

**As Passed by the House**

**135th General Assembly**

**Regular Session**

**2023-2024**

**Sub. H. B. No. 328**

**Representatives Roemer, Plummer**

**Cosponsors: Representatives Abrams, LaRe, Miller, K., Barhorst, Brennan, Carruthers, Claggett, Cross, Cutrona, Daniels, Dell'Aquila, Demetriou, Dobos, Johnson, Jones, Lampton, Lipps, Mathews, Mohamed, Oelslager, Patton, White, Williams, Young, T.**

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**A BILL**

To amend sections 2913.02, 2913.51, 4737.012, 1  
4737.04, 4737.041, 4737.043, 4737.045, 4737.99, 2  
4738.03, 4738.07, 4738.12, 4745.01, and 4775.09 3  
and to enact sections 4737.046 and 4737.98 of 4  
the Revised Code regarding the sale of used 5  
catalytic converters. 6

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

**Section 1.** That sections 2913.02, 2913.51, 4737.012, 7  
4737.04, 4737.041, 4737.043, 4737.045, 4737.99, 4738.03, 8  
4738.07, 4738.12, 4745.01, and 4775.09 be amended and sections 9  
4737.046 and 4737.98 of the Revised Code be enacted to read as 10  
follows: 11

**Sec. 2913.02.** (A) No person, with purpose to deprive the 12  
owner of property or services, shall knowingly obtain or exert 13  
control over either the property or services in any of the 14  
following ways: 15

(1) Without the consent of the owner or person authorized 16

to give consent;	17
(2) Beyond the scope of the express or implied consent of the owner or person authorized to give consent;	18
(3) By deception;	20
(4) By threat;	21
(5) By intimidation.	22
(B) (1) Whoever violates this section is guilty of theft.	23
(2) Except as otherwise provided in this division or division (B) (3), (4), (5), (6), (7), (8), <del>or (9)</del> , <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 services stolen is one million five hundred thousand dollars or more, a violation of this section is aggravated theft of one	24
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million five hundred thousand dollars or more, a felony of the 46  
first degree. 47

(3) Except as otherwise provided in division (B) (4), (5), 48  
(6), (7), (8), ~~or~~ (9), or (10) of this section, if the victim of 49  
the offense is an elderly person, disabled adult, active duty 50  
service member, or spouse of an active duty service member, a 51  
violation of this section is theft from a person in a protected 52  
class, and division (B) (3) of this section applies. Except as 53  
otherwise provided in this division, theft from a person in a 54  
protected class is a felony of the fifth degree. If the value of 55  
the property or services stolen is one thousand dollars or more 56  
and is less than seven thousand five hundred dollars, theft from 57  
a person in a protected class is a felony of the fourth degree. 58  
If the value of the property or services stolen is seven 59  
thousand five hundred dollars or more and is less than thirty- 60  
seven thousand five hundred dollars, theft from a person in a 61  
protected class is a felony of the third degree. If the value of 62  
the property or services stolen is thirty-seven thousand five 63  
hundred dollars or more and is less than one hundred fifty 64  
thousand dollars, theft from a person in a protected class is a 65  
felony of the second degree. If the value of the property or 66  
services stolen is one hundred fifty thousand dollars or more, 67  
theft from a person in a protected class is a felony of the 68  
first degree. If the victim of the offense is an elderly person, 69  
in addition to any other penalty imposed for the offense, the 70  
offender shall be required to pay full restitution to the victim 71  
and to pay a fine of up to fifty thousand dollars. The clerk of 72  
court shall forward all fines collected under division (B) (3) of 73  
this section to the county department of job and family services 74  
to be used for the reporting and investigation of elder abuse, 75  
neglect, and exploitation or for the provision or arrangement of 76

protective services under sections 5101.61 to 5101.71 of the Revised Code. 77  
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(4) If the property stolen is a firearm or dangerous ordnance, a violation of this section is grand theft. Except as otherwise provided in this division, grand theft when the property stolen is a firearm or dangerous ordnance is a felony of the third degree, and there is a presumption in favor of the court imposing a prison term for the offense. If the firearm or dangerous ordnance was stolen from a federally licensed firearms dealer, grand theft when the property stolen is a firearm or dangerous ordnance is a felony of the first degree. The offender shall serve a prison term imposed for grand theft when the property stolen is a firearm or dangerous ordnance consecutively to any other prison term or mandatory prison term previously or subsequently imposed upon the offender. 79  
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(5) If the property stolen is a motor vehicle, a violation of this section is grand theft of a motor vehicle, a felony of the fourth degree. 92  
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(6) If the property stolen is any dangerous drug, a violation of this section is theft of drugs, a felony of the fourth degree, or, if the offender previously has been convicted of a felony drug abuse offense, a felony of the third degree. 95  
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(7) If the property stolen is a police dog or horse or an assistance dog and the offender knows or should know that the property stolen is a police dog or horse or an assistance dog, a violation of this section is theft of a police dog or horse or an assistance dog, a felony of the third degree. 99  
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(8) If the property stolen is anhydrous ammonia, a violation of this section is theft of anhydrous ammonia, a 104  
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felony of the third degree. 106

(9) Except as provided in division (B) (2) of this section 107  
with respect to property with a value of seven thousand five 108  
hundred dollars or more and division (B) (3) of this section with 109  
respect to property with a value of one thousand dollars or 110  
more, if the property stolen is a special purpose article as 111  
defined in section 4737.04 of the Revised Code or is a bulk 112  
merchandise container as defined in section 4737.012 of the 113  
Revised Code, a violation of this section is theft of a special 114  
purpose article or articles or theft of a bulk merchandise 115  
container or containers, a felony of the fifth degree. 116

~~(10)~~(10) (a) If the property stolen is a catalytic 117  
converter, a violation of this section is theft of a catalytic 118  
converter, a felony of the fifth degree. 119

(b) If the offender has previously been convicted of or 120  
pleaded guilty to a violation of Chapter 2911. or 2913. of the 121  
Revised Code, theft of a catalytic converter is a felony of the 122  
fourth degree. 123

(c) If the property stolen is a catalytic converter and 124  
the offender is a business entity, a violation of this section 125  
is enterprise theft of a catalytic converter and, 126  
notwithstanding section 2929.31 of the Revised Code, is 127  
punishable by a fine of not less than ten thousand dollars and 128  
not more than fifty thousand dollars per violation. 129

(d) The clerk of the court shall pay any fine imposed 130  
pursuant to division (B) (10) of this section to the county, 131  
township, municipal corporation, park district as created 132  
pursuant to section 511.18 or 1545.04 of the Revised Code, or 133  
state law enforcement agencies in this state that primarily were 134

responsible for, or involved in, arresting and prosecuting the 135  
offender. 136

(e) As used in division (B)(10) of this section, 137  
"catalytic converter" has the same meaning as in section 4737.04 138  
of the Revised Code. 139

(11) In addition to the penalties described in division 140  
(B)(2) of this section, if the offender committed the violation 141  
by causing a motor vehicle to leave the premises of an 142  
establishment at which gasoline is offered for retail sale 143  
without the offender making full payment for gasoline that was 144  
dispensed into the fuel tank of the motor vehicle or into 145  
another container, the court may do one of the following: 146

(a) Unless division ~~(B)(10)(b)~~ (B)(11)(b) of this section 147  
applies, suspend for not more than six months the offender's 148  
driver's license, probationary driver's license, commercial 149  
driver's license, temporary instruction permit, or nonresident 150  
operating privilege; 151

(b) If the offender's driver's license, probationary 152  
driver's license, commercial driver's license, temporary 153  
instruction permit, or nonresident operating privilege has 154  
previously been suspended pursuant to division ~~(B)(10)(a)~~ (B) 155  
(11)(a) of this section, impose a class seven suspension of the 156  
offender's license, permit, or privilege from the range 157  
specified in division (A)(7) of section 4510.02 of the Revised 158  
Code, provided that the suspension shall be for at least six 159  
months. 160

(c) The court, in lieu of suspending the offender's 161  
driver's or commercial driver's license, probationary driver's 162  
license, temporary instruction permit, or nonresident operating 163

privilege pursuant to division ~~(B) (10) (a)~~ (B) (11) (a) or (b) of 164  
this section, instead may require the offender to perform 165  
community service for a number of hours determined by the court. 166

~~(11)~~ (12) In addition to the penalties described in 167  
division (B) (2) of this section, if the offender committed the 168  
violation by stealing rented property or rental services, the 169  
court may order that the offender make restitution pursuant to 170  
section 2929.18 or 2929.28 of the Revised Code. Restitution may 171  
include, but is not limited to, the cost of repairing or 172  
replacing the stolen property, or the cost of repairing the 173  
stolen property and any loss of revenue resulting from 174  
deprivation of the property due to theft of rental services that 175  
is less than or equal to the actual value of the property at the 176  
time it was rented. Evidence of intent to commit theft of rented 177  
property or rental services shall be determined pursuant to the 178  
provisions of section 2913.72 of the Revised Code. 179

(C) The sentencing court that suspends an offender's 180  
license, permit, or nonresident operating privilege under 181  
division ~~(B) (10)~~ (B) (11) of this section may grant the offender 182  
limited driving privileges during the period of the suspension 183  
in accordance with Chapter 4510. of the Revised Code. 184

**Sec. 2913.51.** (A) As used in this section: 185

(1) "Bulk merchandise container" has the same meaning as 186  
in section 4737.012 of the Revised Code. 187

(2) "Catalytic converter" and "special purchase article" 188  
have the same meanings as in section 4737.04 of the Revised 189  
Code. 190

(3) "Dangerous drug" has the same meaning as in section 191  
4729.01 of the Revised Code. 192

(4) "Dangerous ordnance" and "firearm" have the same 193  
meanings as in section 2923.11 of the Revised Code. 194

(5) "Motor vehicle" has the same meaning as in section 195  
4501.01 of the Revised Code. 196

(B) No person shall receive, retain, or dispose of 197  
property of another knowing or having reasonable cause to 198  
believe that the property has been obtained through commission 199  
of a theft offense. 200

~~(B)~~ (C) It is not a defense to a charge of receiving 201  
stolen property in violation of this section that the property 202  
was obtained by means other than through the commission of a 203  
theft offense if the property was explicitly represented to the 204  
accused person as being obtained through the commission of a 205  
theft offense. 206

~~(C)~~ (D) Whoever violates this section is guilty of 207  
receiving stolen property. Except as otherwise provided in this 208  
division or division ~~(D)~~ (E) or (F) of this section, receiving 209  
stolen property is a misdemeanor of the first degree. If the 210  
value of the property involved is one thousand dollars or more 211  
and is less than seven thousand five hundred dollars, if the 212  
property involved is any of the property listed in section 213  
2913.71 of the Revised Code, receiving stolen property is a 214  
felony of the fifth degree. If the property involved is a motor 215  
vehicle, ~~as defined in section 4501.01 of the Revised Code, if~~ 216  
~~the property involved is a dangerous drug, a firearm, or~~ 217  
dangerous ordnance, as defined in section 4729.01 of the Revised 218  
Code, or if the value of the property involved is seven thousand 219  
five hundred dollars or more and is less than one hundred fifty 220  
thousand dollars, ~~or if the property involved is a firearm or~~ 221  
~~dangerous ordnance, as defined in section 2923.11 of the Revised~~ 222



Code, receiving stolen property is a felony of the fourth 223  
degree. If the value of the property involved is one hundred 224  
fifty thousand dollars or more, receiving stolen property is a 225  
felony of the third degree. 226

~~(D)~~ (E) Except as provided in division ~~(C)~~ (D) of this 227  
section with respect to property involved in a violation of this 228  
section with a value of seven thousand five hundred dollars or 229  
more, if the property involved in violation of this section is a 230  
special purchase article ~~as defined in section 4737.04 of the~~ 231  
~~Revised Code~~ or a bulk merchandise container ~~as defined in~~ 232  
~~section 4737.012 of the Revised Code~~, a violation of this 233  
section is receiving a stolen special purchase article or 234  
articles or receiving a stolen bulk merchandise container or 235  
containers, a felony of the fifth degree. 236

(F) (1) Except as otherwise provided in this division, if 237  
the property involved is a catalytic converter, a violation of 238  
this section is receiving a stolen catalytic converter, a felony 239  
of the fifth degree. 240

(2) If the offender has previously been convicted of or 241  
pleaded guilty to a violation of Chapter 2911. or 2913. of the 242  
Revised Code, receiving a stolen catalytic converter is a felony 243  
of the fourth degree. 244

(3) If the property involved is a catalytic converter and 245  
the offender is a business entity, a violation of this section 246  
is enterprise receipt of a stolen catalytic converter and, 247  
notwithstanding section 2929.31 of the Revised Code, is 248  
punishable by a fine of not less than ten thousand dollars and 249  
not more than fifty thousand dollars per violation. 250

(4) The clerk of the court shall pay any fine imposed 251

pursuant to division (F) of this section to the county, 252  
township, municipal corporation, park district, as created 253  
pursuant to section 511.18 or 1545.04 of the Revised Code, or 254  
state law enforcement agencies in this state that primarily were 255  
responsible for or involved in arresting and prosecuting the 256  
offender. 257

**Sec. 4737.012.** (A) Notwithstanding ~~division (A) of~~ section 258  
4737.01 of the Revised Code, a dealer who is in the business of 259  
purchasing, reselling, exchanging, recycling, shredding, or 260  
receiving bulk merchandise containers shall not purchase or 261  
receive plastic bulk merchandise containers that are marked with 262  
a company name or logo, or more than nine wooden bulk 263  
merchandise containers, from any other person at one time, 264  
unless the dealer maintains a record book or electronic file in 265  
which the dealer keeps an accurate and complete record of all 266  
containers purchased or received by the dealer. Every entry in 267  
the record book or electronic file shall be numbered 268  
consecutively. Until the registry developed by the director of 269  
public safety pursuant to section 4737.045 of the Revised Code 270  
is operational, a dealer shall maintain the record for each 271  
container purchased or received for a minimum period of one year 272  
after the date the dealer purchased or received the container. 273  
Beginning on the date the registry is operational, a dealer 274  
shall maintain the record for each container purchased or 275  
received only for a period of sixty days after the date the 276  
dealer purchased or received the container. The director shall 277  
adopt rules for the format and maintenance of the records 278  
required under this division. 279

The records shall contain all of the following: 280

(1) The name and residence of the person from whom the 281

containers were purchased or received, a copy of that person's 282  
personal identification card, and, if required, a photograph of 283  
the person taken pursuant to division (B) (2) of this section; 284

(2) A description of the containers, including the number 285  
purchased or received and, if required, a photograph of the 286  
containers taken pursuant to division (B) (1) of this section; 287

(3) The date and time the dealer purchased or received the 288  
containers; 289

(4) If the seller or provider of the containers arrives at 290  
the dealer's place of business in a motor vehicle, the license 291  
plate number of that motor vehicle along with the state that 292  
issued the license plate. 293

(B) Every dealer who is in the business of reselling bulk 294  
merchandise containers shall take a photograph, in accordance 295  
with rules adopted by the director, of both of the following: 296

(1) Each container for which the dealer must make a record 297  
under division (A) of this section; 298

(2) Each person who sells or otherwise gives the dealer 299  
the containers. 300

The dealer shall take the required photographs at the time 301  
the dealer purchases or receives the containers and shall keep 302  
the photographs as part of the record in accordance with 303  
division (A) of this section. 304

(C) A dealer who is in the business of purchasing, 305  
reselling, exchanging, recycling, shredding, or receiving bulk 306  
merchandise containers shall fulfill the requirements of section 307  
4737.041 of the Revised Code with respect to the containers 308  
purchased or received by the dealer for which the dealer must 309

make a record under division (A) of this section. No dealer 310  
shall purchase or receive any bulk merchandise container for 311  
which the dealer must make a record under division (A) of this 312  
section without complying with ~~division (B), (C), or (D)~~ 313  
divisions (A) (2) to (4) of section 4737.041 of the Revised Code. 314

(D) As used in this section, "bulk merchandise container" 315  
means a plastic or wooden carrier or holder used by a 316  
manufacturer or distributor to transport merchandise to 317  
wholesale and retail outlets. 318

**Sec. 4737.04.** (A) As used in this section and sections 319  
4737.041, 4737.042, 4737.043, 4737.044, 4737.045, 4737.046, and 320  
4737.99 of the Revised Code: 321

(1) "Scrap metal dealer" means the owner or operator of a 322  
business that purchases or receives scrap metal for the purpose 323  
of sorting, grading, and shipping metals to third parties for 324  
direct or indirect melting into new products. 325

(2) "Special purchase article" means all of the following: 326

(a) Beer kegs; 327

(b) Cable, wire, electrical components, and other 328  
equipment used in providing cable service or any utility 329  
service, including, but not limited to, copper or aluminum 330  
coverings, housings, or enclosures related thereto; 331

(c) Grave markers, sculptures, plaques, and vases made out 332  
of metal, the appearance of which suggests that the articles 333  
have been obtained from a cemetery; 334

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

utility access covers; traffic directional and control signs and	338
light signals, metal marked with the name of a political	339
subdivision of the state, and other metal articles that are	340
purchased and installed for use upon authorization of the state	341
or any political subdivision of the state;	342
(e) Historical, commemorative, and memorial markers and	343
plaques made out of metal;	344
(f) Four-wheel metal carts, commonly referred to as	345
"grocery carts," that are generally used by individuals to	346
collect and transport consumer goods while shopping;	347
(g) Four-wheel metal carts, commonly referred to as "metal	348
bossies," that are used to transport or merchandise food	349
products that are stored in crates, shells, or trays;	350
(h) Railroad material, including journal brasses, rail	351
spikes, rails, tie plates, frogs, and communication wire;	352
(i) Metal trays, merchandise containers, or similar	353
transport containers used by a product producer, distributor,	354
retailer, or an agent of a product producer, distributor, or	355
retailer as a means for the bulk transportation, storage, or	356
carrying of retail containers of milk, baked goods, eggs, or	357
bottled beverage products;	358
(j) "Burnt wire," which is any coated metal wire that has	359
been smelted, burned, or melted thereby removing the	360
manufacturer's or owner's identifying marks.	361
(3) "Bulk merchandise container" has the same meaning as	362
in section 4737.012 of the Revised Code.	363
(4) "Bulk merchandise container dealer" means a dealer who	364
is subject to section 4737.012 of the Revised Code.	365

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

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

The records shall contain all of the following:

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

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

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

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

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

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

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

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

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

(d) "Insulated copper wire"; 442

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

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

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

(h) "Aluminum sheet"; 451



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

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

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

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

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

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

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

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

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

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

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

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

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

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

(4) No scrap metal dealer or bulk merchandise container 594  
dealer shall purchase or receive any special purchase articles 595  
or bulk merchandise containers from any person who is under 596

eighteen years of age. 597

~~(4)~~ (5) No scrap metal dealer shall purchase or receive 598  
any special purchase article without complying with division (C) 599  
and (I) of this section and ~~division (B), (C), or (D)~~ divisions 600  
(A) (2) to (4) of section 4737.041 of the Revised Code. 601

~~(5)~~ (6) No scrap metal dealer shall purchase or receive 602  
more than one catalytic converter per day from the same person 603  
except from a motor vehicle dealer as defined in section 4517.01 604  
of the Revised Code. 605

~~(6)~~ (7) No scrap metal dealer shall purchase or receive a 606  
beer keg that is marked with a company name or logo except from 607  
a manufacturer of beer as described in section 4303.02 of the 608  
Revised Code or an agent authorized by the manufacturer to 609  
dispose of damaged kegs. 610

~~(7)~~ (8) No scrap metal dealer shall treat a transaction as 611  
exempt from section 4737.04 or 4737.041 of the Revised Code 612  
unless the seller provides evidence of satisfying division ~~(D)~~ 613  
~~(3)~~ (A) (4) (c) of section 4737.043 of the Revised Code. 614

~~(G)~~ (G) (1) Every scrap metal dealer and bulk merchandise 615  
container dealer shall post a notice in a conspicuous place on 616  
the dealer's premises notifying persons who may wish to transact 617  
business with the dealer of the penalties applicable to any 618  
person who does any of the following: 619

~~(1)~~ (a) Provides a false personal identification card to 620  
the dealer; 621

~~(2)~~ (b) With purpose to defraud, provides any other false 622  
information to the dealer in connection with the dealer's duty 623  
to maintain the records required under division (C) of this 624  
section or under section 4737.012 of the Revised Code; 625

~~(3)~~ (c) Violates section 2913.02 of the Revised Code. 626

(2) (a) Every scrap metal dealer and bulk merchandise  
container dealer shall post a copy of its registration in a  
conspicuous place on the dealer's premises. 627  
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(b) The director of public safety shall impose a civil  
penalty of five hundred dollars on any person who violates  
division (G) (2) (a) of this section and shall deposit that  
penalty into the state treasury to the credit of the  
infrastructure protection fund created under section 4737.045 of  
the Revised Code. 630  
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(H) (1) Except as otherwise provided in division (F) (2) of 636  
this section, a clerk of courts or an employee of a clerk of 637  
courts; a chief of police, marshal, or other chief law 638  
enforcement officer; a sheriff, constable, or chief of police of 639  
a township police department or police district police force; a 640  
deputy, officer, or employee of the law enforcement agency 641  
served by the marshal or the municipal or township chief, the 642  
office of the sheriff, or the constable; and an employee of the 643  
department of public safety is immune from liability in a civil 644  
action, including an action for defamation, libel, or slander, 645  
to recover damages for injury, death, or loss to persons or 646  
property or reputation allegedly caused by an act or omission in 647  
connection with compiling and providing the list required by 648  
division (F) (2) of this section. 649

(2) The immunity described in division (H) (1) of this 650  
section does not apply to a person described in that division 651  
if, in relation to the act or omission in question, any of the 652  
following applies: 653

(a) The act or omission was manifestly outside the scope 654

of the person's employment or official responsibilities. 655

(b) The act or omission was with malicious purpose, in bad 656  
faith, or in a wanton or reckless manner. 657

(c) Liability for the act or omission is expressly imposed 658  
by a section of the Revised Code. 659

(I) Every scrap metal dealer shall take a photograph, in 660  
accordance with rules adopted by the director, of each person 661  
who sells or otherwise gives the dealer an article for which the 662  
dealer must make record under division (C) of this section. 663

The dealer shall take the required photograph at the time 664  
the dealer purchases or receives the article and shall keep the 665  
photograph as part of the record in accordance with division (C) 666  
of this section. 667

(J) (1) An individual listed as a known thief or receiver 668  
of stolen property on a list prepared pursuant to division (F) 669  
(2) of this section may request that the individual's name be 670  
removed from the list by filing an application with the law 671  
enforcement agency responsible for preparing the list. 672

(2) A law enforcement agency receiving an application in 673  
accordance with division (J) (1) of this section shall remove the 674  
applicant's name from the list of known thieves and receivers of 675  
stolen property if the individual has not been convicted of or 676  
pleaded guilty to either a misdemeanor that is a theft offense, 677  
as defined in section 2913.01 of the Revised Code, within three 678  
years immediately prior to the date of the application or a 679  
felony that is a theft offense within six years immediately 680  
prior to the date of the application. 681

(K) A scrap metal dealer that sells or otherwise transfers 682  
a catalytic converter to any person other than an individual 683



shall provide the director with all of the following: 684

(1) A copy of the scrap metal dealer's primary owner's driver's license or state identification card; 685  
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(2) The scrap metal dealer's federal employer identification number; 687  
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(3) The scrap metal dealer's permanent physical address, which shall not be a post office box; 689  
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(4) Any additional information required by the director. 691

**Sec. 4737.041.** (A) A scrap metal dealer or bulk merchandise container dealer shall do all of the following with respect to each special purchase article or catalytic converter the scrap metal dealer purchases or receives or with respect to each bulk merchandise container a bulk merchandise container dealer purchases or receives that is subject to division (A) of section 4737.012 of the Revised Code: 692  
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~~(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; 699  
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~~(B)~~ (2) Take a photograph of each special purchase article, catalytic converter, or bulk merchandise container; 702  
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~~(C)~~ (3) Obtain from the seller or provider of the special purchase article, catalytic converter, or bulk merchandise container proof that the seller or provider owns the special purchase article, catalytic converter, or bulk merchandise container. Subject to division (C) of this section, if the item is a catalytic converter, only the following items constitute proof of ownership: 704  
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(a) If the seller or provider is the owner of the motor 711

vehicle from which the catalytic converter was removed, either 712  
of the following: 713

(i) Title to or registration of the vehicle from which the 714  
catalytic converter was removed; 715

(ii) A bill, invoice, or receipt from a motor vehicle 716  
collision repair operator as defined in section 4775.01 of the 717  
Revised Code or a motor vehicle dealer as defined in section 718  
4517.01 of the Revised Code that clearly indicates both of the 719  
following: 720

(I) The removal and replacement of the catalytic 721  
converter; 722

(II) The make, model, year, and vehicle identification 723  
number of the motor vehicle that was repaired. 724

(b) If the seller or provider is the motor vehicle 725  
collision repair operator or motor vehicle dealer that repaired 726  
the motor vehicle from which the catalytic converter was 727  
removed, both of the following: 728

(i) The motor vehicle collision repair operator's 729  
registration certificate or motor vehicle dealer's license 730  
number; 731

(ii) A bill, invoice, or receipt that clearly indicates 732  
both of the following: 733

(I) The removal and replacement of the catalytic 734  
converter; 735

(II) The make, model, year, and vehicle identification 736  
number of the motor vehicle that was repaired. 737

~~(D)~~ (4) If payment is rendered for the special purchase 738

articles, catalytic converters, or bulk merchandise containers, 739  
issue a check for the purchase of the special purchase articles, 740  
catalytic converters, or bulk merchandise containers; 741

~~(E)~~ (5) Withhold payment for the purchase of the special 742  
purchase articles, catalytic converters, or bulk merchandise 743  
containers for a period of two days after the day the special 744  
purchase articles, catalytic converters, or bulk merchandise 745  
containers are purchased; 746

~~(F)~~ (6) If an asserted owner of stolen special purchase 747  
articles, catalytic converters, or bulk merchandise containers 748  
or that owner's agent provides proof of having filed a stolen 749  
property report with the appropriate law enforcement agency, 750  
make records describing special purchase articles, catalytic 751  
converters, or bulk merchandise containers the dealer purchased 752  
or received after the alleged date of theft available for 753  
inspection to the asserted owner or owner's agent for a period 754  
of six months after the alleged date of theft of the articles, 755  
except that the dealer shall withhold the name of the person 756  
from whom the special purchase articles, catalytic converters, 757  
or bulk merchandise containers were purchased or received and 758  
the amount paid for the special purchase articles, catalytic 759  
converters, or bulk merchandise containers. 760

(B) A person, other than a scrap metal dealer or a motor 761  
vehicle dealer licensed under Chapter 4517. of the Revised Code, 762  
when receiving a used catalytic converter in the ordinary course 763  
of business, including a person licensed or registered under 764  
Chapter 4737., 4738., or 4775. of the Revised Code, shall meet 765  
the requirements of division (A) of this section with respect to 766  
each used catalytic converter the person purchases or receives 767  
as if the person were a scrap metal dealer, including the 768

requirements of divisions (C), (E), (F), and (K) of section 769  
4737.04 of the Revised Code. No person described in this 770  
division shall recklessly fail to comply with this division. 771

(C)(1) Not later than ninety days after the effective date 772  
of this amendment, the director of public safety shall create an 773  
affidavit form and publish the form on a publicly available web 774  
site maintained by the department of public safety. 775

(2) The affidavit form shall include the name and contact 776  
information of the seller or provider, a statement of the 777  
reasons the seller or provider is unable to produce the items 778  
described in division (A)(3) of this section, and any other 779  
information and documents required by the director. 780

(3) A scrap metal dealer, bulk merchandise container 781  
dealer, or person described in division (B) of this section may 782  
accept an affidavit form that is completed and signed by a 783  
seller or provider who is a natural person in lieu of the items 784  
otherwise required to establish ownership of a catalytic 785  
converter under division (A)(3) of this section. 786

(4) Whoever knowingly makes a false statement on an 787  
affidavit described in division (C) of this section is guilty of 788  
the offense of falsification under section 2921.13 of the 789  
Revised Code. 790

**Sec. 4737.043.** ~~Sections~~ (A) Subject to division (B) of 791  
this section, sections 4737.04 and 4737.041 of the Revised Code 792  
do not apply with respect to any of the following: 793

~~(A)~~ (1) The donation of articles to nonprofit 794  
organizations or to any other person, on the condition that the 795  
person donating the articles receives no payment or any other 796  
valuable consideration in exchange for or due to donating the 797

articles;	798
<del>(B)</del> <u>(2)</u> The sale or donation of common recycled matter;	799
<del>(C)</del> <u>(3)</u> Sales transacted between a scrap metal dealer and an organization that is exempt from federal taxation under section 501(c) (3) of the "Internal Revenue Code of 1986," 100 Stat. 285, 26 U.S.C. 501(c) (3), as amended, and that collects, for its own fundraising purposes, scrap ferrous and nonferrous metals for recycling rather than disposal;	800 801 802 803 804 805
<del>(D)</del> <u>(4)</u> Sales transacted between a scrap metal dealer and a government unit or another business, including a demolition company, public utility company, or another scrap metal dealer, on the condition that the government unit or business satisfies the following criteria:	806 807 808 809 810
<del>(1)</del> <u>(a)</u> In the course of providing the government unit's or business's services to others or maintaining the government unit's or business's property, whether onsite or offsite, the government unit or business generates scrap ferrous and nonferrous metals for recycling rather than disposal.	811 812 813 814 815
<del>(2)</del> <u>(b)</u> If the sales transaction involves a government unit, reference to the government unit as a bona fide unit of government can be readily found by the public.	816 817 818
<del>(3)</del> <u>(c)</u> If the sales transaction involves a business, the business satisfies one of the following criteria:	819 820
<del>(a)</del> <u>(i)</u> The business is registered with the secretary of state.	821 822
<del>(b)</del> <u>(ii)</u> The business has been issued a license under section 5739.17 of the Revised Code.	823 824
<del>(c)</del> <u>(iii)</u> The business advertises its services in a	825

newspaper of general circulation once a week for not less than 826  
six consecutive months or provides a receipt showing payment for 827  
such advertising, a telephone book, electronic media that is 828  
available to the public, or some other type of media that is 829  
owned and operated by a person other than the business and, if 830  
an individual operates the business, the individual advertising 831  
the business has a specific place of business that is not the 832  
individual's permanent home residence. 833

~~(4)~~ (d) The government unit provides proof of compliance 834  
with division ~~(D) (2)~~ (A) (4) (b) of this section or the business 835  
provides proof of compliance with division ~~(D) (3)~~ (A) (4) (c) of 836  
this section to the scrap metal dealer with whom the government 837  
unit or business transacts business. 838

~~(E)~~ (5) Sales transacted between a scrap metal dealer and 839  
a person whose primary business is to create products that 840  
result in bulk quantities of ferrous and nonferrous metal used 841  
for recycling rather than disposal. 842

~~(F) Sales of catalytic converters transacted between a~~ 843  
~~scrap metal dealer and a motor vehicle dealer as defined in~~ 844  
~~section 4517.01 of the Revised Code.~~ 845

(B) The exceptions described in division (A) of this 846  
section do not apply to sales or donations of catalytic 847  
converters. 848

**Sec. 4737.045.** (A) To register as a scrap metal dealer or 849  
a bulk merchandise container dealer with the director of public 850  
safety as required by division (B) of section 4737.04 of the 851  
Revised Code, a person shall do all of the following: 852

(1) Provide the name and street address of the dealer's 853  
place of business; 854

- (2) Provide the name of the primary owner of the business, 855  
and of the manager of the business, if the manager is not the 856  
primary owner; 857
- (3) Provide the electronic mail address of the business; 858
- (4) Provide confirmation that the dealer has the 859  
capabilities to electronically connect with the department of 860  
public safety for the purpose of sending and receiving 861  
information; 862
- (5) Provide any other information required by the director 863  
in rules the director adopts pursuant to sections 4737.01 to 864  
~~4737.045~~4737.046 of the Revised Code; 865
- (6) Pay an initial registration fee of two hundred 866  
dollars. 867
- (B) A person engaging in the business of a scrap metal 868  
dealer or a bulk merchandise container dealer in this state on 869  
or before September 28, 2012, shall register with the director 870  
not later than January 1, 2013. With respect to a person who 871  
commences engaging in the business of a scrap metal dealer or a 872  
bulk merchandise container dealer after September 28, 2012, the 873  
person shall register with the director pursuant to this section 874  
prior to commencing business as a scrap metal dealer or a bulk 875  
merchandise container dealer. 876
- (C) A registration issued to a scrap metal dealer or a 877  
bulk merchandise container dealer pursuant to this section is 878  
valid for a period of one year. A dealer shall renew the 879  
registration in accordance with the rules adopted by the 880  
director and pay a renewal fee of one hundred fifty dollars to 881  
cover the costs of operating and maintaining the registry 882  
created pursuant to division (E) of this section. 883

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

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

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

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

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

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

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

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

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

(3) Adopt rules to enforce sections 4737.01 to 4737.045 of the Revised Code, rules establishing procedures to renew a



registration issued under this section, rules for the format and 912  
maintenance for the records required under division (A) of 913  
section 4737.012 of the Revised Code or division (C) of section 914  
4737.04 of the Revised Code, and rules regarding the delivery of 915  
the report required by division (E) (1) of section 4737.04 of the 916  
Revised Code to the registry, which shall be used exclusively by 917  
law enforcement agencies. 918

(F) A scrap metal dealer or bulk merchandise container 919  
dealer may search, modify, or update only the dealer's own 920  
business data contained within the registry established in 921  
division (E) of this section. 922

(G) All fees received by the director pursuant to this 923  
section and division (F) of section 4737.99 of the Revised Code 924  
shall be used to develop and maintain the registry required 925  
under this section and for the department of public safety's 926  
operating expenses. The fees shall be deposited into the 927  
infrastructure protection fund which is hereby created in the 928  
state treasury. 929

(H) (1) The director of public safety shall not issue a 930  
registration to, or renew the registration of, a person who was 931  
convicted of, or pleaded guilty to, a violation of section 932  
4737.041 of the Revised Code, a violation of section 2923.03 of 933  
the Revised Code when division (G) of section 4737.99 of the 934  
Revised Code applies, a violation of section 2913.02 of the 935  
Revised Code when the person is sentenced pursuant to division 936  
(B) (10) of that section, or a violation of section 2913.51 of 937  
the Revised Code when the person is sentenced pursuant to 938  
division (F) of that section. 939

(2) The director of public safety shall revoke the 940  
registration of a person who is convicted of or pleads guilty to 941

a violation of section 4737.041 of the Revised Code, a violation 942  
of section 2923.03 of the Revised Code when division (G) of 943  
section 4737.99 of the Revised Code applies, a violation of 944  
section 2913.02 of the Revised Code when the person is sentenced 945  
pursuant to division (B)(10) of that section, or a violation of 946  
section 2913.51 of the Revised Code when the person is sentenced 947  
pursuant to division (F) of that section. 948

**Sec. 4737.046.** (A) The director of public safety may 949  
investigate a scrap metal dealer, bulk merchandise container 950  
dealer, a person described in division (B) of section 4737.041 951  
of the Revised Code, and any employee, officer, or agent of any 952  
of the foregoing. The director shall commence an investigation 953  
only after consulting with local law enforcement. As part of the 954  
investigation, the director may search the person's premises 955  
during the person's regular work hours or between the hours of 956  
eight a.m. and five p.m., Monday through Friday. 957

(B)(1) The director may compel witnesses by subpoena to 958  
appear and testify in relation to an investigation under this 959  
section, and may compel by subpoena duces tecum the production 960  
of any books, papers, documents, or other records pertaining to 961  
such an investigation. 962

(2) If a person does not comply with a subpoena or 963  
subpoena duces tecum issued under division (B)(1) of this 964  
section, the director may apply to the court of common pleas of 965  
Franklin county or of the county in which the person conducts 966  
business for an order compelling the person to comply with the 967  
subpoena or subpoena duces tecum or, for failure to do so, be 968  
held in contempt of court. 969

(C) If as a result of an investigation the director finds 970  
that a person violated any provision of sections 4737.04 to 971

4737.046 of the Revised Code, the director shall suspend the 972  
person's registration or license and shall reinstate the 973  
registration or license upon evidence that the person has 974  
remedied the violation. The director shall revoke a registration 975  
or license if the director finds a subsequent violation of any 976  
provision of this chapter in any subsequent investigation. 977

(D) (1) No person shall undertake any activities that 978  
require registration under section 4737.045 of the Revised Code 979  
following a suspension or revocation. 980

(2) Following a suspension or revocation, the director 981  
shall conduct a follow-up investigation to determine whether the 982  
person violated division (D) (1) of this section. If the director 983  
determines the person violated division (D) (1) of this section, 984  
the director shall seek an injunction from the court of common 985  
pleas of Franklin county or of the county in which the person 986  
conducts business ordering the person to cease the violation. 987

(E) (1) The director may investigate, on the director's own 988  
initiative, the actions or proposed actions of a person who is 989  
not registered under section 4737.045 of the Revised Code and 990  
who appears to be acting as a scrap metal dealer or bulk 991  
merchandise container dealer in the same manner as described in 992  
divisions (A) and (B) of this section. 993

(2) If, following an investigation, the director finds 994  
that a person acted as a scrap metal dealer or bulk merchandise 995  
container dealer without a registration or license, the director 996  
shall do both of the following: 997

(a) Seek an injunction from the court of common pleas of 998  
Franklin county or of the county in which the person conducts 999  
business ordering the person to cease the violation; 1000

(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. 1001  
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(3) The director shall deposit all penalties collected pursuant to division (E) (2) of this section into the state treasury to the credit of the infrastructure protection fund created under section 4737.045 of the Revised Code. Notwithstanding any contrary provision of that section, all such penalties shall be expended only to conduct investigations authorized under this section. 1007  
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(4) If a person fails to pay a civil penalty imposed under division (E) (2) of this section within the time prescribed by the director, the director shall submit to the attorney general the person's name and the amount of the penalty. In that case, the attorney general shall collect the penalty. In addition to the penalty, the attorney general may assess, and the person shall pay, a fee covering the costs of collecting the penalty. 1014  
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(F) (1) A person shall not do any of the following when applying for a registration, licensure, or renewal under section 4737.045 of the Revised Code: 1021  
1022  
1023

(a) Engage in fraud; 1024

(b) Knowingly provide false information; 1025

(c) Knowingly fail to disclose relevant information that would result in a denial of or nonrenewal of a registration or license. 1026  
1027  
1028

(2) The director shall impose a civil penalty of five 1029

hundred dollars on any person who violates division (F) (1) of 1030  
this section in accordance with Chapter 119. of the Revised 1031  
Code. The director shall deposit all such penalties into the 1032  
state treasury to the credit of the infrastructure protection 1033  
fund created under section 4737.045 of the Revised Code. 1034

(G) Any refusal to renew and any denial, suspension, or 1035  
revocation of any registration or license required under section 1036  
4737.045 of the Revised Code is subject to Chapter 119. of the 1037  
Revised Code. 1038

(H) The director shall record information on all 1039  
noninvestigative visits made by the director to a scrap metal 1040  
dealer or bulk merchandise container dealer. Such information 1041  
shall be reported to the public on a quarterly basis via the 1042  
department of commerce's web site. 1043

**Sec. 4737.98.** Notwithstanding any provision of section 1044  
121.95 of the Revised Code to the contrary, a regulatory 1045  
restriction contained in a rule adopted under this chapter is 1046  
not subject to sections 121.95 to 121.953 of the Revised Code. 1047

**Sec. 4737.99.** (A) Except as specified in divisions (B), 1048  
(C), (D), (E), and (F) of this section, whoever violates 1049  
sections 4737.01 to 4737.11 of the Revised Code, shall be fined 1050  
not less than twenty-five nor more than one thousand dollars and 1051  
the costs of prosecution. 1052

(B) Whoever violates division (F) (2) of section 4737.10 of 1053  
the Revised Code is guilty of a misdemeanor of the fourth 1054  
degree. 1055

~~(C) Whoever~~ (C) (1) Except as provided in division (C) (2) 1056  
of this section, whoever fails to comply with or violates 1057  
section 4737.01, 4737.012, or 4737.041, division (C), (D), (E), 1058

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

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

(D) Whoever violates division (B) (1) of section 4737.04 of the Revised Code is guilty of a felony of the fifth degree. The

court also shall enjoin the person from engaging in the business 1090  
of a scrap metal dealer or a bulk merchandise dealer. 1091

(E) Whoever violates division (B) (2) of section 4737.04 of 1092  
the Revised Code is guilty of a felony of the fifth degree for 1093  
the first offense and a felony of the third degree for any 1094  
subsequent offense. 1095

(F) Any motor vehicle used in the theft or illegal 1096  
transportation of metal shall be impounded for at least thirty 1097  
days and not more than sixty days. If the same motor vehicle is 1098  
used in connection with a second or subsequent theft or illegal 1099  
transportation of metal, the motor vehicle shall be impounded 1100  
for at least sixty days and not more than one hundred eighty 1101  
days. Any motor vehicle used in the theft or illegal 1102  
transportation of a special purchase article or bulk merchandise 1103  
container shall be impounded for at least ninety days and not 1104  
more than three hundred sixty days. A motor vehicle impounded 1105  
pursuant to this division shall be stored at a municipal 1106  
corporation impound lot, if available, or at a lot owned by a 1107  
private entity or another governmental unit that the municipal 1108  
corporation utilizes for the purpose of impounding a motor 1109  
vehicle. An impounded motor vehicle may be recovered from the 1110  
impound lot at the end of the impound term upon payment of fees. 1111

(G) A person is complicit under section 2923.03 of the 1112  
Revised Code if the person sells a catalytic converter to 1113  
another person who, in the purchase or receipt of the catalytic 1114  
converter, violates either of the following: 1115

(1) Division (F) (1) of section 4737.04 of the Revised 1116  
Code; 1117

(2) Division (B) of section 4737.041 of the Revised Code 1118

when the violation involves a failure to obtain identifying 1119  
information of the seller of a catalytic converter or proof of 1120  
ownership of a catalytic converter. 1121

(H) If a transaction involving the purchase or sale of a 1122  
used catalytic converter formed the basis of an offense under 1123  
division (C) or (E) of this section, the clerk of the court 1124  
shall pay any fine imposed to the county, township, municipal 1125  
corporation, park district, as created pursuant to section 1126  
511.18 or 1545.04 of the Revised Code, or state law enforcement 1127  
agencies in this state that primarily were responsible for, or 1128  
involved in, arresting and prosecuting, the offender. 1129

**Sec. 4738.03.** (A) No person licensed as a motor vehicle 1130  
salvage dealer under this chapter shall ~~engage~~ do either of the 1131  
following: 1132

(1) Engage in the business of selling at retail salvage 1133  
motor vehicle parts or salvage motor vehicles, unless the 1134  
business is operated primarily for the purpose of selling at 1135  
retail salvage motor vehicle parts. Any person operating such a 1136  
business primarily for the purpose of selling at retail salvage 1137  
motor vehicle parts may secondarily sell at retail salvage motor 1138  
vehicles or manufacture a product of gradable scrap metal for 1139  
sale to scrap metal processors or any other consumer. 1140

(2) Purchase or accept a catalytic converter as defined in 1141  
section 4737.04 of the Revised Code. 1142

(B) No person licensed as a salvage motor vehicle auction 1143  
under this chapter shall: 1144

(1) Knowingly sell a salvage motor vehicle to anyone other 1145  
than an authorized purchaser; 1146

(2) Sell a salvage motor vehicle when having reasonable 1147



cause to believe it is not offered by the legal owner thereof;	1148
(3) Fail to make an Ohio salvage certificate of title	1149
available to the purchaser of a salvage motor vehicle sold by	1150
the salvage motor vehicle auction, before payment for the	1151
salvage motor vehicle is completed;	1152
(4) Operate as a motor vehicle salvage dealer at the same	1153
location where any salvage motor vehicle auction is operated.	1154
(C) No person licensed as a salvage motor vehicle pool	1155
under this chapter shall:	1156
(1) Knowingly sell a salvage motor vehicle to anyone other	1157
than an authorized purchaser;	1158
(2) Sell a salvage motor vehicle when having reasonable	1159
cause to believe it is not offered by the legal owner thereof;	1160
(3) Fail to make an Ohio salvage certificate of title	1161
available to the purchaser of a salvage motor vehicle sold by	1162
the salvage motor vehicle pool, before payment for the salvage	1163
motor vehicle is completed;	1164
(4) Operate as a motor vehicle salvage dealer at the same	1165
location where any salvage motor vehicle pool is operated.	1166
<b>Sec. 4738.07.</b> (A) Except as otherwise provided in division	1167
(B) of this section, the registrar of motor vehicles shall deny	1168
the application of any person for a license under this chapter	1169
and refuse to issue the person a license if the registrar finds	1170
that the applicant:	1171
(1) Has made false statement of a material fact in the	1172
individual's application;	1173
(2) Has not complied with sections 4738.01 to 4738.15 of	1174

the Revised Code:	1175
(3) Has habitually defaulted on financial obligations;	1176
(4) Has been convicted of or pleaded guilty to a disqualifying offense, provided the registrar complies with section 9.79 of the Revised Code;	1177 1178 1179
(5) Has been guilty of a fraudulent act in connection with dealing in salvage motor vehicles or when operating as a motor vehicle salvage dealer, salvage motor vehicle auction, or salvage motor vehicle pool;	1180 1181 1182 1183
(6) Is insolvent;	1184
(7) Is of insufficient responsibility to assure the prompt payment of any final judgments which might reasonably be entered against the individual because of the transaction of the individual's business during the period of the license applied for;	1185 1186 1187 1188 1189
(8) Has no established place of business; <del>or</del>	1190
(9) Has less than twelve months prior to said application, been denied a license under this chapter; <u>or</u>	1191 1192
<u>(10) Was convicted of or pleaded guilty to a violation of</u> <u>division (B) of section 4737.041 of the Revised Code, a</u> <u>violation of section 2923.03 of the Revised Code when division</u> <u>(G) of section 4737.99 of the Revised Code applies, a violation</u> <u>of section 2913.02 of the Revised Code when the person is</u> <u>sentenced pursuant to division (B) (10) of that section, or a</u> <u>violation of section 2913.51 of the Revised Code when the person</u> <u>is sentenced pursuant to division (F) of that section.</u>	1193 1194 1195 1196 1197 1198 1199 1200
<del>(B)</del> <u>In (B) (1) Except as provided in division (B) (2) of</u> <u>this section, in considering a renewal of an individual's</u>	1201 1202

license, the registrar shall not consider any conviction or plea 1203  
of guilty prior to the initial licensing. However, the registrar 1204  
may consider a conviction or plea of guilty if it occurred after 1205  
the individual was initially licensed, or after the most recent 1206  
license renewal. 1207

(2) The registrar shall not renew an individual's license 1208  
if the individual was convicted of or pleaded guilty to a 1209  
violation of division (B) of section 4737.041 of the Revised 1210  
Code, a violation of section 2923.03 of the Revised Code when 1211  
division (G) of section 4737.99 of the Revised Code applies, a 1212  
violation of section 2913.02 of the Revised Code when the person 1213  
is sentenced pursuant to division (B)(10) of that section, or a 1214  
violation of section 2913.51 of the Revised Code when the person 1215  
is sentenced pursuant to division (F) of that section. 1216

(C) The registrar may grant a person a conditional license 1217  
that lasts for one year. After the one-year period has expired, 1218  
the license is no longer considered conditional, and the person 1219  
shall be considered fully licensed. 1220

(D) If the applicant is a corporation or partnership, the 1221  
registrar may refuse to issue a license if any officer, 1222  
director, or partner of the applicant has been guilty of any 1223  
disqualifying offense and the refusal is in accordance with 1224  
section 9.79 of the Revised Code. The registrar's finding may be 1225  
based upon facts contained in the application or upon any other 1226  
information which the registrar may have. Immediately upon 1227  
denying an application for any of the reasons in this section, 1228  
the registrar shall enter a final order together with the 1229  
registrar's findings and certify the same to the motor vehicle 1230  
salvage dealer's licensing board. 1231

(E) If the registrar refuses an application for a license, 1232

the reasons for such refusal shall be put in writing. An 1233  
applicant who has been refused a license may appeal from the 1234  
action of the registrar to the motor vehicle salvage dealer's 1235  
licensing board in the manner prescribed in section 4738.12 of 1236  
the Revised Code. 1237

(F) The registrar of motor vehicles shall not adopt, 1238  
maintain, renew, or enforce any rule, or otherwise preclude in 1239  
any way, an individual from renewing a license under this 1240  
chapter due to any past criminal activity or interpretation of 1241  
moral character, except as pursuant to division (B) of this 1242  
section. If the registrar denies an individual a license or 1243  
license renewal, the reasons for such denial shall be put in 1244  
writing. 1245

**Sec. 4738.12.** The motor vehicle salvage dealer's licensing 1246  
board shall hear appeals which may be taken from an order of the 1247  
registrar of motor vehicles, refusing to issue a license. All 1248  
appeals from any order of the registrar refusing to issue any 1249  
license upon proper application made must be taken within thirty 1250  
days from the date of the order, or the order is final and 1251  
conclusive. All appeals from orders of the registrar must be by 1252  
petition in writing and verified under oath by the applicant 1253  
whose application for license has been denied, and must set 1254  
forth the reason why, in the petitioner's opinion, the order of 1255  
the registrar is not correct. In appeals the board may make 1256  
investigation to determine the correctness and legality of the 1257  
order of the registrar. 1258

The board may make rules governing its actions relative to 1259  
the suspension and revocation of licenses and may, upon its own 1260  
motion, and shall, upon the verified complaint in writing of any 1261  
person, investigate the conduct of any licensee under this 1262

chapter. The board shall suspend or revoke or notify the 1263  
registrar to refuse to renew any license if any ground existed 1264  
upon which the license would have been refused, or if a ground 1265  
exists which would be cause for refusal to issue a license. 1266

The board may suspend or revoke any license if the 1267  
licensee has in any manner violated the rules issued pursuant to 1268  
sections 4738.01 to 4738.16 of the Revised Code, or has been 1269  
convicted of committing a felony or violating any law which in 1270  
any way relates to the theft of motor vehicles. 1271

The board shall revoke any license if the licensee is 1272  
convicted of or pleads guilty to a violation of division (B) of 1273  
section 4737.041 of the Revised Code, a violation of section 1274  
2923.03 of the Revised Code when division (G) of section 4737.99 1275  
of the Revised Code applies, a violation of section 2913.02 of 1276  
the Revised Code when the licensee is sentenced pursuant to 1277  
division (B)(10) of that section, or a violation of section 1278  
2913.51 of the Revised Code when the licensee is sentenced 1279  
pursuant to division (F) of that section. 1280

**Sec. 4745.01.** (A) "Standard renewal procedure," as used in 1281  
Chapters 905., 907., 909., 911., 913., 915., 918., 921., 923., 1282  
927., 942., 943., 953., 1321., 3710., 3713., 3719., 3742., 1283  
3748., 3769., 3783., 3921., 3951., 4104., 4105., 4169., 4561., 1284  
4703., 4707., 4709., 4713., 4715., 4717., 4723., 4725., 4727., 1285  
4728., 4729., 4731., 4733., 4734., 4737., 4739., 4741., 4747., 1286  
4749., 4752., 4753., 4755., 4757., 4758., 4759., 4761., 4766., 1287  
4773., and 4775. of the Revised Code, means the license renewal 1288  
procedures specified in this chapter. 1289

(B) "Licensing agency," as used in this chapter, means any 1290  
department, division, board, section of a board, or other state 1291  
governmental unit subject to the standard renewal procedure, as 1292

defined in this section, and authorized by the Revised Code to 1293  
issue a license to engage in a specific profession, occupation, 1294  
or occupational activity, or to have charge of and operate 1295  
certain specified equipment, machinery, or premises. 1296

(C) "License," as used in this chapter, means a license, 1297  
certificate, permit, card, or other authority issued or 1298  
conferred by a licensing agency by authority of which the 1299  
licensee has or claims the privilege to engage in the 1300  
profession, occupation, or occupational activity, or to have 1301  
control of and operate certain specific equipment, machinery, or 1302  
premises, over which the licensing agency has jurisdiction. 1303

(D) "Licensee," as used in this chapter, means either the 1304  
person to whom the license is issued or renewed by a licensing 1305  
agency, or the person, partnership, or corporation at whose 1306  
request the license is issued or renewed. 1307

(E) "Renewal" and "renewed," as used in this chapter and 1308  
in the chapters of the Revised Code specified in division (A) of 1309  
this section, includes the continuing licensing procedure 1310  
provided in Chapter 3748. of the Revised Code and rules adopted 1311  
under it and in sections 1321.05 and 3921.33 of the Revised 1312  
Code, and as applied to those continuing licenses any reference 1313  
in this chapter to the date of expiration of any license shall 1314  
be construed to mean the due date of the annual or other fee for 1315  
the continuing license. 1316

**Sec. 4775.09.** (A) (1) In accordance with Chapter 119. of 1317  
the Revised Code, the motor vehicle repair board may refuse to 1318  
issue or renew a registration certificate or may determine 1319  
whether to waive a suspension of a registration certificate as 1320  
provided in division (D) of section 4775.07 of the Revised Code. 1321

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

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

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

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

(E) No person whose application for registration under this chapter is denied shall open or operate a facility for

business as a motor vehicle collision repair facility or motor 1352  
vehicle window tint installation facility under the name of the 1353  
person designated in the application for a registration 1354  
certificate or under any other name prior to registering as a 1355  
motor vehicle repair operator in accordance with this chapter. 1356

(F) (1) The board shall not issue a registration to or 1357  
renew the registration of a person who was convicted of or 1358  
pleaded guilty to a violation of division (B) of section 1359  
4737.041 of the Revised Code, a violation of section 2923.03 of 1360  
the Revised Code when division (G) of section 4737.99 of the 1361  
Revised Code applies, a violation of section 2913.02 of the 1362  
Revised Code when the person is sentenced pursuant to division 1363  
(B) (10) of that section, or a violation of section 2913.51 of 1364  
the Revised Code when the person is sentenced pursuant to 1365  
division (F) of that section. 1366

(2) The board shall revoke the registration of a person 1367  
who is convicted of or pleads guilty to a violation of division 1368  
(B) of section 4737.041 of the Revised Code, a violation of 1369  
section 2923.03 of the Revised Code when division (G) of section 1370  
4737.99 of the Revised Code applies, a violation of section 1371  
2913.02 of the Revised Code when the person is sentenced 1372  
pursuant to division (B) (10) of that section, or a violation of 1373  
section 2913.51 of the Revised Code when the person is sentenced 1374  
pursuant to division (F) of that section. 1375

**Section 2.** That existing sections 2913.02, 2913.51, 1376  
4737.012, 4737.04, 4737.041, 4737.043, 4737.045, 4737.99, 1377  
4738.03, 4738.07, 4738.12, 4745.01, and 4775.09 of the Revised 1378  
Code are hereby repealed. 1379