

As Introduced

136th General Assembly

Regular Session

2025-2026

H. B. No. 210

Representatives Roemer, Plummer

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 18
the owner or person authorized to give consent; 19

(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	24
division (B) (3), (4), (5), (6), (7), (8), or (9) , <u>or (10)</u> of	25
this section, a violation of this section is misdemeanor theft,	26
a misdemeanor of the first degree. If the value of the property	27
or services stolen is one thousand dollars or more and is less	28
than seven thousand five hundred dollars or if the property	29
stolen is any of the property listed in section 2913.71 of the	30
Revised Code, a violation of this section is theft, a felony of	31
the fifth degree. If the value of the property or services	32
stolen is seven thousand five hundred dollars or more and is	33
less than one hundred fifty thousand dollars, a violation of	34
this section is grand theft, a felony of the fourth degree. If	35
the value of the property or services stolen is one hundred	36
fifty thousand dollars or more and is less than seven hundred	37
fifty thousand dollars, a violation of this section is	38
aggravated theft, a felony of the third degree. If the value of	39
the property or services is seven hundred fifty thousand dollars	40
or more and is less than one million five hundred thousand	41
dollars, a violation of this section is aggravated theft, a	42
felony of the second degree. If the value of the property or	43
services stolen is one million five hundred thousand dollars or	44
more, a violation of this section is aggravated theft of one	45
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 77
Revised Code. 78

(4) If the property stolen is a firearm or dangerous 79

ordnance, a violation of this section is grand theft. Except as 80
otherwise provided in this division, grand theft when the 81
property stolen is a firearm or dangerous ordnance is a felony 82
of the third degree, and there is a presumption in favor of the 83
court imposing a prison term for the offense. If the firearm or 84
dangerous ordnance was stolen from a federally licensed firearms 85
dealer, grand theft when the property stolen is a firearm or 86
dangerous ordnance is a felony of the first degree. The offender 87
shall serve a prison term imposed for grand theft when the 88
property stolen is a firearm or dangerous ordnance consecutively 89
to any other prison term or mandatory prison term previously or 90
subsequently imposed upon the offender. 91

(5) If the property stolen is a motor vehicle, a violation 92
of this section is grand theft of a motor vehicle, a felony of 93
the fourth degree. 94

(6) If the property stolen is any dangerous drug, a 95
violation of this section is theft of drugs, a felony of the 96
fourth degree, or, if the offender previously has been convicted 97
of a felony drug abuse offense, a felony of the third degree. 98

(7) If the property stolen is a police dog or horse or an 99
assistance dog and the offender knows or should know that the 100
property stolen is a police dog or horse or an assistance dog, a 101
violation of this section is theft of a police dog or horse or 102
an assistance dog, a felony of the third degree. 103

(8) If the property stolen is anhydrous ammonia, a 104
violation of this section is theft of anhydrous ammonia, a 105
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) "Catalytic converter" includes a catalytic converter 366
core, diesel particulate filter, and diesel oxidation catalyst. 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

~~(6)~~ (7) "Consumer goods" has the same meaning as in 378
section 1309.102 of the Revised Code. 379

~~(7)~~ (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

~~(8)~~ (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 ~~4737.045~~ 391
4737.046 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 395
dealer in the course of the dealer's daily business. The record 396
shall include a copy of any check issued pursuant to division 397

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

The records shall contain all of the following: 415

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

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

(3) If the seller or provider of the articles arrives at 423
the dealer's place of business in a motor vehicle, the license 424
plate number of that motor vehicle along with the state that 425
issued the license plate; 426

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

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

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

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

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

(d) "Insulated copper wire"; 442

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

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

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

(h) "Aluminum sheet"; 451

(i) "Aluminum extrusions," which includes aluminum 452
bleachers, aluminum benches, aluminum frames, aluminum pipe, and 453

other aluminum extrusions;	454
(j) "Cast aluminum," which includes aluminum grills,	455
lawnmower decks made of aluminum, aluminum motor vehicle parts	456
and rims, and other cast aluminum;	457
(k) "Clean aluminum wire";	458
(l) "Unclean aluminum wire";	459
(m) "Aluminum exteriors," which includes aluminum siding,	460
aluminum gutters and downspouts, aluminum shutters, aluminum	461
trim, and other aluminum exterior items;	462
(n) "Contaminated aluminum";	463
(o) "Stainless steel," which includes, sinks, appliance	464
housing, dishes, pots, pans, pipe, and other items made out of	465
stainless steel;	466
(p) "Large appliances," which includes consumer and other	467
appliances;	468
(q) "Steel structural," which includes all structural	469
steel such as I-beams, trusses, channel iron, and similar steel	470
from buildings;	471
(r) "Miscellaneous steel," which includes steel grates,	472
steel farm machinery, steel industrial machinery, steel motor	473
vehicle frames, and other items made out of steel;	474
(s) "Sheet irons," which includes bicycles, motor vehicle	475
body parts made of iron, and other items made using sheet iron;	476
(t) "Motor vehicle nonbody parts," which includes motor	477
vehicle batteries, radiators, and other nonbody motor vehicle	478
parts;	479
(u) "Catalytic converters";	480

(v) "Lead"; 481

(w) "Electric motors"; 482

(x) "Electronic scrap," which includes any consumer or 483
commercial electronic equipment such as computers, servers, 484
routers, video displays, and similar products. 485

(6) For recyclable materials that are special purchase 486
articles, the relevant category provided in division (A) (2) of 487
this section. 488

(D) Railroad material, including journal brasses, rail 489
spikes, rails, tie plates, frogs, and communication wire, other 490
than purchases and sales under sections 4973.13 to 4973.16 of 491
the Revised Code, shall be held by a scrap metal dealer for a 492
period of thirty days after being purchased or acquired. 493

(E) (1) The records required under division (C) of this 494
section or under section 4737.012 of the Revised Code shall be 495
open for inspection by the representative of any law enforcement 496
agency, railroad police officers, and the director of public 497
safety or the director's designated representative during all 498
business hours. A scrap metal dealer or bulk merchandise 499
container dealer shall do ~~both~~ all of the following: 500

(a) Provide a copy of those records to any law enforcement 501
agency or railroad police officer that requests the records or 502
to the director or director's representative, upon request; 503

(b) Prepare a daily electronic report, the content and 504
format of which shall be established in rules adopted by the 505
director, listing all retail transactions that occurred during 506
the preceding day and containing the information described in 507
division (C) of this section or division (A) of section 4737.012 508
of the Revised Code, as applicable. The dealer shall 509

electronically transfer, by twelve noon eastern standard time, 510
the report to the director of public safety for inclusion in the 511
registry created pursuant to division (E) of section 4737.045 of 512
the Revised Code. 513

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

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

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

(5) A person who claims to own a stolen article that may 530
be identified in those records, or an agent of that person, who 531
provides proof of having filed a stolen property report with the 532
appropriate law enforcement agency, may request those records. 533
The law enforcement agency shall provide those records upon a 534
request made by such a person or that person's agent, but the 535
law enforcement agency shall redact information that reveals the 536
name of the seller of any article and the price the dealer paid 537
for any article the dealer purchased or the estimated value of 538
any article the dealer received. The law enforcement agency 539

shall determine which records to provide, based upon the time 540
period that the alleged theft is reported to have taken place. A 541
law enforcement agency may charge or collect a fee for providing 542
records as required by this section. 543

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

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

(F) (1) No scrap metal dealer shall purchase or receive any 563
metal articles, and no bulk merchandise container dealer shall 564
purchase or receive any bulk merchandise containers, from a 565
person who refuses to show the dealer the person's personal 566
identification card, or who refuses to allow the dealer to take 567
a photograph of the person as required under division (I) of 568
this section or of the person or container as required under 569

division (B) of section 4737.012 of the Revised Code. 570

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

(3) A law enforcement agency shall submit all records of 590
any investigation into a scrap metal dealer or bulk merchandise 591
container dealer 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~~ scrap metal dealer provides evidence of 613
satisfying one or more of the exceptions described in division 614
~~(D) (3)~~ (A) of section 4737.043 of the Revised Code. 615

~~(G)~~ (G) (1) Every scrap metal dealer and bulk merchandise 616
container dealer shall post a notice in a conspicuous place on 617
the dealer's premises notifying persons who may wish to transact 618
business with the dealer of the penalties applicable to any 619
person who does any of the following: 620

~~(1)~~ (a) Provides a false personal identification card to 621
the dealer; 622

~~(2)~~ (b) With purpose to defraud, provides any other false 623
information to the dealer in connection with the dealer's duty 624
to maintain the records required under division (C) of this 625
section or under section 4737.012 of the Revised Code; 626

~~(3)~~ (c) Violates section 2913.02 of the Revised Code. 627

(2) (a) Every scrap metal dealer and bulk merchandise 628
container dealer shall post a copy of its registration in a 629
conspicuous place on the dealer's premises. 630

(b) The director of public safety shall impose a civil 631
penalty of five hundred dollars on any person who violates 632
division (G) (2) (a) of this section and shall deposit that 633
penalty into the state treasury to the credit of the 634
infrastructure protection fund created under section 4737.045 of 635
the Revised Code. 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

(K) A scrap metal dealer that sells or otherwise transfers 683
a catalytic converter to any person other than an individual 684
shall provide the director with all of the following: 685

(1) A copy of the scrap metal dealer's primary owner's 686
driver's license or state identification card; 687

(2) The scrap metal dealer's federal employer 688
identification number; 689

(3) The scrap metal dealer's permanent physical address, 690
which shall not be a post office box; 691

(4) Any additional information required by the director. 692

Sec. 4737.041. (A) A scrap metal dealer or bulk 693
merchandise container dealer shall do all of the following with 694
respect to each special purchase article or catalytic converter 695
the scrap metal dealer purchases or receives or with respect to 696
each bulk merchandise container a bulk merchandise container 697
dealer purchases or receives that is subject to division (A) of 698
section 4737.012 of the Revised Code: 699

~~(A)~~ (1) Comply with the requirements of this section in 700
addition to complying with the applicable requirements of 701
section 4737.012 or 4737.04 of the Revised Code; 702

~~(B)~~ (2) Take a photograph of each special purchase 703
article, catalytic converter, or bulk merchandise container; 704

~~(C)~~ (3) Obtain from the seller or provider of the special 705
purchase article, catalytic converter, or bulk merchandise 706
container proof that the seller or provider owns the special 707
purchase article, catalytic converter, or bulk merchandise 708
container~~+~~. Subject to division (C) of this section, if the item 709
is a catalytic converter, only the following items constitute 710
proof of ownership: 711

(a) If the seller or provider is the owner of the motor 712
vehicle from which the catalytic converter was removed, either 713

of the following: 714

(i) Title to or registration of the vehicle from which the 715
catalytic converter was removed; 716

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

(b) If the seller or provider is the motor vehicle 726
collision repair operator or motor vehicle dealer that repaired 727
the motor vehicle from which the catalytic converter was 728
removed, both of the following: 729

(i) The motor vehicle collision repair operator's 730
registration certificate or motor vehicle dealer's license 731
number; 732

(ii) A bill, invoice, or receipt that clearly indicates 733
both of the following: 734

(I) The removal and replacement of the catalytic 735
converter; 736

(II) The make, model, year, and vehicle identification 737
number of the motor vehicle that was repaired. 738

~~(D)~~ (4) If payment is rendered for the special purchase 739
articles, catalytic converters, or bulk merchandise containers, 740

issue a check for the purchase of the special purchase articles, 741
catalytic converters, or bulk merchandise containers; 742

~~(E)~~ (5) Withhold payment for the purchase of the special 743
purchase articles, catalytic converters, or bulk merchandise 744
containers for a period of two days after the day the special 745
purchase articles, catalytic converters, or bulk merchandise 746
containers are purchased; 747

~~(F)~~ (6) If an asserted owner of stolen special purchase 748
articles, catalytic converters, or bulk merchandise containers 749
or that owner's agent provides proof of having filed a stolen 750
property report with the appropriate law enforcement agency, 751
make records describing special purchase articles, catalytic 752
converters, or bulk merchandise containers the dealer purchased 753
or received after the alleged date of theft available for 754
inspection to the asserted owner or owner's agent for a period 755
of six months after the alleged date of theft of the articles, 756
except that the dealer shall withhold the name of the person 757
from whom the special purchase articles, catalytic converters, 758
or bulk merchandise containers were purchased or received and 759
the amount paid for the special purchase articles, catalytic 760
converters, or bulk merchandise containers. 761

(B) A person, other than a scrap metal dealer or a motor 762
vehicle dealer licensed under Chapter 4517. of the Revised Code, 763
when receiving a used catalytic converter in the ordinary course 764
of business, including a person licensed or registered under 765
Chapter 4737., 4738., or 4775. of the Revised Code, shall meet 766
the requirements of division (A) of this section with respect to 767
each used catalytic converter the person purchases or receives 768
as if the person were a scrap metal dealer, including the 769
requirements of divisions (C), (E), (F), and (K) of section 770

4737.04 of the Revised Code. No person described in this 771
division shall recklessly fail to comply with this division. 772

(C) (1) Not later than ninety days after the effective date 773
of this amendment, the director of public safety shall create an 774
affidavit form and publish the form on a publicly available web 775
site maintained by the department of public safety. 776

(2) The affidavit form shall include the name and contact 777
information of the seller or provider, a statement of the 778
reasons the seller or provider is unable to produce the items 779
described in division (A) (3) of this section, and any other 780
information and documents required by the director. 781

(3) A scrap metal dealer, bulk merchandise container 782
dealer, or person described in division (B) of this section may 783
accept an affidavit form that is completed and signed by a 784
seller or provider who is a natural person in lieu of the items 785
otherwise required to establish ownership of a catalytic 786
converter under division (A) (3) of this section. 787

(4) Whoever knowingly makes a false statement on an 788
affidavit described in division (C) of this section is guilty of 789
the offense of falsification under section 2921.13 of the 790
Revised Code. 791

Sec. 4737.043. ~~Sections~~ (A) Subject to division (B) of 792
this section, sections 4737.04 and 4737.041 of the Revised Code 793
do not apply with respect to any of the following: 794

~~(A)~~ (1) The donation of articles to nonprofit 795
organizations or to any other person, on the condition that the 796
person donating the articles receives no payment or any other 797
valuable consideration in exchange for or due to donating the 798
articles; 799

~~(B)~~—(2) The sale or donation of common recycled matter; 800

~~(C)~~—(3) Sales transacted between a scrap metal dealer and 801
an organization that is exempt from federal taxation under 802
section 501(c)(3) of the "Internal Revenue Code of 1986," 100 803
Stat. 285, 26 U.S.C. 501(c)(3), as amended, and that collects, 804
for its own fundraising purposes, scrap ferrous and nonferrous 805
metals for recycling rather than disposal; 806

~~(D)~~—(4) Sales transacted between a scrap metal dealer and 807
a government unit or another business, including a demolition 808
company, public utility company, or another scrap metal dealer, 809
on the condition that the government unit or business satisfies 810
the following criteria: 811

~~(1)~~—(a) In the course of providing the government unit's 812
or business's services to others or maintaining the government 813
unit's or business's property, whether onsite or offsite, the 814
government unit or business generates scrap ferrous and 815
nonferrous metals for recycling rather than disposal. 816

~~(2)~~—(b) If the sales transaction involves a government 817
unit, reference to the government unit as a bona fide unit of 818
government can be readily found by the public. 819

~~(3)~~—(c) If the sales transaction involves a business, the 820
business satisfies one of the following criteria: 821

~~(a)~~—(i) The business is registered with the secretary of 822
state. 823

~~(b)~~—(ii) The business has been issued a license under 824
section 5739.17 of the Revised Code. 825

~~(c)~~—(iii) The business advertises its services in a 826
newspaper of general circulation once a week for not less than 827

six consecutive months or provides a receipt showing payment for 828
such advertising, a telephone book, electronic media that is 829
available to the public, or some other type of media that is 830
owned and operated by a person other than the business and, if 831
an individual operates the business, the individual advertising 832
the business has a specific place of business that is not the 833
individual's permanent home residence. 834

~~(4)~~ (d) The government unit provides proof of compliance 835
with division ~~(D) (2)~~ (A) (4) (b) of this section or the business 836
provides proof of compliance with division ~~(D) (3)~~ (A) (4) (c) of 837
this section to the scrap metal dealer with whom the government 838
unit or business transacts business. 839

~~(E)~~ (5) Sales transacted between a scrap metal dealer and 840
a person whose primary business is to create products that 841
result in bulk quantities of ferrous and nonferrous metal used 842
for recycling rather than disposal. 843

~~(F) Sales of catalytic converters transacted between a~~ 844
~~scrap metal dealer and a motor vehicle dealer as defined in~~ 845
~~section 4517.01 of the Revised Code.~~ 846

(B) The exceptions described in division (A) of this 847
section do not apply to sales or donations of catalytic 848
converters. 849

Sec. 4737.045. (A) To register as a scrap metal dealer or 850
a bulk merchandise container dealer with the director of public 851
safety as required by division (B) of section 4737.04 of the 852
Revised Code, a person shall do all of the following: 853

(1) Provide the name and street address of the dealer's 854
place of business; 855

(2) Provide the name of the primary owner of the business, 856

and of the manager of the business, if the manager is not the 857
primary owner; 858

(3) Provide the electronic mail address of the business; 859

(4) Provide confirmation that the dealer has the 860
capabilities to electronically connect with the department of 861
public safety for the purpose of sending and receiving 862
information; 863

(5) Provide any other information required by the director 864
in rules the director adopts pursuant to sections 4737.01 to 865
~~4737.045~~ 4737.046 of the Revised Code; 866

(6) Pay an initial registration fee of two hundred 867
dollars. 868

(B) A person engaging in the business of a scrap metal 869
dealer or a bulk merchandise container dealer in this state on 870
or before September 28, 2012, shall register with the director 871
not later than January 1, 2013. With respect to a person who 872
commences engaging in the business of a scrap metal dealer or a 873
bulk merchandise container dealer after September 28, 2012, the 874
person shall register with the director pursuant to this section 875
prior to commencing business as a scrap metal dealer or a bulk 876
merchandise container dealer. 877

(C) A registration issued to a scrap metal dealer or a 878
bulk merchandise container dealer pursuant to this section is 879
valid for a period of one year. A dealer shall renew the 880
registration in accordance with the rules adopted by the 881
director and pay a renewal fee of one hundred fifty dollars to 882
cover the costs of operating and maintaining the registry 883
created pursuant to division (E) of this section. 884

(D) A scrap metal dealer or a bulk merchandise container 885

dealer registered under this section shall prominently display a 886
copy of the annual registration certificate received from the 887
director pursuant to division (E) (2) of this section. 888

(E) The director shall do all of the following: 889

(1) Develop and implement, by January 1, 2014, and 890
maintain as a registry a secure database for use by law 891
enforcement agencies that is capable of all of the following: 892

(a) Receiving and securely storing all of the information 893
required by division (A) of this section and the daily 894
transaction data that scrap metal dealers and bulk merchandise 895
dealers are required to send pursuant to division (E) (1) of 896
section 4737.04 of the Revised Code; 897

(b) Providing secure search capabilities to law 898
enforcement agencies for enforcement purposes; 899

(c) Creating a link and retransmission capability for 900
receipt of routine scrap theft alerts published by the institute 901
of scrap recycling industries for transmission to dealers and 902
law enforcement agencies in the state; 903

(d) Making the electronic lists prepared pursuant to 904
division (F) (2) of section 4737.04 of the Revised Code available 905
through an electronic searchable format for individual law 906
enforcement agencies and for dealers in the state; 907

(e) Providing, without charge, interlink programming 908
enabling the transfer of information to dealers. 909

(2) Issue, reissue, or deny registration to dealers; 910

(3) Adopt rules to enforce sections 4737.01 to 4737.045 of 911
the Revised Code, rules establishing procedures to renew a 912
registration issued under this section, rules for the format and 913

maintenance for the records required under division (A) of 914
section 4737.012 of the Revised Code or division (C) of section 915
4737.04 of the Revised Code, and rules regarding the delivery of 916
the report required by division (E) (1) of section 4737.04 of the 917
Revised Code to the registry, which shall be used exclusively by 918
law enforcement agencies. 919

(F) A scrap metal dealer or bulk merchandise container 920
dealer may search, modify, or update only the dealer's own 921
business data contained within the registry established in 922
division (E) of this section. 923

(G) All fees received by the director pursuant to this 924
section and division (F) of section 4737.99 of the Revised Code 925
shall be used to develop and maintain the registry required 926
under this section and for the department of public safety's 927
operating expenses. The fees shall be deposited into the 928
infrastructure protection fund which is hereby created in the 929
state treasury. 930

(H) (1) The director of public safety shall not issue a 931
registration to, or renew the registration of, a person who was 932
convicted of, or pleaded guilty to, a violation of section 933
4737.041 of the Revised Code, a violation of section 2923.03 of 934
the Revised Code when division (G) of section 4737.99 of the 935
Revised Code applies, a violation of section 2913.02 of the 936
Revised Code when the person is sentenced pursuant to division 937
(B) (10) of that section, or a violation of section 2913.51 of 938
the Revised Code when the person is sentenced pursuant to 939
division (F) of that section. 940

(2) The director of public safety shall revoke the 941
registration of a person who is convicted of or pleads guilty to 942
a violation of section 4737.041 of the Revised Code, a violation 943

of section 2923.03 of the Revised Code when division (G) of 944
section 4737.99 of the Revised Code applies, a violation of 945
section 2913.02 of the Revised Code when the person is sentenced 946
pursuant to division (B) (10) of that section, or a violation of 947
section 2913.51 of the Revised Code when the person is sentenced 948
pursuant to division (F) of that section. 949

Sec. 4737.046. (A) The director of public safety may 950
investigate a scrap metal dealer, bulk merchandise container 951
dealer, a person described in division (B) of section 4737.041 952
of the Revised Code, and any employee, officer, or agent of any 953
of the foregoing. The director shall commence an investigation 954
only after consulting with local law enforcement. As part of the 955
investigation, the director may search the person's premises 956
during the person's regular work hours or between the hours of 957
eight a.m. and five p.m., Monday through Friday. 958

(B) (1) The director may compel witnesses by subpoena to 959
appear and testify in relation to an investigation under this 960
section, and may compel by subpoena duces tecum the production 961
of any books, papers, documents, or other records pertaining to 962
such an investigation. 963

(2) If a person does not comply with a subpoena or 964
subpoena duces tecum issued under division (B) (1) of this 965
section, the director may apply to the court of common pleas of 966
Franklin county or of the county in which the person conducts 967
business for an order compelling the person to comply with the 968
subpoena or subpoena duces tecum or, for failure to do so, be 969
held in contempt of court. 970

(C) If as a result of an investigation the director finds 971
that a person violated any provision of sections 4737.04 to 972
4737.046 of the Revised Code, the director shall suspend the 973

person's registration or license and shall reinstate the 974
registration or license upon evidence that the person has 975
remedied the violation. The director shall revoke a registration 976
or license if the director finds a subsequent violation of any 977
provision of this chapter in any subsequent investigation. 978

(D) (1) No person shall undertake any activities that 979
require registration under section 4737.045 of the Revised Code 980
following a suspension or revocation. 981

(2) Following a suspension or revocation, the director 982
shall conduct a follow-up investigation to determine whether the 983
person violated division (D) (1) of this section. If the director 984
determines the person violated division (D) (1) of this section, 985
the director shall seek an injunction from the court of common 986
pleas of Franklin county or of the county in which the person 987
conducts business ordering the person to cease the violation. 988

(E) (1) The director may investigate, on the director's own 989
initiative, the actions or proposed actions of a person who is 990
not registered under section 4737.045 of the Revised Code and 991
who appears to be acting as a scrap metal dealer or bulk 992
merchandise container dealer in the same manner as described in 993
divisions (A) and (B) of this section. 994

(2) If, following an investigation, the director finds 995
that a person acted as a scrap metal dealer or bulk merchandise 996
container dealer without a registration or license, the director 997
shall do both of the following: 998

(a) Seek an injunction from the court of common pleas of 999
Franklin county or of the county in which the person conducts 1000
business ordering the person to cease the violation; 1001

(b) Impose a civil penalty of ten thousand dollars in 1002

accordance with Chapter 119. of the Revised Code. Each day the 1003
violation occurred or continues to occur constitutes a separate 1004
violation and is subject to a separate penalty, except that the 1005
penalty for each consecutive day after the first day shall be 1006
one thousand dollars. 1007

(3) The director shall deposit all penalties collected 1008
pursuant to division (E) (2) of this section into the state 1009
treasury to the credit of the infrastructure protection fund 1010
created under section 4737.045 of the Revised Code. 1011
Notwithstanding any contrary provision of that section, all such 1012
penalties shall be expended only to conduct investigations 1013
authorized under this section. 1014

(4) If a person fails to pay a civil penalty imposed under 1015
division (E) (2) of this section within the time prescribed by 1016
the director, the director shall submit to the attorney general 1017
the person's name and the amount of the penalty. In that case, 1018
the attorney general shall collect the penalty. In addition to 1019
the penalty, the attorney general may assess, and the person 1020
shall pay, a fee covering the costs of collecting the penalty. 1021

(F) (1) A person shall not do any of the following when 1022
applying for a registration, licensure, or renewal under section 1023
4737.045 of the Revised Code: 1024

(a) Engage in fraud; 1025

(b) Knowingly provide false information; 1026

(c) Knowingly fail to disclose relevant information that 1027
would result in a denial of or nonrenewal of a registration or 1028
license. 1029

(2) The director shall impose a civil penalty of five 1030
hundred dollars on any person who violates division (F) (1) of 1031

this section in accordance with Chapter 119. of the Revised 1032
Code. The director shall deposit all such penalties into the 1033
state treasury to the credit of the infrastructure protection 1034
fund created under section 4737.045 of the Revised Code. 1035

(G) Any refusal to renew and any denial, suspension, or 1036
revocation of any registration or license required under section 1037
4737.045 of the Revised Code is subject to Chapter 119. of the 1038
Revised Code. 1039

(H) The director shall record information on all 1040
noninvestigative visits made by the director to a scrap metal 1041
dealer or bulk merchandise container dealer. Such information 1042
shall be reported to the public on a quarterly basis via the 1043
department of commerce's web site. 1044

Sec. 4737.98. Notwithstanding any provision of section 1045
121.95 of the Revised Code to the contrary, a regulatory 1046
restriction contained in a rule adopted under this chapter is 1047
not subject to sections 121.95 to 121.953 of the Revised Code. 1048

Sec. 4737.99. (A) Except as specified in divisions (B), 1049
(C), (D), (E), and (F) of this section, whoever violates 1050
sections 4737.01 to 4737.11 of the Revised Code, shall be fined 1051
not less than twenty-five nor more than one thousand dollars and 1052
the costs of prosecution. 1053

(B) Whoever violates division (F) (2) of section 4737.10 of 1054
the Revised Code is guilty of a misdemeanor of the fourth 1055
degree. 1056

~~(C) Whoever~~ (C) (1) Except as provided in division (C) (2) 1057
of this section, whoever fails to comply with or violates 1058
section 4737.01, 4737.012, or 4737.041, division (C), (D), (E), 1059
(F), (G), or (I) of section 4737.04, or division (D) of section 1060

4737.045 of the Revised Code is guilty of a misdemeanor of the 1061
first degree. If the offender one time previously has violated 1062
or failed to comply with section 4737.01, 4737.012, or 4737.041, 1063
division (C), (D), (E), (F), (G), or (I) of section 4737.04, or 1064
division (D) of section 4737.045 of the Revised Code, the 1065
violation or failure is a felony of the fifth degree. If the 1066
offender two or more times previously has violated or failed to 1067
comply with section 4737.01, 4737.012, or 4737.041, division 1068
(C), (D), (E), (F), (G), or (I) of section 4737.04, or division 1069
(D) of section 4737.045 of the Revised Code, the violation or 1070
failure is a felony of the fourth degree. For any second or 1071
subsequent violation of or failure to comply with section 1072
4737.01, 4737.012, or 4737.041, or division (C), (D), (E), (F), 1073
(G), or (I) of section 4737.04, or division (D) of section 1074
4737.045 of the Revised Code, a court may suspend the 1075
registration issued to the scrap metal dealer or bulk 1076
merchandise container dealer under section 4737.045 of the 1077
Revised Code for a period of ninety days, during which time 1078
period the person shall not engage in the business of a scrap 1079
metal dealer or a bulk merchandise container dealer, as 1080
applicable. 1081

(2) Notwithstanding section 2929.31 of the Revised Code, a 1082
business entity that, with respect to the sale, purchase, or 1083
receipt of a catalytic converter, violates division (C), (E)(1), 1084
(F)(2), (F)(5), or (I) of section 4737.04 or division (B) of 1085
section 4737.041 of the Revised Code shall be fined not less 1086
than ten thousand dollars and not more than fifty thousand 1087
dollars per violation. 1088

(D) Whoever violates division (B)(1) of section 4737.04 of 1089
the Revised Code is guilty of a felony of the fifth degree. The 1090
court also shall enjoin the person from engaging in the business 1091

of a scrap metal dealer or a bulk merchandise dealer. 1092

(E) Whoever violates division (B) (2) of section 4737.04 of 1093
the Revised Code is guilty of a felony of the fifth degree for 1094
the first offense and a felony of the third degree for any 1095
subsequent offense. 1096

(F) Any motor vehicle used in the theft or illegal 1097
transportation of metal shall be impounded for at least thirty 1098
days and not more than sixty days. If the same motor vehicle is 1099
used in connection with a second or subsequent theft or illegal 1100
transportation of metal, the motor vehicle shall be impounded 1101
for at least sixty days and not more than one hundred eighty 1102
days. Any motor vehicle used in the theft or illegal 1103
transportation of a special purchase article or bulk merchandise 1104
container shall be impounded for at least ninety days and not 1105
more than three hundred sixty days. A motor vehicle impounded 1106
pursuant to this division shall be stored at a municipal 1107
corporation impound lot, if available, or at a lot owned by a 1108
private entity or another governmental unit that the municipal 1109
corporation utilizes for the purpose of impounding a motor 1110
vehicle. An impounded motor vehicle may be recovered from the 1111
impound lot at the end of the impound term upon payment of fees. 1112

(G) A person is complicit under section 2923.03 of the 1113
Revised Code if the person sells a catalytic converter to 1114
another person who, in the purchase or receipt of the catalytic 1115
converter, violates either of the following: 1116

(1) Division (F) (1) of section 4737.04 of the Revised 1117
Code; 1118

(2) Division (B) of section 4737.041 of the Revised Code 1119
when the violation involves a failure to obtain identifying 1120

information of the seller of a catalytic converter or proof of 1121
ownership of a catalytic converter. 1122

(H) If a transaction involving the purchase or sale of a 1123
used catalytic converter formed the basis of an offense under 1124
division (C) or (E) of this section, the clerk of the court 1125
shall pay any fine imposed to the county, township, municipal 1126
corporation, park district, as created pursuant to section 1127
511.18 or 1545.04 of the Revised Code, or state law enforcement 1128
agencies in this state that primarily were responsible for, or 1129
involved in, arresting and prosecuting, the offender. 1130

Sec. 4738.03. (A) No person licensed as a motor vehicle 1131
salvage dealer under this chapter shall ~~engage~~ do either of the 1132
following: 1133

(1) Engage in the business of selling at retail salvage 1134
motor vehicle parts or salvage motor vehicles, unless the 1135
business is operated primarily for the purpose of selling at 1136
retail salvage motor vehicle parts. Any person operating such a 1137
business primarily for the purpose of selling at retail salvage 1138
motor vehicle parts may secondarily sell at retail salvage motor 1139
vehicles or manufacture a product of gradable scrap metal for 1140
sale to scrap metal processors or any other consumer. 1141

(2) Purchase or accept a catalytic converter as defined in 1142
section 4737.04 of the Revised Code. 1143

(B) No person licensed as a salvage motor vehicle auction 1144
under this chapter shall: 1145

(1) Knowingly sell a salvage motor vehicle to anyone other 1146
than an authorized purchaser; 1147

(2) Sell a salvage motor vehicle when having reasonable 1148
cause to believe it is not offered by the legal owner thereof; 1149

(3) Fail to make an Ohio salvage certificate of title 1150
available to the purchaser of a salvage motor vehicle sold by 1151
the salvage motor vehicle auction, before payment for the 1152
salvage motor vehicle is completed; 1153

(4) Operate as a motor vehicle salvage dealer at the same 1154
location where any salvage motor vehicle auction is operated. 1155

(C) No person licensed as a salvage motor vehicle pool 1156
under this chapter shall: 1157

(1) Knowingly sell a salvage motor vehicle to anyone other 1158
than an authorized purchaser; 1159

(2) Sell a salvage motor vehicle when having reasonable 1160
cause to believe it is not offered by the legal owner thereof; 1161

(3) Fail to make an Ohio salvage certificate of title 1162
available to the purchaser of a salvage motor vehicle sold by 1163
the salvage motor vehicle pool, before payment for the salvage 1164
motor vehicle is completed; 1165

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

Sec. 4738.07. (A) Except as otherwise provided in division 1168
(B) of this section, the registrar of motor vehicles shall deny 1169
the application of any person for a license under this chapter 1170
and refuse to issue the person a license if the registrar finds 1171
that the applicant: 1172

(1) Has made false statement of a material fact in the 1173
individual's application; 1174

(2) Has not complied with sections 4738.01 to 4738.15 of 1175
the Revised Code: 1176

- (3) Has habitually defaulted on financial obligations; 1177
- (4) Has been convicted of or pleaded guilty to a 1178
disqualifying offense, provided the registrar complies with 1179
section 9.79 of the Revised Code; 1180
- (5) Has been guilty of a fraudulent act in connection with 1181
dealing in salvage motor vehicles or when operating as a motor 1182
vehicle salvage dealer, salvage motor vehicle auction, or 1183
salvage motor vehicle pool; 1184
- (6) Is insolvent; 1185
- (7) Is of insufficient responsibility to assure the prompt 1186
payment of any final judgments which might reasonably be entered 1187
against the individual because of the transaction of the 1188
individual's business during the period of the license applied 1189
for; 1190
- (8) Has no established place of business; ~~or~~ 1191
- (9) Has less than twelve months prior to said application, 1192
been denied a license under this chapter; or 1193
- (10) Was convicted of or pleaded guilty to a violation of 1194
division (B) of section 4737.041 of the Revised Code, a 1195
violation of section 2923.03 of the Revised Code when division 1196
(G) of section 4737.99 of the Revised Code applies, a violation 1197
of section 2913.02 of the Revised Code when the person is 1198
sentenced pursuant to division (B) (10) of that section, or a 1199
violation of section 2913.51 of the Revised Code when the person 1200
is sentenced pursuant to division (F) of that section. 1201
- ~~(B)~~ In (B) (1) Except as provided in division (B) (2) of 1202
this section, in considering a renewal of an individual's 1203
license, the registrar shall not consider any conviction or plea 1204

of guilty prior to the initial licensing. However, the registrar 1205
may consider a conviction or plea of guilty if it occurred after 1206
the individual was initially licensed, or after the most recent 1207
license renewal. 1208

(2) The registrar shall not renew an individual's license 1209
if the individual was convicted of or pleaded guilty to a 1210
violation of division (B) of section 4737.041 of the Revised 1211
Code, a violation of section 2923.03 of the Revised Code when 1212
division (G) of section 4737.99 of the Revised Code applies, a 1213
violation of section 2913.02 of the Revised Code when the person 1214
is sentenced pursuant to division (B)(10) of that section, or a 1215
violation of section 2913.51 of the Revised Code when the person 1216
is sentenced pursuant to division (F) of that section. 1217

(C) The registrar may grant a person a conditional license 1218
that lasts for one year. After the one-year period has expired, 1219
the license is no longer considered conditional, and the person 1220
shall be considered fully licensed. 1221

(D) If the applicant is a corporation or partnership, the 1222
registrar may refuse to issue a license if any officer, 1223
director, or partner of the applicant has been guilty of any 1224
disqualifying offense and the refusal is in accordance with 1225
section 9.79 of the Revised Code. The registrar's finding may be 1226
based upon facts contained in the application or upon any other 1227
information which the registrar may have. Immediately upon 1228
denying an application for any of the reasons in this section, 1229
the registrar shall enter a final order together with the 1230
registrar's findings and certify the same to the motor vehicle 1231
salvage dealer's licensing board. 1232

(E) If the registrar refuses an application for a license, 1233
the reasons for such refusal shall be put in writing. An 1234

applicant who has been refused a license may appeal from the 1235
action of the registrar to the motor vehicle salvage dealer's 1236
licensing board in the manner prescribed in section 4738.12 of 1237
the Revised Code. 1238

(F) The registrar of motor vehicles shall not adopt, 1239
maintain, renew, or enforce any rule, or otherwise preclude in 1240
any way, an individual from renewing a license under this 1241
chapter due to any past criminal activity or interpretation of 1242
moral character, except as pursuant to division (B) of this 1243
section. If the registrar denies an individual a license or 1244
license renewal, the reasons for such denial shall be put in 1245
writing. 1246

Sec. 4738.12. The motor vehicle salvage dealer's licensing 1247
board shall hear appeals which may be taken from an order of the 1248
registrar of motor vehicles, refusing to issue a license. All 1249
appeals from any order of the registrar refusing to issue any 1250
license upon proper application made must be taken within thirty 1251
days from the date of the order, or the order is final and 1252
conclusive. All appeals from orders of the registrar must be by 1253
petition in writing and verified under oath by the applicant 1254
whose application for license has been denied, and must set 1255
forth the reason why, in the petitioner's opinion, the order of 1256
the registrar is not correct. In appeals the board may make 1257
investigation to determine the correctness and legality of the 1258
order of the registrar. 1259

The board may make rules governing its actions relative to 1260
the suspension and revocation of licenses and may, upon its own 1261
motion, and shall, upon the verified complaint in writing of any 1262
person, investigate the conduct of any licensee under this 1263
chapter. The board shall suspend or revoke or notify the 1264

registrar to refuse to renew any license if any ground existed 1265
upon which the license would have been refused, or if a ground 1266
exists which would be cause for refusal to issue a license. 1267

The board may suspend or revoke any license if the 1268
licensee has in any manner violated the rules issued pursuant to 1269
sections 4738.01 to 4738.16 of the Revised Code, or has been 1270
convicted of committing a felony or violating any law which in 1271
any way relates to the theft of motor vehicles. 1272

The board shall revoke any license if the licensee is 1273
convicted of or pleads guilty to a violation of division (B) of 1274
section 4737.041 of the Revised Code, a violation of section 1275
2923.03 of the Revised Code when division (G) of section 4737.99 1276
of the Revised Code applies, a violation of section 2913.02 of 1277
the Revised Code when the licensee is sentenced pursuant to 1278
division (B)(10) of that section, or a violation of section 1279
2913.51 of the Revised Code when the licensee is sentenced 1280
pursuant to division (F) of that section. 1281

Sec. 4745.01. (A) "Standard renewal procedure," as used in 1282
Chapters 905., 907., 909., 911., 913., 915., 918., 921., 923., 1283
927., 942., 943., 953., 1321., 3710., 3713., 3719., 3742., 1284
3748., 3769., 3783., 3921., 3951., 4104., 4105., 4169., 4561., 1285
4703., 4707., 4709., 4713., 4715., 4717., 4723., 4725., 4727., 1286
4728., 4729., 4731., 4733., 4734., 4737., 4739., 4741., 4747., 1287
4749., 4752., 4753., 4755., 4757., 4758., 4759., 4761., 4766., 1288
4773., and 4775. of the Revised Code, means the license renewal 1289
procedures specified in this chapter. 1290

(B) "Licensing agency," as used in this chapter, means any 1291
department, division, board, section of a board, or other state 1292
governmental unit subject to the standard renewal procedure, as 1293
defined in this section, and authorized by the Revised Code to 1294

issue a license to engage in a specific profession, occupation, 1295
or occupational activity, or to have charge of and operate 1296
certain specified equipment, machinery, or premises. 1297

(C) "License," as used in this chapter, means a license, 1298
certificate, permit, card, or other authority issued or 1299
conferred by a licensing agency by authority of which the 1300
licensee has or claims the privilege to engage in the 1301
profession, occupation, or occupational activity, or to have 1302
control of and operate certain specific equipment, machinery, or 1303
premises, over which the licensing agency has jurisdiction. 1304

(D) "Licensee," as used in this chapter, means either the 1305
person to whom the license is issued or renewed by a licensing 1306
agency, or the person, partnership, or corporation at whose 1307
request the license is issued or renewed. 1308

(E) "Renewal" and "renewed," as used in this chapter and 1309
in the chapters of the Revised Code specified in division (A) of 1310
this section, includes the continuing licensing procedure 1311
provided in Chapter 3748. of the Revised Code and rules adopted 1312
under it and in sections 1321.05 and 3921.33 of the Revised 1313
Code, and as applied to those continuing licenses any reference 1314
in this chapter to the date of expiration of any license shall 1315
be construed to mean the due date of the annual or other fee for 1316
the continuing license. 1317

Sec. 4775.09. (A) (1) In accordance with Chapter 119. of 1318
the Revised Code, the motor vehicle repair board may refuse to 1319
issue or renew a registration certificate or may determine 1320
whether to waive a suspension of a registration certificate as 1321
provided in division (D) of section 4775.07 of the Revised Code. 1322

(2) Within ten days after receipt of an abstract from a 1323

county court judge, mayor of a mayor's court, or clerk of a 1324
court of record indicating a violation of division (D) of 1325
section 4513.241 of the Revised Code, the board shall determine 1326
whether the person named in the abstract is registered with the 1327
board and, if the person is so registered, shall further 1328
determine whether the person previously has been convicted of or 1329
pleaded guilty to a violation of that section. If the person 1330
previously has been convicted of or pleaded guilty to a 1331
violation of that section, the board, in accordance with Chapter 1332
119. of the Revised Code but without a prior hearing, shall 1333
suspend the person's registration for a period of not more than 1334
one hundred eighty days. 1335

(B) The court of common pleas of Franklin county has 1336
exclusive jurisdiction over any person who conducts, or attempts 1337
to conduct, business as a motor vehicle repair operator in 1338
violation of this chapter or any rule adopted under this 1339
chapter. The court, on application of the board, may issue an 1340
injunction, a cease and desist order, or other appropriate order 1341
restraining the person from continuing the violation. This 1342
section shall operate in addition to and shall not prohibit the 1343
enforcement of any other law. 1344

(C) Upon the request of the executive director or as a 1345
result of complaints, the board shall investigate the alleged 1346
violation. 1347

(D) No person required to be registered under this chapter 1348
shall have the benefit of any lien for labor or materials unless 1349
the person is registered under this chapter. 1350

(E) No person whose application for registration under 1351
this chapter is denied shall open or operate a facility for 1352
business as a motor vehicle collision repair facility or motor 1353

vehicle window tint installation facility under the name of the 1354
person designated in the application for a registration 1355
certificate or under any other name prior to registering as a 1356
motor vehicle repair operator in accordance with this chapter. 1357

(F) (1) The board shall not issue a registration to or 1358
renew the registration of a person who was convicted of or 1359
pleaded guilty to a violation of division (B) of section 1360
4737.041 of the Revised Code, a violation of section 2923.03 of 1361
the Revised Code when division (G) of section 4737.99 of the 1362
Revised Code applies, a violation of section 2913.02 of the 1363
Revised Code when the person is sentenced pursuant to division 1364
(B) (10) of that section, or a violation of section 2913.51 of 1365
the Revised Code when the person is sentenced pursuant to 1366
division (F) of that section. 1367

(2) The board shall revoke the registration of a person 1368
who is convicted of or pleads guilty to a violation of division 1369
(B) of section 4737.041 of the Revised Code, a violation of 1370
section 2923.03 of the Revised Code when division (G) of section 1371
4737.99 of the Revised Code applies, a violation of section 1372
2913.02 of the Revised Code when the person is sentenced 1373
pursuant to division (B) (10) of that section, or a violation of 1374
section 2913.51 of the Revised Code when the person is sentenced 1375
pursuant to division (F) of that section. 1376

Section 2. That existing sections 2913.02, 2913.51, 1377
4737.012, 4737.04, 4737.041, 4737.043, 4737.045, 4737.99, 1378
4738.03, 4738.07, 4738.12, 4745.01, and 4775.09 of the Revised 1379
Code are hereby repealed. 1380