describing 737
special purchase articles or bulk merchandise containers the 738
dealer purchased or received after the alleged date of theft 739

available for inspection to the asserted owner or owner's agent 740
for a period of six months after the alleged date of theft of 741
the articles, except that the dealer shall withhold the name of 742
the person from whom the special purchase articles or bulk 743
merchandise containers were purchased or received and the amount 744
paid for the special purchase articles or bulk merchandise 745
containers. 746

(B) A person, other than a scrap metal dealer or a motor 747
vehicle dealer licensed under Chapter 4517. of the Revised Code, 748
when receiving a used catalytic converter in the ordinary course 749
of business, including a person licensed or registered under 750
Chapter 4737., 4738., or 4775. of the Revised Code, shall meet 751
the requirements of division (A) of this section with respect to 752
each used catalytic converter the person purchases or receives 753
as if the person were a scrap metal dealer, including the 754
requirements of divisions (C), (E), and (F) of section 4737.04 755
of the Revised Code. No person described in this division shall 756
recklessly fail to comply with this division. 757

Sec. 4737.045. (A) To register as a scrap metal dealer or 758
a bulk merchandise container dealer with the director of public 759
safety as required by division (B) of section 4737.04 of the 760
Revised Code, a person shall do all of the following: 761

(1) Provide the name and street address of the dealer's 762
place of business; 763

(2) Provide the name of the primary owner of the business, 764
and of the manager of the business, if the manager is not the 765
primary owner; 766

(3) Provide the electronic mail address of the business; 767

(4) Provide confirmation that the dealer has the 768

capabilities to electronically connect with the department of 769
public safety for the purpose of sending and receiving 770
information; 771

(5) Provide any other information required by the director 772
in rules the director adopts pursuant to sections 4737.01 to 773
~~4737.045~~4737.046 of the Revised Code; 774

(6) Pay an initial registration fee of two hundred 775
dollars. 776

(B) A person engaging in the business of a scrap metal 777
dealer or a bulk merchandise container dealer in this state on 778
or before September 28, 2012, shall register with the director 779
not later than January 1, 2013. With respect to a person who 780
commences engaging in the business of a scrap metal dealer or a 781
bulk merchandise container dealer after September 28, 2012, the 782
person shall register with the director pursuant to this section 783
prior to commencing business as a scrap metal dealer or a bulk 784
merchandise container dealer. 785

(C) A registration issued to a scrap metal dealer or a 786
bulk merchandise container dealer pursuant to this section is 787
valid for a period of one year. A dealer shall renew the 788
registration in accordance with the rules adopted by the 789
director and pay a renewal fee of one hundred fifty dollars to 790
cover the costs of operating and maintaining the registry 791
created pursuant to division (E) of this section. 792

(D) A scrap metal dealer or a bulk merchandise container 793
dealer registered under this section shall prominently display a 794
copy of the annual registration certificate received from the 795
director pursuant to division (E) (2) of this section. 796

(E) The director shall do all of the following: 797

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

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

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

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

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

(e) Based on the data submitted under division (E) (1) (b) of section 4737.04, and division (C) of section 4737.25 of the Revised Code, compiling a list of all persons who, without the license required under section 4737.21 of the Revised Code, sold used catalytic converters in bulk, and making that list available in an electronic searchable format for individual law enforcement agencies, dealers in this state, and persons who purchase or intend to purchase catalytic converters in this state. The director of public safety, shall ensure that the list is updated within six hours of receiving information submitted under division (E) (1) (b) of section 4737.04 or division (C) of

section 4737.25 of the Revised Code. The director shall remove a 827
person from the list after sixty days during which the person 828
did not make an unlicensed bulk sale of used catalytic 829
converters. 830

(f) Providing, without charge, interlink programming 831
enabling the transfer of information to dealers. 832

(2) Issue, reissue, or deny registration to dealers; 833

(3) Adopt rules to enforce sections 4737.01 to 4737.045 of 834
the Revised Code, rules establishing procedures to renew a 835
registration issued under this section, rules for the format and 836
maintenance for the records required under division (A) of 837
section 4737.012 of the Revised Code or division (C) of section 838
4737.04 of the Revised Code, and rules regarding the delivery of 839
the report required by division (E) (1) of section 4737.04 of the 840
Revised Code to the registry, which shall be used exclusively by 841
law enforcement agencies. 842

(F) A scrap metal dealer or bulk merchandise container 843
dealer may search, modify, or update only the dealer's own 844
business data contained within the registry established in 845
division (E) of this section. 846

(G) All fees received by the director pursuant to this 847
section and division (F) of section 4737.99 of the Revised Code 848
shall be used to develop and maintain the registry required 849
under this section and for the department of public safety's 850
operating expenses. The fees shall be deposited into the 851
infrastructure protection fund which is hereby created in the 852
state treasury. 853

(H) (1) The director of public safety shall not issue a 854
registration to, or renew the registration of, a person who was 855

convicted of, or pleaded guilty to, a violation of section 856
4737.041 of the Revised Code, a violation of section 2923.03 of 857
the Revised Code when division (G) of section 4737.99 of the 858
Revised Code applies, a violation of section 2913.02 of the 859
Revised Code when the person is sentenced pursuant to division 860
(B)(10) of that section, or a violation of section 2913.51 of 861
the Revised Code when the person is sentenced pursuant to 862
division (F) of that section. 863

(2) The director of public safety shall revoke the 864
registration of a person who is convicted of or pleads guilty to 865
a violation of section 4737.041 of the Revised Code, a violation 866
of section 2923.03 of the Revised Code when division (G) of 867
section 4737.99 of the Revised Code applies, a violation of 868
section 2913.02 of the Revised Code when the person is sentenced 869
pursuant to division (B)(10) of that section, or a violation of 870
section 2913.51 of the Revised Code when the person is sentenced 871
pursuant to division (F) of that section. 872

Sec. 4737.046. (A) As used in this section, "to sell used 873
catalytic converters in bulk" has the same meaning as in section 874
4737.20 of the Revised Code. 875

(B) Subject to division (C) of this section, the director 876
of public safety may investigate a scrap metal dealer, bulk 877
merchandise container dealer, a person described in division (B) 878
of section 4737.041 of the Revised Code, a person selling used 879
catalytic converters in bulk, and any employee, officer, or 880
agent of any of the foregoing. As part of the investigation, the 881
director may search the person's premises during the person's 882
regular work hours or between the hours of eight a.m. and five 883
p.m., Monday through Friday. 884

(C) The director shall commence an investigation only if 885

both of the following conditions are met: 886

(1) The director receives a verified written complaint, 887
supported by evidence, indicating that the person is, has been, 888
or will be in violation of any provision of this chapter. 889

(2) The director determines that a prima-facie case exists 890
that the person is, has been, or will be in violation of any 891
provision of sections 4737.04 to 4737.046 or 4737.20 to 4737.25 892
of the Revised Code. 893

(D) (1) The director may compel witnesses by subpoena to 894
appear and testify in relation to an investigation under this 895
section, and may compel by subpoena duces tecum the production 896
of any books, papers, documents, or other records pertaining to 897
such an investigation. 898

(2) If a person does not comply with a subpoena or 899
subpoena duces tecum issued under division (D) (1) of this 900
section, the director may apply to the court of common pleas of 901
Franklin county or of the county in which the person conducts 902
business for an order compelling the person to comply with the 903
subpoena or subpoena duces tecum or, for failure to do so, be 904
held in contempt of court. 905

(E) If as a result of an investigation the director finds 906
that a person violated any provision of sections 4737.04 to 907
4737.046 or 4737.20 to 4737.25 of the Revised Code, the director 908
shall suspend the person's registration or license and shall 909
reinstate the registration or license upon evidence that the 910
person has remedied the violation. The director shall revoke a 911
registration or license if the director finds a subsequent 912
violation of any provision of this chapter in any subsequent 913
investigation. 914

(F) (1) No person shall undertake any activities that 915
require registration under section 4737.045 or licensure under 916
section 4737.23 of the Revised Code following a suspension or 917
revocation. 918

(2) Following a suspension or revocation, the director 919
shall conduct a follow-up investigation to determine whether the 920
person violated division (F) (1) of this section. If the director 921
determines the person violated division (F) (1) of this section, 922
the director shall seek an injunction from the court of common 923
pleas of Franklin county or of the county in which the person 924
conducts business ordering the person to cease the violation. 925

(G) (1) The director may investigate, on the director's own 926
initiative, the actions or proposed actions of a person who is 927
not registered under section 4737.045 of the Revised Code or 928
licensed under section 4737.23 of the Revised Code and who 929
appears to be acting as a scrap metal dealer, bulk merchandise 930
container dealer, or seller of used catalytic converters in 931
bulk. The director shall investigate such a person if a verified 932
written complaint is filed indicating that a person was, is, or 933
will be acting as a scrap metal dealer, bulk merchandise 934
container dealer, or seller of used catalytic converters in bulk 935
but is not registered or licensed as such, the complaint is 936
supported by evidence, and the director determines that a prima- 937
facie case exists that the person was, is, or will be acting in 938
the alleged manner. 939

(2) If, following an investigation, the director finds 940
that a person acted as a scrap metal dealer, bulk merchandise 941
container dealer, or seller of used catalytic converters in bulk 942
without a registration or license, the director shall do both of 943
the following: 944

(a) Seek an injunction from the court of common pleas of Franklin county or of the county in which the person conducts business ordering the person to cease the violation; 945
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(b) Impose a civil penalty of ten thousand dollars in accordance with Chapter 119. of the Revised Code. Each day the violation occurred or continues to occur constitutes a separate violation and is subject to a separate penalty, except that the penalty for each consecutive day after the first day shall be one thousand dollars. 948
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(3) The director shall deposit all penalties collected pursuant to division (G) (2) of this section into the state treasury to the credit of the department of public safety operating fund. Notwithstanding any other provision to the contrary, all such penalties shall be expended only to conduct investigations authorized under this section. 954
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(4) If a person fails to pay a civil penalty imposed under division (G) (2) of this section within the time prescribed by the director, the director shall submit to the attorney general the person's name and the amount of the penalty. In that case, the attorney general shall collect the penalty. In addition to the penalty, the attorney general may assess, and the person shall pay, a fee covering the costs of collecting the penalty. 960
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(H) (1) A person shall not do any of the following when applying for a registration, licensure, or renewal under section 4737.045 or 4737.23 of the Revised Code: 967
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(a) Engage in fraud; 970

(b) Knowingly provide false information; 971

(c) Knowingly fail to disclose relevant information that would result in a denial of or nonrenewal of a registration or 972
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license. 974

(2) The director shall impose a civil penalty of five 975
hundred dollars on any person who violates division (H) (1) of 976
this section in accordance with Chapter 119. of the Revised 977
Code. The director shall deposit all such penalties into the 978
state treasury to the credit of the department of public safety 979
operating fund. 980

(I) Any refusal to renew and any denial, suspension, or 981
revocation of any registration or license required under section 982
4737.045 or 4737.23 of the Revised Code is subject to Chapter 983
119. of the Revised Code. 984

(J) The director shall record information on all 985
noninvestigative visits made by the director to a scrap metal 986
dealer, bulk merchandise container dealer, or holder of a bulk 987
used catalytic converter sales license. Such information shall 988
be reported to the public on a quarterly basis via the 989
department of commerce's web site. 990

Sec. 4737.20. As used in sections 4737.20 to 4737.25 of 991
the Revised Code, "to sell used catalytic converters in bulk" 992
means to sell more than one used catalytic converter per day 993
regardless of the number of purchasers. 994

Sec. 4737.21. (A) Except as provided in division (B) of 995
this section, no person shall sell used catalytic converters in 996
bulk without first having obtained a license from the department 997
of public safety. 998

(B) Notwithstanding any provision in sections 4737.20 to 999
4737.25 of the Revised Code to the contrary, a person holding a 1000
license or registration pursuant to Chapter 4517., 4737., 4738., 1001
or 4775 of the Revised Code may sell used catalytic converters 1002

in bulk without being separately licensed pursuant to sections 1003
4737.20 to 4737.25 of the Revised Code, so long as such sales 1004
are in the ordinary course of a typical licensee's or 1005
registrant's course of business. 1006

Sec. 4737.22. (A) The director of public safety shall do 1007
all of the following: 1008

(1) Adopt rules in accordance with Chapter 119. of the 1009
Revised Code as necessary to carry out the purposes of sections 1010
4737.20 to 4737.25 of the Revised Code; 1011

(2) Determine whether to refuse to issue, refuse to renew, 1012
suspend, or revoke a license; 1013

(3) Determine whether to waive a suspension of a license 1014
as provided in division (D) of section 4737.23 of the Revised 1015
Code; 1016

(4) Do all acts and perform all functions as are necessary 1017
for the administration and enforcement of sections 4737.20 to 1018
4737.25 of the Revised Code; 1019

(5) Provide a standardized inspection report or form to 1020
local law enforcement to ensure that the inspection process is 1021
streamlined, practical, and fair; 1022

(6) Prepare an annual report summarizing all inspection 1023
reports for the previous year and make the report available to 1024
the public on an annual basis via the department of public 1025
safety web site; 1026

(7) Establish streamlined procedures for receiving 1027
information regarding noncompliance with this chapter relating 1028
to scrap metal dealing and how this information will be 1029
forwarded to the proper legal authorities. 1030

(B) If H.R. 621 of the 118th Congress or similar 1031
legislation becomes law and if the director determines that 1032
adopting a national standard would be in the interest of 1033
citizens of this state, the director may adopt a rule that 1034
prohibits the purchase of a catalytic converter with a stamped 1035
vehicle identification number that does not match the vehicle 1036
identification number of the title of the motor vehicle. 1037

Sec. 4737.23. (A) Each person applying for a bulk used 1038
catalytic converter sales license shall deliver an application 1039
to the director of public safety on a form prescribed by the 1040
director and signed by the applicant. The applicant shall 1041
include with the application the initial licensing fee set forth 1042
in section 4737.24 of the Revised Code. The application shall 1043
include all of the following: 1044

(1) The name and state tax identification number of the 1045
applicant and, if applicable, the location of the applicant's 1046
principal place of business. If the applicant has no principal 1047
place of business, then the home address of the applicant. 1048

(2) The name or style under which the business is to be 1049
conducted, if any, and, in the case of a corporation, the state 1050
of incorporation; 1051

(3) A statement showing whether the applicant has 1052
previously been convicted of or pleaded guilty to an offense 1053
that has a direct nexus to bulk used catalytic converter sales, 1054
including an offense under Chapter 2911., 2913., or 2923. of the 1055
Revised Code, provided the director complies with section 9.79 1056
of the Revised Code; 1057

(4) A statement showing whether the applicant previously 1058
applied for a license under this section and the result of the 1059

application, and whether the applicant has ever been the holder 1060
of any such license that was revoked or suspended; 1061

(5) If the applicant is a corporation or partnership, a 1062
statement showing whether any of the partners, officers, or 1063
directors have been refused a license under this section, or 1064
have been the holder of any such license that was revoked or 1065
suspended; 1066

(6) Any additional information required by the director. 1067

(B) Upon receipt of the completed application form and 1068
fees and if the director determines that the applicant meets the 1069
requirements for licensure under division (A) of this section, 1070
the director shall issue a license to the applicant. 1071

(C) Each license issued under this section expires 1072
annually on the date of its original issuance and may be renewed 1073
in accordance with the standard renewal procedure of Chapter 1074
4745. of the Revised Code. The application for a renewal shall 1075
be accompanied by the same information and proof as is required 1076
to accompany an initial application under division (A) of this 1077
section and the renewal fee set forth in section 4737.24 of the 1078
Revised Code. 1079

(D) When a licensee experiences a change in any 1080
information or data required under division (A) of this section 1081
or by rule of the director for licensure as a seller of bulk 1082
used catalytic converters, the licensee shall submit written 1083
notification of the change to the director within sixty days 1084
after the date that the previously submitted information becomes 1085
obsolete. If a licensee fails to submit the written notification 1086
of a change in information or data within sixty days after the 1087
change in information or data, the licensee's license is 1088

automatically suspended, except that the director may waive the 1089
suspension for good cause shown. 1090

Sec. 4737.24. The initial and annual renewal fee for a 1091
bulk used catalytic converter sales license is two hundred 1092
dollars. 1093

Sec. 4737.25. (A) A person that is required to be licensed 1094
under section 4737.21 of the Revised Code shall maintain 1095
documentation of each used catalytic converter the person sells. 1096
The documentation shall include all of the following: 1097

(1) The name and residence of the purchaser to whom each 1098
used catalytic converter is sold, or the name and business 1099
address of such purchaser if the purchaser is a business; 1100

(2) The date and time of each sale; 1101

(3) If the purchaser arrives at the seller's residence or 1102
place of business in a motor vehicle, the license plate number 1103
of that motor vehicle along with the state that issued the 1104
license plate; 1105

(4) A full and accurate description of each used catalytic 1106
converter sold that includes identifying letters or marks 1107
written, inscribed, or otherwise included on the article and the 1108
name and maker of the used catalytic converter if known. 1109

(B) A person who is required to be licensed under section 1110
4737.21 of the Revised Code shall maintain documentation of each 1111
used catalytic converter the person purchases or receives. The 1112
documentation shall include all of the following: 1113

(1) The name and residence of the person from whom each 1114
used catalytic converter was purchased or received, or the name 1115
and business address of such person if the person is a business; 1116

(2) The date and time each purchase or receipt occurred; 1117

(3) If the seller arrives at the purchaser's residence or 1118
place of business in a motor vehicle, the license plate number 1119
of that motor vehicle along with the state that issued the 1120
license plate; 1121

(4) A full and accurate description of each used catalytic 1122
converter purchased or received that includes identifying 1123
letters or marks written, inscribed, or otherwise included on 1124
the article and the name and maker of the used catalytic 1125
converter if known. 1126

(C) A person who is required to be licensed under section 1127
4737.21 of the Revised Code shall transmit the information 1128
required under divisions (A) and (B) of this section, 1129
immediately upon the completion of each transaction, to the 1130
director of public safety for inclusion in the registry 1131
developed by the director pursuant to division (E) of section 1132
4737.045 of the Revised Code. 1133

(D) (1) A person licensed under section 4737.23 of the 1134
Revised Code shall post a copy of the license in a conspicuous 1135
place on the person's premises. 1136

(2) The director of public safety shall impose a fine of 1137
five hundred dollars on any person who violates division (D) (1) 1138
of this section and shall deposit that fine into the state 1139
treasury to the credit of the department of public safety 1140
operating fund. 1141

Sec. 4737.98. Notwithstanding any provision of section 1142
121.95 of the Revised Code to the contrary, a regulatory 1143
restriction contained in a rule adopted under this chapter is 1144
not subject to sections 121.95 to 121.953 of the Revised Code. 1145

Sec. 4737.99. (A) Except as specified in divisions (B), 1146
(C), (D), (E), and (F) of this section, whoever violates 1147
sections 4737.01 to 4737.11 of the Revised Code, shall be fined 1148
not less than twenty-five nor more than one thousand dollars and 1149
the costs of prosecution. 1150

(B) Whoever violates division (F) (2) of section 4737.10 of 1151
the Revised Code is guilty of a misdemeanor of the fourth 1152
degree. 1153

~~(C) Whoever~~ (C) (1) Except as provided in division (C) (2) 1154
of this section, whoever fails to comply with or violates 1155
section 4737.01, 4737.012, or 4737.041, division (C), (D), (E), 1156
(F), (G), or (I) of section 4737.04, or division (D) of section 1157
4737.045 of the Revised Code is guilty of a misdemeanor of the 1158
first degree. If the offender one time previously has violated 1159
or failed to comply with section 4737.01, 4737.012, or 4737.041, 1160
division (C), (D), (E), (F), (G), or (I) of section 4737.04, or 1161
division (D) of section 4737.045 of the Revised Code, the 1162
violation or failure is a felony of the fifth degree. If the 1163
offender two or more times previously has violated or failed to 1164
comply with section 4737.01, 4737.012, or 4737.041, division 1165
(C), (D), (E), (F), (G), or (I) of section 4737.04, or division 1166
(D) of section 4737.045 of the Revised Code, the violation or 1167
failure is a felony of the fourth degree. For any second or 1168
subsequent violation of or failure to comply with section 1169
4737.01, 4737.012, or 4737.041, or division (C), (D), (E), (F), 1170
(G), or (I) of section 4737.04, or division (D) of section 1171
4737.045 of the Revised Code, a court may suspend the 1172
registration issued to the scrap metal dealer or bulk 1173
merchandise container dealer under section 4737.045 of the 1174
Revised Code for a period of ninety days, during which time 1175
period the person shall not engage in the business of a scrap 1176

metal dealer or a bulk merchandise container dealer, as 1177
applicable. 1178

(2) Notwithstanding section 2929.31 of the Revised Code, a 1179
business entity that, with respect to the sale, purchase, or 1180
receipt of a catalytic converter, violates division (C), (E)(1), 1181
(F)(2), (F)(5), or (I) of section 4737.04, division (B) of 1182
section 4737.041, or section 4737.25 of the Revised Code shall 1183
be fined not less than ten thousand dollars and not more than 1184
fifty thousand dollars per violation. 1185

(D) Whoever violates division (B)(1) of section 4737.04 of 1186
the Revised Code is guilty of a felony of the fifth degree. The 1187
court also shall enjoin the person from engaging in the business 1188
of a scrap metal dealer or a bulk merchandise dealer. 1189

(E) Whoever violates division (B)(2) of section 4737.04 of 1190
the Revised Code is guilty of a felony of the fifth degree for 1191
the first offense and a felony of the third degree for any 1192
subsequent offense. 1193

(F) Any motor vehicle used in the theft or illegal 1194
transportation of metal shall be impounded for at least thirty 1195
days and not more than sixty days. If the same motor vehicle is 1196
used in connection with a second or subsequent theft or illegal 1197
transportation of metal, the motor vehicle shall be impounded 1198
for at least sixty days and not more than one hundred eighty 1199
days. Any motor vehicle used in the theft or illegal 1200
transportation of a special purchase article or bulk merchandise 1201
container shall be impounded for at least ninety days and not 1202
more than three hundred sixty days. A motor vehicle impounded 1203
pursuant to this division shall be stored at a municipal 1204
corporation impound lot, if available, or at a lot owned by a 1205
private entity or another governmental unit that the municipal 1206

corporation utilizes for the purpose of impounding a motor 1207
vehicle. An impounded motor vehicle may be recovered from the 1208
impound lot at the end of the impound term upon payment of fees. 1209

(G) A person is complicit under section 2923.03 of the 1210
Revised Code if the person sells a catalytic converter to 1211
another person who, in the purchase or receipt of the catalytic 1212
converter, violates any of the following: 1213

(1) Division (F) (1) of section 4737.04 of the Revised 1214
Code; 1215

(2) Division (B) of section 4737.041 of the Revised Code 1216
when the violation involves a failure to obtain identifying 1217
information of the seller of a catalytic converter or proof of 1218
ownership of a catalytic converter; 1219

(3) Division (A) or (B) of section 4737.25 of the Revised 1220
Code. 1221

(H) If a transaction involving the purchase or sale of a 1222
used catalytic converter formed the basis of an offense under 1223
division (C) or (E) of this section, the clerk of the court 1224
shall pay any fine imposed to the county, township, municipal 1225
corporation, park district, as created pursuant to section 1226
511.18 or 1545.04 of the Revised Code, or state law enforcement 1227
agencies in this state that primarily were responsible for, or 1228
involved in, arresting and prosecuting, the offender. 1229

Sec. 4738.03. (A) No person licensed as a motor vehicle 1230
salvage dealer under this chapter shall ~~engage~~ do either of the 1231
following: 1232

(1) Engage in the business of selling at retail salvage 1233
motor vehicle parts or salvage motor vehicles, unless the 1234
business is operated primarily for the purpose of selling at 1235

retail salvage motor vehicle parts. Any person operating such a 1236
business primarily for the purpose of selling at retail salvage 1237
motor vehicle parts may secondarily sell at retail salvage motor 1238
vehicles or manufacture a product of gradable scrap metal for 1239
sale to scrap metal processors or any other consumer. 1240

(2) Purchase or accept individual motor vehicle parts, 1241
such as a catalytic converter as defined in section 4737.04 of 1242
the Revised Code. 1243

(B) No person licensed as a salvage motor vehicle auction 1244
under this chapter shall: 1245

(1) Knowingly sell a salvage motor vehicle to anyone other 1246
than an authorized purchaser; 1247

(2) Sell a salvage motor vehicle when having reasonable 1248
cause to believe it is not offered by the legal owner thereof; 1249

(3) Fail to make an Ohio salvage certificate of title 1250
available to the purchaser of a salvage motor vehicle sold by 1251
the salvage motor vehicle auction, before payment for the 1252
salvage motor vehicle is completed; 1253

(4) Operate as a motor vehicle salvage dealer at the same 1254
location where any salvage motor vehicle auction is operated. 1255

(C) No person licensed as a salvage motor vehicle pool 1256
under this chapter shall: 1257

(1) Knowingly sell a salvage motor vehicle to anyone other 1258
than an authorized purchaser; 1259

(2) Sell a salvage motor vehicle when having reasonable 1260
cause to believe it is not offered by the legal owner thereof; 1261

(3) Fail to make an Ohio salvage certificate of title 1262

available to the purchaser of a salvage motor vehicle sold by 1263
the salvage motor vehicle pool, before payment for the salvage 1264
motor vehicle is completed; 1265

(4) Operate as a motor vehicle salvage dealer at the same 1266
location where any salvage motor vehicle pool is operated. 1267

Sec. 4738.07. (A) Except as otherwise provided in division 1268
(B) of this section, the registrar of motor vehicles shall deny 1269
the application of any person for a license under this chapter 1270
and refuse to issue the person a license if the registrar finds 1271
that the applicant: 1272

(1) Has made false statement of a material fact in the 1273
individual's application; 1274

(2) Has not complied with sections 4738.01 to 4738.15 of 1275
the Revised Code: 1276

(3) Has habitually defaulted on financial obligations; 1277

(4) Has been convicted of or pleaded guilty to a 1278
disqualifying offense, provided the registrar complies with 1279
section 9.79 of the Revised Code; 1280

(5) Has been guilty of a fraudulent act in connection with 1281
dealing in salvage motor vehicles or when operating as a motor 1282
vehicle salvage dealer, salvage motor vehicle auction, or 1283
salvage motor vehicle pool; 1284

(6) Is insolvent; 1285

(7) Is of insufficient responsibility to assure the prompt 1286
payment of any final judgments which might reasonably be entered 1287
against the individual because of the transaction of the 1288
individual's business during the period of the license applied 1289
for; 1290

(8) Has no established place of business; or	1291
(9) Has less than twelve months prior to said application, been denied a license under this chapter; <u>or</u>	1292 1293
<u>(10) Was convicted of or pleaded guilty to a violation of</u>	1294
<u>division (B) of section 4737.041 of the Revised Code, a</u>	1295
<u>violation of section 2923.03 of the Revised Code when division</u>	1296
<u>(G) of section 4737.99 of the Revised Code applies, a violation</u>	1297
<u>of section 2913.02 of the Revised Code when the person is</u>	1298
<u>sentenced pursuant to division (B) (10) of that section, or a</u>	1299
<u>violation of section 2913.51 of the Revised Code when the person</u>	1300
<u>is sentenced pursuant to division (F) of that section.</u>	1301
(B) In <u>(B) (1) Except as provided in division (B) (2) of</u>	1302
<u>this section, in considering a renewal of an individual's</u>	1303
license, the registrar shall not consider any conviction or plea	1304
of guilty prior to the initial licensing. However, the registrar	1305
may consider a conviction or plea of guilty if it occurred after	1306
the individual was initially licensed, or after the most recent	1307
license renewal.	1308
<u>(2) The registrar shall not renew an individual's license</u>	1309
<u>if the individual was convicted of or pleaded guilty to a</u>	1310
<u>violation of division (B) of section 4737.041 of the Revised</u>	1311
<u>Code, a violation of section 2923.03 of the Revised Code when</u>	1312
<u>division (G) of section 4737.99 of the Revised Code applies, a</u>	1313
<u>violation of section 2913.02 of the Revised Code when the person</u>	1314
<u>is sentenced pursuant to division (B) (10) of that section, or a</u>	1315
<u>violation of section 2913.51 of the Revised Code when the person</u>	1316
<u>is sentenced pursuant to division (F) of that section.</u>	1317
(C) The registrar may grant a person a conditional license	1318
that lasts for one year. After the one-year period has expired,	1319

the license is no longer considered conditional, and the person 1320
shall be considered fully licensed. 1321

(D) If the applicant is a corporation or partnership, the 1322
registrar may refuse to issue a license if any officer, 1323
director, or partner of the applicant has been guilty of any 1324
disqualifying offense and the refusal is in accordance with 1325
section 9.79 of the Revised Code. The registrar's finding may be 1326
based upon facts contained in the application or upon any other 1327
information which the registrar may have. Immediately upon 1328
denying an application for any of the reasons in this section, 1329
the registrar shall enter a final order together with the 1330
registrar's findings and certify the same to the motor vehicle 1331
salvage dealer's licensing board. 1332

(E) If the registrar refuses an application for a license, 1333
the reasons for such refusal shall be put in writing. An 1334
applicant who has been refused a license may appeal from the 1335
action of the registrar to the motor vehicle salvage dealer's 1336
licensing board in the manner prescribed in section 4738.12 of 1337
the Revised Code. 1338

(F) The registrar of motor vehicles shall not adopt, 1339
maintain, renew, or enforce any rule, or otherwise preclude in 1340
any way, an individual from renewing a license under this 1341
chapter due to any past criminal activity or interpretation of 1342
moral character, except as pursuant to division (B) of this 1343
section. If the registrar denies an individual a license or 1344
license renewal, the reasons for such denial shall be put in 1345
writing. 1346

Sec. 4738.12. The motor vehicle salvage dealer's licensing 1347
board shall hear appeals which may be taken from an order of the 1348
registrar of motor vehicles, refusing to issue a license. All 1349

appeals from any order of the registrar refusing to issue any 1350
license upon proper application made must be taken within thirty 1351
days from the date of the order, or the order is final and 1352
conclusive. All appeals from orders of the registrar must be by 1353
petition in writing and verified under oath by the applicant 1354
whose application for license has been denied, and must set 1355
forth the reason why, in the petitioner's opinion, the order of 1356
the registrar is not correct. In appeals the board may make 1357
investigation to determine the correctness and legality of the 1358
order of the registrar. 1359

The board may make rules governing its actions relative to 1360
the suspension and revocation of licenses and may, upon its own 1361
motion, and shall, upon the verified complaint in writing of any 1362
person, investigate the conduct of any licensee under this 1363
chapter. The board shall suspend or revoke or notify the 1364
registrar to refuse to renew any license if any ground existed 1365
upon which the license would have been refused, or if a ground 1366
exists which would be cause for refusal to issue a license. 1367

The board may suspend or revoke any license if the 1368
licensee has in any manner violated the rules issued pursuant to 1369
sections 4738.01 to 4738.16 of the Revised Code, or has been 1370
convicted of committing a felony or violating any law which in 1371
any way relates to the theft of motor vehicles. 1372

The board shall revoke any license if the licensee is 1373
convicted of or pleads guilty to a violation of division (B) of 1374
section 4737.041 of the Revised Code, a violation of section 1375
2923.03 of the Revised Code when division (G) of section 4737.99 1376
of the Revised Code applies, a violation of section 2913.02 of 1377
the Revised Code when the licensee is sentenced pursuant to 1378
division (B)(10) of that section, or a violation of section 1379

2913.51 of the Revised Code when the licensee is sentenced 1380
pursuant to division (F) of that section. 1381

Sec. 4745.01. (A) "Standard renewal procedure," as used in 1382
Chapters 905., 907., 909., 911., 913., 915., 918., 921., 923., 1383
927., 942., 943., 953., 1321., 3710., 3713., 3719., 3742., 1384
3748., 3769., 3783., 3921., 3951., 4104., 4105., 4169., 4561., 1385
4703., 4707., 4709., 4713., 4715., 4717., 4723., 4725., 4727., 1386
4728., 4729., 4731., 4733., 4734., 4737., 4739., 4741., 4747., 1387
4749., 4752., 4753., 4755., 4757., 4758., 4759., 4761., 4766., 1388
4773., and 4775. of the Revised Code, means the license renewal 1389
procedures specified in this chapter. 1390

(B) "Licensing agency," as used in this chapter, means any 1391
department, division, board, section of a board, or other state 1392
governmental unit subject to the standard renewal procedure, as 1393
defined in this section, and authorized by the Revised Code to 1394
issue a license to engage in a specific profession, occupation, 1395
or occupational activity, or to have charge of and operate 1396
certain specified equipment, machinery, or premises. 1397

(C) "License," as used in this chapter, means a license, 1398
certificate, permit, card, or other authority issued or 1399
conferred by a licensing agency by authority of which the 1400
licensee has or claims the privilege to engage in the 1401
profession, occupation, or occupational activity, or to have 1402
control of and operate certain specific equipment, machinery, or 1403
premises, over which the licensing agency has jurisdiction. 1404

(D) "Licensee," as used in this chapter, means either the 1405
person to whom the license is issued or renewed by a licensing 1406
agency, or the person, partnership, or corporation at whose 1407
request the license is issued or renewed. 1408

(E) "Renewal" and "renewed," as used in this chapter and 1409
in the chapters of the Revised Code specified in division (A) of 1410
this section, includes the continuing licensing procedure 1411
provided in Chapter 3748. of the Revised Code and rules adopted 1412
under it and in sections 1321.05 and 3921.33 of the Revised 1413
Code, and as applied to those continuing licenses any reference 1414
in this chapter to the date of expiration of any license shall 1415
be construed to mean the due date of the annual or other fee for 1416
the continuing license. 1417

Sec. 4775.09. (A) (1) In accordance with Chapter 119. of 1418
the Revised Code, the motor vehicle repair board may refuse to 1419
issue or renew a registration certificate or may determine 1420
whether to waive a suspension of a registration certificate as 1421
provided in division (D) of section 4775.07 of the Revised Code. 1422

(2) Within ten days after receipt of an abstract from a 1423
county court judge, mayor of a mayor's court, or clerk of a 1424
court of record indicating a violation of division (D) of 1425
section 4513.241 of the Revised Code, the board shall determine 1426
whether the person named in the abstract is registered with the 1427
board and, if the person is so registered, shall further 1428
determine whether the person previously has been convicted of or 1429
pleaded guilty to a violation of that section. If the person 1430
previously has been convicted of or pleaded guilty to a 1431
violation of that section, the board, in accordance with Chapter 1432
119. of the Revised Code but without a prior hearing, shall 1433
suspend the person's registration for a period of not more than 1434
one hundred eighty days. 1435

(B) The court of common pleas of Franklin county has 1436
exclusive jurisdiction over any person who conducts, or attempts 1437
to conduct, business as a motor vehicle repair operator in 1438

violation of this chapter or any rule adopted under this 1439
chapter. The court, on application of the board, may issue an 1440
injunction, a cease and desist order, or other appropriate order 1441
restraining the person from continuing the violation. This 1442
section shall operate in addition to and shall not prohibit the 1443
enforcement of any other law. 1444

(C) Upon the request of the executive director or as a 1445
result of complaints, the board shall investigate the alleged 1446
violation. 1447

(D) No person required to be registered under this chapter 1448
shall have the benefit of any lien for labor or materials unless 1449
the person is registered under this chapter. 1450

(E) No person whose application for registration under 1451
this chapter is denied shall open or operate a facility for 1452
business as a motor vehicle collision repair facility or motor 1453
vehicle window tint installation facility under the name of the 1454
person designated in the application for a registration 1455
certificate or under any other name prior to registering as a 1456
motor vehicle repair operator in accordance with this chapter. 1457

(F) (1) The board shall not issue a registration to or 1458
renew the registration of a person who was convicted of or 1459
pleaded guilty to a violation of division (B) of section 1460
4737.041 of the Revised Code, a violation of section 2923.03 of 1461
the Revised Code when division (G) of section 4737.99 of the 1462
Revised Code applies, a violation of section 2913.02 of the 1463
Revised Code when the person is sentenced pursuant to division 1464
(B) (10) of that section, or a violation of section 2913.51 of 1465
the Revised Code when the person is sentenced pursuant to 1466
division (F) of that section. 1467

(2) The board shall revoke the registration of a person 1468
who is convicted of or pleads guilty to a violation of division 1469
(B) of section 4737.041 of the Revised Code, a violation of 1470
section 2923.03 of the Revised Code when division (G) of section 1471
4737.99 of the Revised Code applies, a violation of section 1472
2913.02 of the Revised Code when the person is sentenced 1473
pursuant to division (B)(10) of that section, or a violation of 1474
section 2913.51 of the Revised Code when the person is sentenced 1475
pursuant to division (F) of that section. 1476

Sec. 5703.21. (A) Except as provided in divisions (B) and 1477
(C) of this section, no agent of the department of taxation, 1478
except in the agent's report to the department or when called on 1479
to testify in any court or proceeding, shall divulge any 1480
information acquired by the agent as to the transactions, 1481
property, or business of any person while acting or claiming to 1482
act under orders of the department. Whoever violates this 1483
provision shall thereafter be disqualified from acting as an 1484
officer or employee or in any other capacity under appointment 1485
or employment of the department. 1486

(B) (1) For purposes of an audit pursuant to section 117.15 1487
of the Revised Code, or an audit of the department pursuant to 1488
Chapter 117. of the Revised Code, or an audit, pursuant to that 1489
chapter, the objective of which is to express an opinion on a 1490
financial report or statement prepared or issued pursuant to 1491
division (A) (7) or (9) of section 126.21 of the Revised Code, 1492
the officers and employees of the auditor of state charged with 1493
conducting the audit shall have access to and the right to 1494
examine any state tax returns and state tax return information 1495
in the possession of the department to the extent that the 1496
access and examination are necessary for purposes of the audit. 1497
Any information acquired as the result of that access and 1498

examination shall not be divulged for any purpose other than as 1499
required for the audit or unless the officers and employees are 1500
required to testify in a court or proceeding under compulsion of 1501
legal process. Whoever violates this provision shall thereafter 1502
be disqualified from acting as an officer or employee or in any 1503
other capacity under appointment or employment of the auditor of 1504
state. 1505

(2) For purposes of an internal audit pursuant to section 1506
126.45 of the Revised Code, the officers and employees of the 1507
office of internal audit in the office of budget and management 1508
charged with directing the internal audit shall have access to 1509
and the right to examine any state tax returns and state tax 1510
return information in the possession of the department to the 1511
extent that the access and examination are necessary for 1512
purposes of the internal audit. Any information acquired as the 1513
result of that access and examination shall not be divulged for 1514
any purpose other than as required for the internal audit or 1515
unless the officers and employees are required to testify in a 1516
court or proceeding under compulsion of legal process. Whoever 1517
violates this provision shall thereafter be disqualified from 1518
acting as an officer or employee or in any other capacity under 1519
appointment or employment of the office of internal audit. 1520

(3) As provided by section 6103(d) (2) of the Internal 1521
Revenue Code, any federal tax returns or federal tax information 1522
that the department has acquired from the internal revenue 1523
service, through federal and state statutory authority, may be 1524
disclosed to the auditor of state or the office of internal 1525
audit solely for purposes of an audit of the department. 1526

(4) For purposes of Chapter 3739. of the Revised Code, an 1527
agent of the department of taxation may share information with 1528

the division of state fire marshal that the agent finds during 1529
the course of an investigation. 1530

(C) Division (A) of this section does not prohibit any of 1531
the following: 1532

(1) Divulging information contained in applications, 1533
complaints, and related documents filed with the department 1534
under section 5715.27 of the Revised Code or in applications 1535
filed with the department under section 5715.39 of the Revised 1536
Code; 1537

(2) Providing information to the office of child support 1538
within the department of job and family services pursuant to 1539
section 3125.43 of the Revised Code; 1540

(3) Disclosing to the motor vehicle repair board any 1541
information in the possession of the department that is 1542
necessary for the board to verify the existence of an 1543
applicant's valid vendor's license and current state tax 1544
identification number under section 4775.07 of the Revised Code; 1545

(4) Providing information to the administrator of workers' 1546
compensation pursuant to sections 4123.271 and 4123.591 of the 1547
Revised Code; 1548

(5) Providing to the attorney general information the 1549
department obtains under division (J) of section 1346.01 of the 1550
Revised Code; 1551

(6) Permitting properly authorized officers, employees, or 1552
agents of a municipal corporation from inspecting reports or 1553
information pursuant to section 718.84 of the Revised Code or 1554
rules adopted under section 5745.16 of the Revised Code; 1555

(7) Providing information regarding the name, account 1556

number, or business address of a holder of a vendor's license 1557
issued pursuant to section 5739.17 of the Revised Code, a holder 1558
of a direct payment permit issued pursuant to section 5739.031 1559
of the Revised Code, or a seller having a use tax account 1560
maintained pursuant to section 5741.17 of the Revised Code, or 1561
information regarding the active or inactive status of a 1562
vendor's license, direct payment permit, or seller's use tax 1563
account; 1564

(8) Releasing invoices or invoice information furnished 1565
under section 4301.433 of the Revised Code pursuant to that 1566
section; 1567

(9) Providing to a county auditor notices or documents 1568
concerning or affecting the taxable value of property in the 1569
county auditor's county. Unless authorized by law to disclose 1570
documents so provided, the county auditor shall not disclose 1571
such documents; 1572

(10) Providing to a county auditor sales or use tax return 1573
or audit information under section 333.06 of the Revised Code; 1574

(11) Subject to section 4301.441 of the Revised Code, 1575
disclosing to the appropriate state agency information in the 1576
possession of the department of taxation that is necessary to 1577
verify a permit holder's gallonage or noncompliance with taxes 1578
levied under Chapter 4301. or 4305. of the Revised Code; 1579

(12) Disclosing to the department of natural resources 1580
information in the possession of the department of taxation that 1581
is necessary for the department of taxation to verify the 1582
taxpayer's compliance with section 5749.02 of the Revised Code 1583
or to allow the department of natural resources to enforce 1584
Chapter 1509. of the Revised Code; 1585

(13) Disclosing to the department of job and family 1586
services, industrial commission, and bureau of workers' 1587
compensation information in the possession of the department of 1588
taxation solely for the purpose of identifying employers that 1589
misclassify employees as independent contractors or that fail to 1590
properly report and pay employer tax liabilities. The department 1591
of taxation shall disclose only such information that is 1592
necessary to verify employer compliance with law administered by 1593
those agencies. 1594

(14) Disclosing to the Ohio casino control commission 1595
information in the possession of the department of taxation that 1596
is necessary to verify a casino operator's or sports gaming 1597
proprietor's compliance with section 5747.063, 5753.02, or 1598
5753.021 of the Revised Code and sections related thereto; 1599

(15) Disclosing to the state lottery commission 1600
information in the possession of the department of taxation that 1601
is necessary to verify a lottery sales agent's compliance with 1602
section 5747.064 of the Revised Code. 1603

(16) Disclosing to the department of development 1604
information in the possession of the department of taxation that 1605
is necessary to ensure compliance with the laws of this state 1606
governing taxation and to verify information reported to the 1607
department of development for the purpose of evaluating 1608
potential tax credits, tax deductions, grants, or loans. Such 1609
information shall not include information received from the 1610
internal revenue service the disclosure of which is prohibited 1611
by section 6103 of the Internal Revenue Code. No officer, 1612
employee, or agent of the department of development shall 1613
disclose any information provided to the department of 1614
development by the department of taxation under division (C) (16) 1615

of this section except when disclosure of the information is 1616
necessary for, and made solely for the purpose of facilitating, 1617
the evaluation of potential tax credits, tax deductions, grants, 1618
or loans. 1619

(17) Disclosing to the department of insurance information 1620
in the possession of the department of taxation that is 1621
necessary to ensure a taxpayer's compliance with the 1622
requirements with any tax credit administered by the department 1623
of development and claimed by the taxpayer against any tax 1624
administered by the superintendent of insurance. No officer, 1625
employee, or agent of the department of insurance shall disclose 1626
any information provided to the department of insurance by the 1627
department of taxation under division (C) (17) of this section. 1628

(18) Disclosing to the division of liquor control 1629
information in the possession of the department of taxation that 1630
is necessary for the division and department to comply with the 1631
requirements of sections 4303.26 and 4303.271 of the Revised 1632
Code. 1633

(19) Disclosing to the department of education, upon that 1634
department's request, information in the possession of the 1635
department of taxation that is necessary only to verify whether 1636
the family income of a student applying for or receiving a 1637
scholarship under the educational choice scholarship pilot 1638
program is equal to, less than, or greater than the income 1639
thresholds prescribed by section 3310.032 of the Revised Code. 1640
The department of education shall provide sufficient information 1641
about the student and the student's family to enable the 1642
department of taxation to make the verification. 1643

(20) Disclosing to the Ohio rail development commission 1644
information in the possession of the department of taxation that 1645

is necessary to ensure compliance with the laws of this state 1646
governing taxation and to verify information reported to the 1647
commission for the purpose of evaluating potential grants or 1648
loans. Such information shall not include information received 1649
from the internal revenue service the disclosure of which is 1650
prohibited by section 6103 of the Internal Revenue Code. No 1651
member, officer, employee, or agent of the Ohio rail development 1652
commission shall disclose any information provided to the 1653
commission by the department of taxation under division (C) (20) 1654
of this section except when disclosure of the information is 1655
necessary for, and made solely for the purpose of facilitating, 1656
the evaluation of potential grants or loans. 1657

(21) Disclosing to the state racing commission information 1658
in the possession of the department of taxation that is 1659
necessary for verification of compliance with and for 1660
enforcement and administration of the taxes levied by Chapter 1661
3769. of the Revised Code. Such information shall include 1662
information that is necessary for the state racing commission to 1663
verify compliance with Chapter 3769. of the Revised Code for the 1664
purposes of issuance, denial, suspension, or revocation of a 1665
permit pursuant to section 3769.03 or 3769.06 of the Revised 1666
Code and related sections. Unless disclosure is otherwise 1667
authorized by law, information provided to the state racing 1668
commission under this section remains confidential and is not 1669
subject to public disclosure pursuant to section 3769.041 of the 1670
Revised Code. 1671

(22) Disclosing to the state fire marshal information in 1672
the possession of the department of taxation that is necessary 1673
for the state fire marshal to verify the compliance of a 1674
licensed manufacturer of fireworks or a licensed wholesaler of 1675
fireworks with section 3743.22 of the Revised Code. No officer, 1676

employee, or agent of the state fire marshal shall disclose any 1677
information provided to the state fire marshal by the department 1678
of taxation under division (C) (22) of this section. 1679

(23) Disclosing to the department of job and family 1680
services information in the possession of the department of 1681
taxation for either of the following purposes: 1682

(a) Making a determination under section 4141.28 of the 1683
Revised Code; 1684

(b) Verifying an individual's eligibility for a federal 1685
program described in section 4141.163 of the Revised Code. 1686

Such information shall not include information received 1687
from the internal revenue service the disclosure of which is 1688
prohibited by section 6103 of the Internal Revenue Code. 1689

(24) Disclosing to the director of public safety any 1690
information necessary for the director to verify, for any 1691
applicant under section 4737.23 of the Revised Code, such 1692
applicant's valid vendor license and current state tax 1693
identification number issued by the tax commissioner. 1694

Section 2. That existing sections 2913.02, 2913.51, 1695
4737.012, 4737.04, 4737.041, 4737.045, 4737.99, 4738.03, 1696
4738.07, 4738.12, 4745.01, 4775.09, and 5703.21 of the Revised 1697
Code are hereby repealed. 1698

Section 3. All items in this act are hereby appropriated 1699
as designated out of any moneys in the state treasury to the 1700
credit of the designated fund. For all operating appropriations 1701
made in this act, those in the first column are for fiscal year 1702
2024 and those in the second column are for fiscal year 2025. 1703
The operating appropriations made in this act are in addition to 1704
any other operating appropriations made for these fiscal years. 1705

Section 4. 1706

1707

	1	2	3	4	5
A			AGO ATTORNEY GENERAL		
B			General Revenue Fund		
C	GRF	055451	Catalytic Converter Theft Task Force	\$1,500,000	\$1,000,000
D	TOTAL GRF		General Revenue Fund	\$1,500,000	\$1,000,000
E	TOTAL ALL BUDGET FUND GROUPS			\$1,500,000	\$1,000,000

CATALYTIC CONVERTER THEFT TASK FORCE 1708

The foregoing appropriation item 055451, Catalytic
 Converter Theft Task Force, shall be used by the Organized Crime
 Investigations Commission to support the operations of any
 catalytic converter theft task forces established by the
 Commission pursuant to section 177.02 of the Revised Code.

Section 5. Within the limits set forth in this act, the
 Director of Budget and Management shall establish accounts
 indicating the source and amount of funds for each appropriation
 made in this act, and shall determine the manner in which
 appropriation accounts shall be maintained. Expenditures from
 operating appropriations contained in this act shall be
 accounted for as though made in, and are subject to all
 applicable provisions of, the main operating appropriations act
 of the 135th General Assembly.