

**As Introduced**

**135th General Assembly  
Regular Session  
2023-2024**

**S. B. No. 165**

**Senator Johnson  
Cosponsors: Senators Antani, O'Brien**

---

**A BILL**

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

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

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

**Sec. 2913.02.** (A) No person, with purpose to deprive the 14  
owner of property or services, shall knowingly obtain or exert 15  
control over either the property or services in any of the 16  
following ways: 17

(1) Without the consent of the owner or person authorized 18

to give consent;	19
(2) Beyond the scope of the express or implied consent of the owner or person authorized to give consent;	20 21
(3) By deception;	22
(4) By threat;	23
(5) By intimidation.	24
(B) (1) Whoever violates this section is guilty of theft.	25
(2) Except as otherwise provided in this division or division (B) (3), (4), (5), (6), (7), (8), <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	26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47

million five hundred thousand dollars or more, a felony of the 48  
first degree. 49

(3) Except as otherwise provided in division (B) (4), (5), 50  
(6), (7), (8), ~~or (9)~~, or (10) of this section, if the victim of 51  
the offense is an elderly person, disabled adult, active duty 52  
service member, or spouse of an active duty service member, a 53  
violation of this section is theft from a person in a protected 54  
class, and division (B) (3) of this section applies. Except as 55  
otherwise provided in this division, theft from a person in a 56  
protected class is a felony of the fifth degree. If the value of 57  
the property or services stolen is one thousand dollars or more 58  
and is less than seven thousand five hundred dollars, theft from 59  
a person in a protected class is a felony of the fourth degree. 60  
If the value of the property or services stolen is seven 61  
thousand five hundred dollars or more and is less than thirty- 62  
seven thousand five hundred dollars, theft from a person in a 63  
protected class is a felony of the third degree. If the value of 64  
the property or services stolen is thirty-seven thousand five 65  
hundred dollars or more and is less than one hundred fifty 66  
thousand dollars, theft from a person in a protected class is a 67  
felony of the second degree. If the value of the property or 68  
services stolen is one hundred fifty thousand dollars or more, 69  
theft from a person in a protected class is a felony of the 70  
first degree. If the victim of the offense is an elderly person, 71  
in addition to any other penalty imposed for the offense, the 72  
offender shall be required to pay full restitution to the victim 73  
and to pay a fine of up to fifty thousand dollars. The clerk of 74  
court shall forward all fines collected under division (B) (3) of 75  
this section to the county department of job and family services 76  
to be used for the reporting and investigation of elder abuse, 77  
neglect, and exploitation or for the provision or arrangement of 78

protective services under sections 5101.61 to 5101.71 of the Revised Code. 79  
80

(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. 81  
82  
83  
84  
85  
86  
87  
88  
89  
90  
91  
92  
93

(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. 94  
95  
96

(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. 97  
98  
99  
100

(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. 101  
102  
103  
104  
105

(8) If the property stolen is anhydrous ammonia, a violation of this section is theft of anhydrous ammonia, a 106  
107

felony of the third degree. 108

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

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

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

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

(d) The clerk of the court shall pay any fine imposed 132  
pursuant to division (B) (10) of this section to the county, 133  
township, municipal corporation, park district as created 134  
pursuant to section 511.18 or 1545.04 of the Revised Code, or 135  
state law enforcement agencies in this state that primarily were 136

<u>responsible for, or involved in, arresting and prosecuting the</u>	137
<u>offender.</u>	138
<u>(e) As used in division (B)(10) of this section,</u>	139
<u>"catalytic converter" has the same meaning as in section 4737.04</u>	140
<u>of the Revised Code.</u>	141
<u>(11) In addition to the penalties described in division</u>	142
(B)(2) of this section, if the offender committed the violation	143
by causing a motor vehicle to leave the premises of an	144
establishment at which gasoline is offered for retail sale	145
without the offender making full payment for gasoline that was	146
dispensed into the fuel tank of the motor vehicle or into	147
another container, the court may do one of the following:	148
(a) Unless division <del>(B)(10)(b)</del> <u>(B)(11)(b)</u> of this section	149
applies, suspend for not more than six months the offender's	150
driver's license, probationary driver's license, commercial	151
driver's license, temporary instruction permit, or nonresident	152
operating privilege;	153
(b) If the offender's driver's license, probationary	154
driver's license, commercial driver's license, temporary	155
instruction permit, or nonresident operating privilege has	156
previously been suspended pursuant to division <del>(B)(10)(a)</del> <u>(B)</u>	157
<u>(11)(a)</u> of this section, impose a class seven suspension of the	158
offender's license, permit, or privilege from the range	159
specified in division (A)(7) of section 4510.02 of the Revised	160
Code, provided that the suspension shall be for at least six	161
months.	162
(c) The court, in lieu of suspending the offender's	163
driver's or commercial driver's license, probationary driver's	164
license, temporary instruction permit, or nonresident operating	165

privilege pursuant to division ~~(B) (10) (a)~~ (B) (11) (a) or (b) of 166  
this section, instead may require the offender to perform 167  
community service for a number of hours determined by the court. 168

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

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

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

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

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

(3) "Dangerous drug" has the same meaning as in section 193  
4729.01 of the Revised Code. 194

(4) "Dangerous ordnance" and "firearm" have the same 195  
meanings as in section 2923.11 of the Revised Code. 196

(5) "Motor vehicle" has the same meaning as in section 197  
4501.01 of the Revised Code. 198

(B) No person shall receive, retain, or dispose of 199  
property of another knowing or having reasonable cause to 200  
believe that the property has been obtained through commission 201  
of a theft offense. 202

~~(B)~~ (C) It is not a defense to a charge of receiving 203  
stolen property in violation of this section that the property 204  
was obtained by means other than through the commission of a 205  
theft offense if the property was explicitly represented to the 206  
accused person as being obtained through the commission of a 207  
theft offense. 208

~~(C)~~ (D) Whoever violates this section is guilty of 209  
receiving stolen property. Except as otherwise provided in this 210  
division or division ~~(D)~~ (E) or (F) of this section, receiving 211  
stolen property is a misdemeanor of the first degree. If the 212  
value of the property involved is one thousand dollars or more 213  
and is less than seven thousand five hundred dollars, if the 214  
property involved is any of the property listed in section 215  
2913.71 of the Revised Code, receiving stolen property is a 216  
felony of the fifth degree. If the property involved is a motor 217  
vehicle, ~~as defined in section 4501.01 of the Revised Code, if~~ 218  
~~the property involved is a dangerous drug, a firearm, or~~ 219  
dangerous ordnance, as defined in section 4729.01 of the Revised 220  
Code, or if the value of the property involved is seven thousand 221  
five hundred dollars or more and is less than one hundred fifty 222  
thousand dollars, ~~or if the property involved is a firearm or~~ 223  
~~dangerous ordnance, as defined in section 2923.11 of the Revised~~ 224



Code, receiving stolen property is a felony of the fourth 225  
degree. If the value of the property involved is one hundred 226  
fifty thousand dollars or more, receiving stolen property is a 227  
felony of the third degree. 228

~~(D)~~ (E) Except as provided in division ~~(C)~~ (D) of this 229  
section with respect to property involved in a violation of this 230  
section with a value of seven thousand five hundred dollars or 231  
more, if the property involved in violation of this section is a 232  
special purchase article ~~as defined in section 4737.04 of the~~ 233  
~~Revised Code~~, other than a catalytic converter, or a bulk 234  
merchandise container ~~as defined in section 4737.012 of the~~ 235  
~~Revised Code~~, a violation of this section is receiving a stolen 236  
special purchase article or articles or receiving a stolen bulk 237  
merchandise container or containers, a felony of the fifth 238  
degree. 239

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

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

(3) If the property involved is a catalytic converter and 248  
the offender is a business entity, a violation of this section 249  
is enterprise receipt of a stolen catalytic converter and, 250  
notwithstanding section 2929.31 of the Revised Code, is 251  
punishable by a fine of not less than ten thousand dollars and 252  
not more than fifty thousand dollars per violation. 253

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

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

The records shall contain all of the following: 283

(1) The name and residence of the person from whom the containers were purchased or received, a copy of that person's personal identification card, and, if required, a photograph of the person taken pursuant to division (B) (2) of this section;	284 285 286 287
(2) A description of the containers, including the number purchased or received and, if required, a photograph of the containers taken pursuant to division (B) (1) of this section;	288 289 290
(3) The date and time the dealer purchased or received the containers;	291 292
(4) If the seller or provider of the containers arrives at the dealer's place of business in a motor vehicle, the license plate number of that motor vehicle along with the state that issued the license plate.	293 294 295 296
(B) Every dealer who is in the business of reselling bulk merchandise containers shall take a photograph, in accordance with rules adopted by the director, of both of the following:	297 298 299
(1) Each container for which the dealer must make a record under division (A) of this section;	300 301
(2) Each person who sells or otherwise gives the dealer the containers.	302 303
The dealer shall take the required photographs at the time the dealer purchases or receives the containers and shall keep the photographs as part of the record in accordance with division (A) of this section.	304 305 306 307
(C) A dealer who is in the business of purchasing, reselling, exchanging, recycling, shredding, or receiving bulk merchandise containers shall fulfill the requirements of section 4737.041 of the Revised Code with respect to the containers	308 309 310 311

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

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

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

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

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

(a) Beer kegs; 330

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

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

(d) Guard rails for bridges, highways, and roads; highway 338  
and street signs; street light poles and fixtures; worker access 339

hole covers, water meter covers, and other similar types of 340  
utility access covers; traffic directional and control signs and 341  
light signals, metal marked with the name of a political 342  
subdivision of the state, and other metal articles that are 343  
purchased and installed for use upon authorization of the state 344  
or any political subdivision of the state; 345

(e) Historical, commemorative, and memorial markers and 346  
plaques made out of metal; 347

(f) Four-wheel metal carts, commonly referred to as 348  
"grocery carts," that are generally used by individuals to 349  
collect and transport consumer goods while shopping; 350

(g) Four-wheel metal carts, commonly referred to as "metal 351  
bossies," that are used to transport or merchandise food 352  
products that are stored in crates, shells, or trays; 353

(h) Railroad material, including journal brasses, rail 354  
spikes, rails, tie plates, frogs, and communication wire; 355

(i) Metal trays, merchandise containers, or similar 356  
transport containers used by a product producer, distributor, 357  
retailer, or an agent of a product producer, distributor, or 358  
retailer as a means for the bulk transportation, storage, or 359  
carrying of retail containers of milk, baked goods, eggs, or 360  
bottled beverage products; 361

(j) "Burnt wire," which is any coated metal wire that has 362  
been smelted, burned, or melted thereby removing the 363  
manufacturer's or owner's identifying marks; 364

(k) Catalytic converters. 365

(3) "Bulk merchandise container" has the same meaning as 366  
in section 4737.012 of the Revised Code. 367

(4) "Bulk merchandise container dealer" means a dealer who is subject to section 4737.012 of the Revised Code.	368 369
(5) <u>"Catalytic converter" includes a catalytic converter core.</u>	370 371
<u>(6)</u> "Common recycled matter" means bottles and other containers made out of steel, tin, or aluminum and other consumer goods that are metal that are recycled by individual consumers and not in the bulk or quantity that could be supplied or recycled by large business establishments. "Common recycled matter" does not include a metal tray used by a product producer, distributor, retailer, or agent of a product producer, distributor, or retailer as a means for the bulk transportation, storage, or carrying of retail containers of milk, baked goods, eggs, or bottled beverage products.	372 373 374 375 376 377 378 379 380 381
<del>(6)</del> <u>(7)</u> "Consumer goods" has the same meaning as in section 1309.102 of the Revised Code.	382 383
<del>(7)</del> <u>(8)</u> "Recyclable materials" means the metal materials described in division (C) (5) of this section, on the condition that those metal materials are not special purchase articles.	384 385 386
<del>(8)</del> <u>(9)</u> "Motor vehicle" has the same meaning as in section 4501.01 of the Revised Code.	387 388
(B) (1) No person shall engage in the business of scrap metal dealing or act as a bulk merchandise container dealer without first registering with the director of public safety in accordance with section 4737.045 of the Revised Code.	389 390 391 392
(2) No person shall receive, purchase, or sell a special purchase article or a bulk merchandise container except as in accordance with sections 4737.012 and 4737.04 to <del>4737.045</del> <u>4737.046</u> of the Revised Code.	393 394 395 396

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

The records shall contain all of the following: 419

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

(2) The date and time the scrap metal dealer purchased or 424  
received the articles and the weight of the articles as 425  
determined by a licensed commercial scale; 426

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

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

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

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

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

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

(d) "Insulated copper wire"; 446

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

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

(g) "Yellow brass," which includes yellow brass fixtures, 452  
yellow brass valve and fitting, ornamental brass, and other 453  
yellow brass; 454



(h) "Aluminum sheet";	455
(i) "Aluminum extrusions," which includes aluminum bleachers, aluminum benches, aluminum frames, aluminum pipe, and other aluminum extrusions;	456 457 458
(j) "Cast aluminum," which includes aluminum grills, lawnmower decks made of aluminum, aluminum motor vehicle parts and rims, and other cast aluminum;	459 460 461
(k) "Clean aluminum wire";	462
(l) "Unclean aluminum wire";	463
(m) "Aluminum exteriors," which includes aluminum siding, aluminum gutters and downspouts, aluminum shutters, aluminum trim, and other aluminum exterior items;	464 465 466
(n) "Contaminated aluminum";	467
(o) "Stainless steel," which includes, sinks, appliance housing, dishes, pots, pans, pipe, and other items made out of stainless steel;	468 469 470
(p) "Large appliances," which includes consumer and other appliances;	471 472
(q) "Steel structural," which includes all structural steel such as I-beams, trusses, channel iron, and similar steel from buildings;	473 474 475
(r) "Miscellaneous steel," which includes steel grates, steel farm machinery, steel industrial machinery, steel motor vehicle frames, and other items made out of steel;	476 477 478
(s) "Sheet irons," which includes bicycles, motor vehicle body parts made of iron, and other items made using sheet iron;	479 480
(t) "Motor vehicle nonbody parts," which includes motor	481

vehicle batteries, radiators, and other nonbody motor vehicle 482  
parts; 483

(u) ~~"Catalytic converters";~~ 484

~~(v)~~ "Lead"; 485

~~(w)~~ (v) "Electric motors"; 486

~~(x)~~ (w) "Electronic scrap," which includes any consumer or 487  
commercial electronic equipment such as computers, servers, 488  
routers, video displays, and similar products. 489

(6) For recyclable materials that are special purchase 490  
articles, the relevant category provided in division (A) (2) of 491  
this section. 492

(D) Railroad material, including journal brasses, rail 493  
spikes, rails, tie plates, frogs, and communication wire, other 494  
than purchases and sales under sections 4973.13 to 4973.16 of 495  
the Revised Code, shall be held by a scrap metal dealer for a 496  
period of thirty days after being purchased or acquired. 497

(E) (1) The records required under division (C) of this 498  
section or under section 4737.012 of the Revised Code shall be 499  
open for inspection by the representative of any law enforcement 500  
agency, railroad police officers, and the director of public 501  
safety or the director's designated representative during all 502  
business hours. A scrap metal dealer or bulk merchandise 503  
container dealer shall do ~~both~~ all of the following: 504

(a) Provide a copy of those records to any law enforcement 505  
agency or railroad police officer that requests the records or 506  
to the director or director's representative, upon request; 507

(b) Prepare a daily electronic report, the content and 508  
format of which shall be established in rules adopted by the 509

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

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

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

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

(5) A person who claims to own a stolen article that may 534  
be identified in those records, or an agent of that person, who 535  
provides proof of having filed a stolen property report with the 536  
appropriate law enforcement agency, may request those records. 537  
The law enforcement agency shall provide those records upon a 538  
request made by such a person or that person's agent, but the 539

law enforcement agency shall redact information that reveals the 540  
name of the seller of any article and the price the dealer paid 541  
for any article the dealer purchased or the estimated value of 542  
any article the dealer received. The law enforcement agency 543  
shall determine which records to provide, based upon the time 544  
period that the alleged theft is reported to have taken place. A 545  
law enforcement agency may charge or collect a fee for providing 546  
records as required by this section. 547

(6) The director of public safety shall impose a civil 548  
penalty of five hundred dollars on a person who violates 549  
division (E) (1) (b) of this section, including any person who 550  
concurrently violates division (G) (2) of section 4737.046 of the 551  
Revised Code. The director shall impose an additional fine of 552  
five hundred dollars for each day the violation continues. The 553  
director shall deposit the fine into the state treasury to the 554  
credit of the infrastructure protection fund created under 555  
section 4737.045 of the Revised Code. 556

(7) The director of public safety shall suspend, in 557  
accordance with Chapter 119. of the Revised Code, the 558  
registration of a person that violates division (E) (1) (b) of 559  
this section until such time as the director determines that the 560  
person has taken necessary steps to comply with that division. A 561  
person whose registration is suspended under this division may 562  
petition the director for reinstatement not more than once every 563  
ninety days. The director's determination as to whether to grant 564  
such a petition and reinstate the person's registration is 565  
subject to appeal under section 119.12 of the Revised Code. 566

(F) (1) No scrap metal dealer shall purchase or receive any 567  
metal articles, and no bulk merchandise container dealer shall 568  
purchase or receive any bulk merchandise containers, from a 569

person who refuses to show the dealer the person's personal 570  
identification card, or who refuses to allow the dealer to take 571  
a photograph of the person as required under division (I) of 572  
this section or of the person or container as required under 573  
division (B) of section 4737.012 of the Revised Code. 574

(2) The law enforcement agency that serves the 575  
jurisdiction in which a scrap metal dealer or a bulk merchandise 576  
container dealer is located shall provide to the scrap metal 577  
dealer or bulk merchandise container dealer a searchable, 578  
electronic list prepared in accordance with rules adopted by the 579  
director, as that agency determines appropriate, of the names 580  
and descriptions of persons known to be thieves or receivers of 581  
stolen property. The law enforcement agency may request the 582  
appropriate clerk of courts to provide the list. No scrap metal 583  
dealer or bulk merchandise container dealer shall purchase or 584  
receive articles from any person who is either identified on the 585  
list the dealer receives from the law enforcement agency, or who 586  
appears on the lists made available by the director pursuant to 587  
division (E) of section 4737.045 of the Revised Code. The law 588  
enforcement agency also shall provide the list, in an electronic 589  
format, ~~to the department of public safety, in an electronic~~ 590  
~~format in accordance with rules adopted by the director,~~ 591  
for 592  
inclusion in the registry created in under division (E) of 592  
section 4737.045 of the Revised Code. 593

(3) A law enforcement agency shall submit all records of 594  
any investigation into a scrap metal dealer, bulk merchandise 595  
container dealer, or holder of a bulk used catalytic converter 596  
sales license to the registry created pursuant to division (E) 597  
of section 4737.045 of the Revised Code. 598

(4) No scrap metal dealer or bulk merchandise container 599

dealer shall purchase or receive any special purchase articles 600  
or bulk merchandise containers from any person who is under 601  
eighteen years of age. 602

~~(4)~~ (5) No scrap metal dealer shall purchase or receive 603  
any special purchase article without complying with division (C) 604  
and (I) of this section and ~~division (B), (C), or (D)~~ divisions  
(A) (2) to (4) of section 4737.041 of the Revised Code. 605  
606

~~(5)~~ (6) No scrap metal dealer shall purchase or receive 607  
more than one catalytic converter per day from the same person 608  
except from a motor vehicle dealer as defined in section 4517.01 609  
of the Revised Code. 610

~~(6)~~ (7) No scrap metal dealer shall purchase or receive a 611  
beer keg that is marked with a company name or logo except from 612  
a manufacturer of beer as described in section 4303.02 of the 613  
Revised Code or an agent authorized by the manufacturer to 614  
dispose of damaged kegs. 615

~~(7)~~ (8) No scrap metal dealer shall treat a transaction as 616  
exempt from section 4737.04 or 4737.041 of the Revised Code 617  
unless the seller provides evidence of satisfying division (D) 618  
(3) of section 4737.043 of the Revised Code. 619

~~(G)~~ (G) (1) Every scrap metal dealer and bulk merchandise 620  
container dealer shall post a notice in a conspicuous place on 621  
the dealer's premises notifying persons who may wish to transact 622  
business with the dealer of the penalties applicable to any 623  
person who does any of the following: 624

~~(1)~~ (a) Provides a false personal identification card to 625  
the dealer; 626

~~(2)~~ (b) With purpose to defraud, provides any other false 627  
information to the dealer in connection with the dealer's duty 628

to maintain the records required under division (C) of this 629  
section or under section 4737.012 of the Revised Code; 630

~~(3)~~ (c) Violates section 2913.02 of the Revised Code. 631

(2) Every scrap metal dealer shall post a notice in a 632  
conspicuous place on the dealer's premises notifying persons 633  
that catalytic converters are special purchase articles. 634

(3) (a) Every scrap metal dealer and bulk merchandise 635  
container dealer shall post a copy of its registration in a 636  
conspicuous place on the dealer's premises. 637

(b) The director of public safety shall impose a civil 638  
penalty of five hundred dollars on any person who violates 639  
division (G) (3) (a) of this section and shall deposit that 640  
penalty into the state treasury to the credit of the 641  
infrastructure protection fund created under section 4737.045 of 642  
the Revised Code. 643

(H) (1) Except as otherwise provided in division (F) (2) of 644  
this section, a clerk of courts or an employee of a clerk of 645  
courts; a chief of police, marshal, or other chief law 646  
enforcement officer; a sheriff, constable, or chief of police of 647  
a township police department or police district police force; a 648  
deputy, officer, or employee of the law enforcement agency 649  
served by the marshal or the municipal or township chief, the 650  
office of the sheriff, or the constable; and an employee of the 651  
department of public safety is immune from liability in a civil 652  
action, including an action for defamation, libel, or slander, 653  
to recover damages for injury, death, or loss to persons or 654  
property or reputation allegedly caused by an act or omission in 655  
connection with compiling and providing the list required by 656  
division (F) (2) of this section. 657

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

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

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

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

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

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

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

(2) A law enforcement agency receiving an application in accordance with division (J) (1) of this section shall remove the applicant's name from the list of known thieves and receivers of stolen property if the individual has not been convicted of or pleaded guilty to either a misdemeanor that is a theft offense, as defined in section 2913.01 of the Revised Code, within three



years immediately prior to the date of the application or a 687  
felony that is a theft offense within six years immediately 688  
prior to the date of the application. 689

**Sec. 4737.041.** (A) A scrap metal dealer or bulk 690  
merchandise container dealer shall do all of the following with 691  
respect to each special purchase article the scrap metal dealer 692  
purchases or receives or with respect to each bulk merchandise 693  
container a bulk merchandise container dealer purchases or 694  
receives that is subject to division (A) of section 4737.012 of 695  
the Revised Code: 696

~~(A)~~ (1) Comply with the requirements of this section in 697  
addition to complying with the applicable requirements of 698  
section 4737.012 or 4737.04 of the Revised Code; 699

~~(B)~~ (2) Take a photograph of each special purchase article 700  
or bulk merchandise container; 701

~~(C)~~ (3) Obtain from the seller or provider of the special 702  
purchase article or bulk merchandise container proof that the 703  
seller or provider owns the special purchase article or bulk 704  
merchandise container. If the item is a catalytic converter, 705  
only the following items constitute proof of ownership: 706

(a) If the seller or provider is the owner of the motor 707  
vehicle from which the catalytic converter was removed, either 708  
of the following: 709

(i) Title to or registration of the vehicle from which the 710  
catalytic converter was removed; 711

(ii) A bill, invoice, or receipt from a motor vehicle 712  
collision repair operator as defined in section 4775.01 of the 713  
Revised Code or a motor vehicle dealer as defined in section 714  
4517.01 of the Revised Code that clearly indicates both of the 715

<u>following:</u>	716
<u>(I) The removal and replacement of the catalytic converter;</u>	717 718
<u>(II) The make, model, year, and vehicle identification number of the motor vehicle that was repaired.</u>	719 720
<u>(b) If the seller or provider is the motor vehicle collision repair operator that repaired the motor vehicle from which the catalytic converter was removed, both of the following:</u>	721 722 723 724
<u>(i) The motor vehicle collision repair operator's registration certificate;</u>	725 726
<u>(ii) A bill, invoice, or receipt that clearly indicates both of the following:</u>	727 728
<u>(I) The removal and replacement of the catalytic converter;</u>	729 730
<u>(II) The make, model, year, and vehicle identification number of the motor vehicle that was repaired.</u>	731 732
<del>(D)</del> <u>(4) If payment is rendered for the special purchase articles or bulk merchandise containers, issue a check for the purchase of the special purchase articles or bulk merchandise containers;</u>	733 734 735 736
<del>(E)</del> <u>(5) Withhold payment for the purchase of the special purchase articles or bulk merchandise containers for a period of two days after the day the special purchase articles or bulk merchandise containers are purchased;</u>	737 738 739 740
<del>(F)</del> <u>(6) If an asserted owner of stolen special purchase articles or bulk merchandise containers or that owner's agent</u>	741 742

provides proof of having filed a stolen property report with the 743  
appropriate law enforcement agency, make records describing 744  
special purchase articles or bulk merchandise containers the 745  
dealer purchased or received after the alleged date of theft 746  
available for inspection to the asserted owner or owner's agent 747  
for a period of six months after the alleged date of theft of 748  
the articles, except that the dealer shall withhold the name of 749  
the person from whom the special purchase articles or bulk 750  
merchandise containers were purchased or received and the amount 751  
paid for the special purchase articles or bulk merchandise 752  
containers. 753

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

**Sec. 4737.045.** (A) To register as a scrap metal dealer or 765  
a bulk merchandise container dealer with the director of public 766  
safety as required by division (B) of section 4737.04 of the 767  
Revised Code, a person shall do all of the following: 768

(1) Provide the name and street address of the dealer's 769  
place of business; 770

(2) Provide the name of the primary owner of the business, 771  
and of the manager of the business, if the manager is not the 772

primary owner;	773
(3) Provide the electronic mail address of the business;	774
(4) Provide confirmation that the dealer has the capabilities to electronically connect with the department of public safety for the purpose of sending and receiving information;	775 776 777 778
(5) Provide any other information required by the director in rules the director adopts pursuant to sections 4737.01 to <del>4737.045</del> <u>4737.046</u> of the Revised Code;	779 780 781
(6) Pay an initial registration fee of two hundred dollars.	782 783
(B) A person engaging in the business of a scrap metal dealer or a bulk merchandise container dealer in this state on or before September 28, 2012, shall register with the director not later than January 1, 2013. With respect to a person who commences engaging in the business of a scrap metal dealer or a bulk merchandise container dealer after September 28, 2012, the person shall register with the director pursuant to this section prior to commencing business as a scrap metal dealer or a bulk merchandise container dealer.	784 785 786 787 788 789 790 791 792
(C) A registration issued to a scrap metal dealer or a bulk merchandise container dealer pursuant to this section is valid for a period of one year. A dealer shall renew the registration in accordance with the rules adopted by the director and pay a renewal fee of one hundred fifty dollars to cover the costs of operating and maintaining the registry created pursuant to division (E) of this section.	793 794 795 796 797 798 799
(D) A scrap metal dealer or a bulk merchandise container dealer registered under this section shall prominently display a	800 801

copy of the annual registration certificate received from the 802  
director pursuant to division (E) (2) of this section. 803

(E) The director shall do all of the following: 804

(1) Develop and implement, by January 1, 2014, and 805  
maintain as a registry a secure database for use by law 806  
enforcement agencies that is capable of all of the following: 807

(a) Receiving and securely storing all of the information 808  
required by division (A) of this section and the daily 809  
transaction data that scrap metal dealers and bulk merchandise 810  
dealers are required to send pursuant to division (E) (1) of 811  
section 4737.04 of the Revised Code; 812

(b) Providing secure search capabilities to law 813  
enforcement agencies for enforcement purposes; 814

(c) Creating a link and retransmission capability for 815  
receipt of routine scrap theft alerts published by the institute 816  
of scrap recycling industries for transmission to dealers and 817  
law enforcement agencies in the state; 818

(d) Making the electronic lists prepared pursuant to 819  
division (F) (2) of section 4737.04 of the Revised Code available 820  
through an electronic searchable format for individual law 821  
enforcement agencies and for dealers in the state; 822

(e) Based on the data submitted under division (E) (1) (b) 823  
of section 4737.04, and division (C) of section 4737.25 of the 824  
Revised Code, compiling a list of all persons who, without the 825  
license required under section 4737.21 of the Revised Code, sold 826  
used catalytic converters in bulk, and making that list 827  
available in an electronic searchable format for individual law 828  
enforcement agencies, dealers in this state, and persons who 829  
purchase or intend to purchase catalytic converters in this 830

<u>state.</u>	831
<u>(f)</u> Providing, without charge, interlink programming enabling the transfer of information to dealers.	832 833
(2) Issue, reissue, or deny registration to dealers;	834
(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 maintenance for the records required under division (A) of section 4737.012 of the Revised Code or division (C) of section 4737.04 of the Revised Code, and rules regarding the delivery of the report required by division (E) (1) of section 4737.04 of the Revised Code to the registry, which shall be used exclusively by law enforcement agencies.	835 836 837 838 839 840 841 842 843
(F) A scrap metal dealer or bulk merchandise container dealer may search, modify, or update only the dealer's own business data contained within the registry established in division (E) of this section.	844 845 846 847
(G) All fees received by the director pursuant to this section and division (F) of section 4737.99 of the Revised Code shall be used to develop and maintain the registry required under this section and for the department of public safety's operating expenses. The fees shall be deposited into the infrastructure protection fund which is hereby created in the state treasury.	848 849 850 851 852 853 854
<u>(H) (1) The director of public safety shall not issue a registration to, or renew the registration of, a person who was convicted of, or pleaded guilty to, a violation of section 4737.041 of the Revised Code, a violation of section 2923.03 of the Revised Code when division (G) of section 4737.99 of the</u>	855 856 857 858 859

Revised Code applies, a violation of section 2913.02 of the 860  
Revised Code when the person is sentenced pursuant to division 861  
(B) (10) of that section, or a violation of section 2913.51 of 862  
the Revised Code when the person is sentenced pursuant to 863  
division (F) of that section. 864

(2) The director of public safety shall revoke the 865  
registration of a person who is convicted of or pleads guilty to 866  
a violation of section 4737.041 of the Revised Code, a violation 867  
of section 2923.03 of the Revised Code when division (G) of 868  
section 4737.99 of the Revised Code applies, a violation of 869  
section 2913.02 of the Revised Code when the person is sentenced 870  
pursuant to division (B) (10) of that section, or a violation of 871  
section 2913.51 of the Revised Code when the person is sentenced 872  
pursuant to division (F) of that section. 873

**Sec. 4737.046.** (A) As used in this section, "to sell used 874  
catalytic converters in bulk" has the same meaning as in section 875  
4737.20 of the Revised Code. 876

(B) Subject to division (C) of this section, the director 877  
of public safety may investigate a scrap metal dealer, bulk 878  
merchandise container dealer, a person described in division (B) 879  
of section 4737.041 of the Revised Code, a person selling used 880  
catalytic converters in bulk, and any employee, officer, or 881  
agent of any of the foregoing. As part of the investigation, the 882  
director may search the person's premises during the person's 883  
regular work hours or between the hours of eight a.m. and five 884  
p.m., Monday through Friday. 885

(C) The director shall commence an investigation only if 886  
both of the following conditions are met: 887

(1) The director receives a verified written complaint, 888

supported by evidence, indicating that the person is, has been, 889  
or will be in violation of any provision of this chapter. 890

(2) The director determines that a prima-facie case exists 891  
that the person is, has been, or will be in violation of any 892  
provision of sections 4737.04 to 4737.046 or 4737.20 to 4737.25 893  
of the Revised Code. 894

(D) (1) The director may compel witnesses by subpoena to 895  
appear and testify in relation to an investigation under this 896  
section, and may compel by subpoena duces tecum the production 897  
of any books, papers, documents, or other records pertaining to 898  
such an investigation. 899

(2) If a person does not comply with a subpoena or 900  
subpoena duces tecum issued under division (D) (1) of this 901  
section, the director may apply to the court of common pleas of 902  
Franklin county or of the county in which the person conducts 903  
business for an order compelling the person to comply with the 904  
subpoena or subpoena duces tecum or, for failure to do so, be 905  
held in contempt of court. 906

(E) If as a result of an investigation the director finds 907  
that a person violated any provision of sections 4737.04 to 908  
4737.046 or 4737.20 to 4737.25 of the Revised Code, the director 909  
shall suspend the person's registration or license and shall 910  
reinstate the registration or license upon evidence that the 911  
person has remedied the violation. The director shall revoke a 912  
registration or license if the director finds a subsequent 913  
violation of any provision of this chapter in any subsequent 914  
investigation. 915

(F) (1) No person shall undertake any activities that 916  
require registration under section 4737.045 or licensure under 917



section 4737.23 of the Revised Code following a suspension or 918  
revocation. 919

(2) Following a suspension or revocation, the director 920  
shall conduct a follow-up investigation to determine whether the 921  
person violated division (F) (1) of this section. If the director 922  
determines the person violated division (F) (1) of this section, 923  
the director shall seek an injunction from the court of common 924  
pleas of Franklin county or of the county in which the person 925  
conducts business ordering the person to cease the violation. 926

(G) (1) The director may investigate, on the director's own 927  
initiative, the actions or proposed actions of a person who is 928  
not registered under section 4737.045 of the Revised Code or 929  
licensed under section 4737.23 of the Revised Code and who 930  
appears to be acting as a scrap metal dealer, bulk merchandise 931  
container dealer, or seller of used catalytic converters in 932  
bulk. The director shall investigate such a person if a verified 933  
written complaint is filed indicating that a person was, is, or 934  
will be acting as a scrap metal dealer, bulk merchandise 935  
container dealer, or seller of used catalytic converters in bulk 936  
but is not registered or licensed as such, the complaint is 937  
supported by evidence, and the director determines that a prima- 938  
facie case exists that the person was, is, or will be acting in 939  
the alleged manner. 940

(2) If, following an investigation, the director finds 941  
that a person acted as a scrap metal dealer, bulk merchandise 942  
container dealer, or seller of used catalytic converters in bulk 943  
without a registration or license, the director shall do both of 944  
the following: 945

(a) Seek an injunction from the court of common pleas of 946  
Franklin county or of the county in which the person conducts 947

business ordering the person to cease the violation; 948

(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. 949  
950  
951  
952  
953  
954

(3) The director shall deposit all penalties collected pursuant to division (G) (2) of this section into the state treasury to the credit of the infrastructure protection fund created under section 4737.045 of the Revised Code. Notwithstanding any other provision to the contrary, all such penalties shall be expended only to conduct investigations authorized under this section. 955  
956  
957  
958  
959  
960  
961

(4) If a person fails to pay a civil penalty imposed under division (G) (2) of this section within the time prescribed by the director, the director shall submit to the attorney general the person's name and the amount of the penalty. In that case, the attorney general shall collect the penalty. In addition to the penalty, the attorney general may assess, and the person shall pay, a fee covering the costs of collecting the penalty. 962  
963  
964  
965  
966  
967  
968

(H) (1) A person shall not do any of the following when applying for a registration, licensure, or renewal under section 4737.045 or 4737.23 of the Revised Code: 969  
970  
971

(a) Engage in fraud; 972

(b) Knowingly provide false information; 973

(c) Knowingly fail to disclose relevant information that would result in a denial of or nonrenewal of a registration or license. 974  
975  
976

(2) The director shall impose a civil penalty of five 977  
hundred dollars on any person who violates division (H) (1) of 978  
this section in accordance with Chapter 119. of the Revised 979  
Code. The director shall deposit all such penalties into the 980  
state treasury to the credit of the infrastructure protection 981  
fund created under section 4737.045 of the Revised Code. 982

(I) Any refusal to renew and any denial, suspension, or 983  
revocation of any registration or license required under section 984  
4737.045 or 4737.23 of the Revised Code is subject to Chapter 985  
119. of the Revised Code. 986

(J) The director shall record information on all 987  
noninvestigative visits made by the director to a scrap metal 988  
dealer, bulk merchandise container dealer, or holder of a bulk 989  
used catalytic converter sales license. Such information shall 990  
be reported to the public on a quarterly basis via the 991  
department of commerce's web site. 992

**Sec. 4737.20.** As used in sections 4737.20 to 4737.25 of 993  
the Revised Code, "to sell used catalytic converters in bulk" 994  
means to sell more than one used catalytic converter per day 995  
regardless of the number of purchasers. 996

**Sec. 4737.21.** (A) Except as provided in division (B) of 997  
this section, no person shall sell used catalytic converters in 998  
bulk without first having obtained a license from the department 999  
of public safety. 1000

(B) Notwithstanding any provision in sections 4737.20 to 1001  
4737.25 of the Revised Code to the contrary, a person holding a 1002  
license or registration pursuant to Chapter 4517., 4737., 4738., 1003  
or 4775 of the Revised Code may sell used catalytic converters 1004  
in bulk without being separately licensed pursuant to sections 1005

4737.20 to 4737.25 of the Revised Code, so long as such sales 1006  
are in the ordinary course of a typical licensee's or 1007  
registrant's course of business. 1008

**Sec. 4737.22.** (A) The director of public safety shall do 1009  
all of the following: 1010

(1) Adopt rules in accordance with Chapter 119. of the 1011  
Revised Code as necessary to carry out the purposes of sections 1012  
4737.20 to 4737.25 of the Revised Code; 1013

(2) Determine whether to refuse to issue, refuse to renew, 1014  
suspend, or revoke a license; 1015

(3) Determine whether to waive a suspension of a license 1016  
as provided in division (D) of section 4737.23 of the Revised 1017  
Code; 1018

(4) Do all acts and perform all functions as are necessary 1019  
for the administration and enforcement of sections 4737.20 to 1020  
4737.25 of the Revised Code; 1021

(5) Provide a standardized inspection report or form to 1022  
local law enforcement to ensure that the inspection process is 1023  
streamlined, practical, and fair; 1024

(6) Prepare an annual report summarizing all inspection 1025  
reports for the previous year and make the report available to 1026  
the public on an annual basis via the department of public 1027  
safety web site; 1028

(7) Establish streamlined procedures for receiving 1029  
information regarding noncompliance with this chapter relating 1030  
to scrap metal dealing and how this information will be 1031  
forwarded to the proper legal authorities. 1032

(B) If H.R. 621 of the 118th Congress or similar 1033

legislation becomes law and if the director determines that 1034  
adopting a national standard would be in the interest of 1035  
citizens of this state, the director may adopt a rule that 1036  
prohibits the purchase of a catalytic converter with a stamped 1037  
vehicle identification number that does not match the vehicle 1038  
identification number of the title of the motor vehicle. 1039

**Sec. 4737.23.** (A) Each person applying for a bulk used 1040  
catalytic converter sales license shall deliver an application 1041  
to the director of public safety on a form prescribed by the 1042  
director and signed by the applicant. The applicant shall 1043  
include with the application the initial licensing fee set forth 1044  
in section 4737.24 of the Revised Code. The application shall 1045  
include all of the following: 1046

(1) The name and state tax identification number of the 1047  
applicant and, if applicable, the location of the applicant's 1048  
principal place of business. If the applicant has no principal 1049  
place of business, then the home address of the applicant. 1050

(2) The name or style under which the business is to be 1051  
conducted, if any, and, in the case of a corporation, the state 1052  
of incorporation; 1053

(3) A statement showing whether the applicant has 1054  
previously been convicted of or pleaded guilty to an offense 1055  
that has a direct nexus to bulk used catalytic converter sales, 1056  
including an offense under Chapter 2911., 2913., or 2923. of the 1057  
Revised Code, provided the director complies with section 9.79 1058  
of the Revised Code; 1059

(4) A statement showing whether the applicant previously 1060  
applied for a license under this section and the result of the 1061  
application, and whether the applicant has ever been the holder 1062

of any such license that was revoked or suspended; 1063

(5) If the applicant is a corporation or partnership, a 1064  
statement showing whether any of the partners, officers, or 1065  
directors have been refused a license under this section, or 1066  
have been the holder of any such license that was revoked or 1067  
suspended; 1068

(6) Any additional information required by the director. 1069

(B) Upon receipt of the completed application form and 1070  
fees and if the director determines that the applicant meets the 1071  
requirements for licensure under division (A) of this section, 1072  
the director shall issue a license to the applicant. 1073

(C) Each license issued under this section expires 1074  
annually on the date of its original issuance and may be renewed 1075  
in accordance with the standard renewal procedure of Chapter 1076  
4745. of the Revised Code. The application for a renewal shall 1077  
be accompanied by the same information and proof as is required 1078  
to accompany an initial application under division (A) of this 1079  
section and the renewal fee set forth in section 4737.24 of the 1080  
Revised Code. 1081

(D) When a licensee experiences a change in any 1082  
information or data required under division (A) of this section 1083  
or by rule of the director for licensure as a seller of bulk 1084  
used catalytic converters, the licensee shall submit written 1085  
notification of the change to the director within sixty days 1086  
after the date that the previously submitted information becomes 1087  
obsolete. If a licensee fails to submit the written notification 1088  
of a change in information or data within sixty days after the 1089  
change in information or data, the licensee's license is 1090  
automatically suspended, except that the director may waive the 1091

suspension for good cause shown. 1092

Sec. 4737.24. The initial and annual renewal fee for a 1093  
bulk used catalytic converter sales license is two hundred 1094  
dollars. 1095

Sec. 4737.25. (A) A person that is required to be licensed 1096  
under section 4737.21 of the Revised Code shall maintain 1097  
documentation of each used catalytic converter the person sells. 1098  
The documentation shall include all of the following: 1099

(1) The name and residence of the purchaser to whom each 1100  
used catalytic converter is sold, or the name and business 1101  
address of such purchaser if the purchaser is a business; 1102

(2) The date and time of each sale; 1103

(3) If the purchaser arrives at the seller's residence or 1104  
place of business in a motor vehicle, the license plate number 1105  
of that motor vehicle along with the state that issued the 1106  
license plate; 1107

(4) A full and accurate description of each used catalytic 1108  
converter sold that includes identifying letters or marks 1109  
written, inscribed, or otherwise included on the article and the 1110  
name and maker of the used catalytic converter if known. 1111

(B) A person who is required to be licensed under section 1112  
4737.21 of the Revised Code shall maintain documentation of each 1113  
used catalytic converter the person purchases or receives. The 1114  
documentation shall include all of the following: 1115

(1) The name and residence of the person from whom each 1116  
used catalytic converter was purchased or received, or the name 1117  
and business address of such person if the person is a business; 1118

(2) The date and time each purchase or receipt occurred; 1119

(3) If the seller arrives at the purchaser's residence or 1120  
place of business in a motor vehicle, the license plate number 1121  
of that motor vehicle along with the state that issued the 1122  
license plate; 1123

(4) A full and accurate description of each used catalytic 1124  
converter purchased or received that includes identifying 1125  
letters or marks written, inscribed, or otherwise included on 1126  
the article and the name and maker of the used catalytic 1127  
converter if known. 1128

(C) A person who is required to be licensed under section 1129  
4737.21 of the Revised Code shall transmit the information 1130  
required under divisions (A) and (B) of this section, 1131  
immediately upon the completion of each transaction, to the 1132  
director of public safety for inclusion in the registry 1133  
developed by the director pursuant to division (E) of section 1134  
4737.045 of the Revised Code. 1135

(D) (1) A person licensed under section 4737.23 of the 1136  
Revised Code shall post a copy of the license in a conspicuous 1137  
place on the person's premises. 1138

(2) The director of public safety shall impose a fine of 1139  
five hundred dollars on any person who violates division (D) (1) 1140  
of this section and shall deposit that fine into the state 1141  
treasury to the credit of the infrastructure protection fund 1142  
created under section 4737.045 of the Revised Code. 1143

**Sec. 4737.98.** Notwithstanding any provision of section 1144  
121.95 of the Revised Code to the contrary, a regulatory 1145  
restriction contained in a rule adopted under this chapter is 1146  
not subject to sections 121.95 to 121.953 of the Revised Code. 1147

**Sec. 4737.99.** (A) Except as specified in divisions (B), 1148



(C), (D), (E), and (F) of this section, whoever violates 1149  
sections 4737.01 to 4737.11 of the Revised Code, shall be fined 1150  
not less than twenty-five nor more than one thousand dollars and 1151  
the costs of prosecution. 1152

(B) Whoever violates division (F)(2) of section 4737.10 of 1153  
the Revised Code is guilty of a misdemeanor of the fourth 1154  
degree. 1155

~~(C) Whoever~~ (C)(1) Except as provided in division (C)(2) 1156  
of this section, whoever fails to comply with or violates 1157  
section 4737.01, 4737.012, or 4737.041, division (C), (D), (E), 1158  
(F), (G), or (I) of section 4737.04, or division (D) of section 1159  
4737.045 of the Revised Code is guilty of a misdemeanor of the 1160  
first degree. If the offender one time previously has violated 1161  
or failed to comply with section 4737.01, 4737.012, or 4737.041, 1162  
division (C), (D), (E), (F), (G), or (I) of section 4737.04, or 1163  
division (D) of section 4737.045 of the Revised Code, the 1164  
violation or failure is a felony of the fifth degree. If the 1165  
offender two or more times previously has violated or failed to 1166  
comply with section 4737.01, 4737.012, or 4737.041, division 1167  
(C), (D), (E), (F), (G), or (I) of section 4737.04, or division 1168  
(D) of section 4737.045 of the Revised Code, the violation or 1169  
failure is a felony of the fourth degree. For any second or 1170  
subsequent violation of or failure to comply with section 1171  
4737.01, 4737.012, or 4737.041, or division (C), (D), (E), (F), 1172  
(G), or (I) of section 4737.04, or division (D) of section 1173  
4737.045 of the Revised Code, a court may suspend the 1174  
registration issued to the scrap metal dealer or bulk 1175  
merchandise container dealer under section 4737.045 of the 1176  
Revised Code for a period of ninety days, during which time 1177  
period the person shall not engage in the business of a scrap 1178  
metal dealer or a bulk merchandise container dealer, as 1179

applicable. 1180

(2) Notwithstanding section 2929.31 of the Revised Code, a 1181  
business entity that, with respect to the sale, purchase, or 1182  
receipt of a catalytic converter, violates division (C), (E)(1), 1183  
(F)(2), (F)(5), or (I) of section 4737.04, division (B) of 1184  
section 4737.041, or section 4737.25 of the Revised Code shall 1185  
be fined not less than ten thousand dollars and not more than 1186  
fifty thousand dollars per violation. 1187

(D) Whoever violates division (B)(1) of section 4737.04 of 1188  
the Revised Code is guilty of a felony of the fifth degree. The 1189  
court also shall enjoin the person from engaging in the business 1190  
of a scrap metal dealer or a bulk merchandise dealer. 1191

(E) Whoever violates division (B)(2) of section 4737.04 of 1192  
the Revised Code is guilty of a felony of the fifth degree for 1193  
the first offense and a felony of the third degree for any 1194  
subsequent offense. 1195

(F) Any motor vehicle used in the theft or illegal 1196  
transportation of metal shall be impounded for at least thirty 1197  
days and not more than sixty days. If the same motor vehicle is 1198  
used in connection with a second or subsequent theft or illegal 1199  
transportation of metal, the motor vehicle shall be impounded 1200  
for at least sixty days and not more than one hundred eighty 1201  
days. Any motor vehicle used in the theft or illegal 1202  
transportation of a special purchase article or bulk merchandise 1203  
container shall be impounded for at least ninety days and not 1204  
more than three hundred sixty days. A motor vehicle impounded 1205  
pursuant to this division shall be stored at a municipal 1206  
corporation impound lot, if available, or at a lot owned by a 1207  
private entity or another governmental unit that the municipal 1208  
corporation utilizes for the purpose of impounding a motor 1209

vehicle. An impounded motor vehicle may be recovered from the 1210  
impound lot at the end of the impound term upon payment of fees. 1211

(G) A person is complicit under section 2923.03 of the 1212  
Revised Code if the person sells a catalytic converter to 1213  
another person who, in the purchase or receipt of the catalytic 1214  
converter, violates any of the following: 1215

(1) Division (F) (1) of section 4737.04 of the Revised 1216  
Code; 1217

(2) Division (B) of section 4737.041 of the Revised Code 1218  
when the violation involves a failure to obtain identifying 1219  
information of the seller of a catalytic converter or proof of 1220  
ownership of a catalytic converter; 1221

(3) Division (A) or (B) of section 4737.25 of the Revised 1222  
Code. 1223

(H) If a transaction involving the purchase or sale of a 1224  
used catalytic converter formed the basis of an offense under 1225  
division (C) or (E) of this section, the clerk of the court 1226  
shall pay any fine imposed to the county, township, municipal 1227  
corporation, park district, as created pursuant to section 1228  
511.18 or 1545.04 of the Revised Code, or state law enforcement 1229  
agencies in this state that primarily were responsible for, or 1230  
involved in, arresting and prosecuting, the offender. 1231

**Sec. 4738.03.** (A) No person licensed as a motor vehicle 1232  
salvage dealer under this chapter shall ~~engage~~ do either of the 1233  
following: 1234

(1) Engage in the business of selling at retail salvage 1235  
motor vehicle parts or salvage motor vehicles, unless the 1236  
business is operated primarily for the purpose of selling at 1237  
retail salvage motor vehicle parts. Any person operating such a 1238

business primarily for the purpose of selling at retail salvage 1239  
motor vehicle parts may secondarily sell at retail salvage motor 1240  
vehicles or manufacture a product of gradable scrap metal for 1241  
sale to scrap metal processors or any other consumer. 1242

(2) Purchase or accept individual motor vehicle parts, 1243  
such as a catalytic converter as defined in section 4737.04 of 1244  
the Revised Code. 1245

(B) No person licensed as a salvage motor vehicle auction 1246  
under this chapter shall: 1247

(1) Knowingly sell a salvage motor vehicle to anyone other 1248  
than an authorized purchaser; 1249

(2) Sell a salvage motor vehicle when having reasonable 1250  
cause to believe it is not offered by the legal owner thereof; 1251

(3) Fail to make an Ohio salvage certificate of title 1252  
available to the purchaser of a salvage motor vehicle sold by 1253  
the salvage motor vehicle auction, before payment for the 1254  
salvage motor vehicle is completed; 1255

(4) Operate as a motor vehicle salvage dealer at the same 1256  
location where any salvage motor vehicle auction is operated. 1257

(C) No person licensed as a salvage motor vehicle pool 1258  
under this chapter shall: 1259

(1) Knowingly sell a salvage motor vehicle to anyone other 1260  
than an authorized purchaser; 1261

(2) Sell a salvage motor vehicle when having reasonable 1262  
cause to believe it is not offered by the legal owner thereof; 1263

(3) Fail to make an Ohio salvage certificate of title 1264  
available to the purchaser of a salvage motor vehicle sold by 1265

the salvage motor vehicle pool, before payment for the salvage	1266
motor vehicle is completed;	1267
(4) Operate as a motor vehicle salvage dealer at the same	1268
location where any salvage motor vehicle pool is operated.	1269
<b>Sec. 4738.07.</b> (A) Except as otherwise provided in division	1270
(B) of this section, the registrar of motor vehicles shall deny	1271
the application of any person for a license under this chapter	1272
and refuse to issue the person a license if the registrar finds	1273
that the applicant:	1274
(1) Has made false statement of a material fact in the	1275
individual's application;	1276
(2) Has not complied with sections 4738.01 to 4738.15 of	1277
the Revised Code:	1278
(3) Has habitually defaulted on financial obligations;	1279
(4) Has been convicted of or pleaded guilty to a	1280
disqualifying offense, provided the registrar complies with	1281
section 9.79 of the Revised Code;	1282
(5) Has been guilty of a fraudulent act in connection with	1283
dealing in salvage motor vehicles or when operating as a motor	1284
vehicle salvage dealer, salvage motor vehicle auction, or	1285
salvage motor vehicle pool;	1286
(6) Is insolvent;	1287
(7) Is of insufficient responsibility to assure the prompt	1288
payment of any final judgments which might reasonably be entered	1289
against the individual because of the transaction of the	1290
individual's business during the period of the license applied	1291
for;	1292

(8) Has no established place of business; <del>or</del>	1293
(9) Has less than twelve months prior to said application, been denied a license under this chapter; <u>or</u>	1294 1295
<u>(10) Was convicted of or pleaded guilty to a violation of</u>	1296
<u>division (B) of section 4737.041 of the Revised Code, a</u>	1297
<u>violation of section 2923.03 of the Revised Code when division</u>	1298
<u>(G) of section 4737.99 of the Revised Code applies, a violation</u>	1299
<u>of section 2913.02 of the Revised Code when the person is</u>	1300
<u>sentenced pursuant to division (B) (10) of that section, or a</u>	1301
<u>violation of section 2913.51 of the Revised Code when the person</u>	1302
<u>is sentenced pursuant to division (F) of that section.</u>	1303
<del>(B) In</del> <u>(B) (1) Except as provided in division (B) (2) of</u>	1304
<u>this section, in considering a renewal of an individual's</u>	1305
license, the registrar shall not consider any conviction or plea	1306
of guilty prior to the initial licensing. However, the registrar	1307
may consider a conviction or plea of guilty if it occurred after	1308
the individual was initially licensed, or after the most recent	1309
license renewal.	1310
<u>(2) The registrar shall not renew an individual's license</u>	1311
<u>if the individual was convicted of or pleaded guilty to a</u>	1312
<u>violation of division (B) of section 4737.041 of the Revised</u>	1313
<u>Code, a violation of section 2923.03 of the Revised Code when</u>	1314
<u>division (G) of section 4737.99 of the Revised Code applies, a</u>	1315
<u>violation of section 2913.02 of the Revised Code when the person</u>	1316
<u>is sentenced pursuant to division (B) (10) of that section, or a</u>	1317
<u>violation of section 2913.51 of the Revised Code when the person</u>	1318
<u>is sentenced pursuant to division (F) of that section.</u>	1319
(C) The registrar may grant a person a conditional license	1320
that lasts for one year. After the one-year period has expired,	1321

the license is no longer considered conditional, and the person 1322  
shall be considered fully licensed. 1323

(D) If the applicant is a corporation or partnership, the 1324  
registrar may refuse to issue a license if any officer, 1325  
director, or partner of the applicant has been guilty of any 1326  
disqualifying offense and the refusal is in accordance with 1327  
section 9.79 of the Revised Code. The registrar's finding may be 1328  
based upon facts contained in the application or upon any other 1329  
information which the registrar may have. Immediately upon 1330  
denying an application for any of the reasons in this section, 1331  
the registrar shall enter a final order together with the 1332  
registrar's findings and certify the same to the motor vehicle 1333  
salvage dealer's licensing board. 1334

(E) If the registrar refuses an application for a license, 1335  
the reasons for such refusal shall be put in writing. An 1336  
applicant who has been refused a license may appeal from the 1337  
action of the registrar to the motor vehicle salvage dealer's 1338  
licensing board in the manner prescribed in section 4738.12 of 1339  
the Revised Code. 1340

(F) The registrar of motor vehicles shall not adopt, 1341  
maintain, renew, or enforce any rule, or otherwise preclude in 1342  
any way, an individual from renewing a license under this 1343  
chapter due to any past criminal activity or interpretation of 1344  
moral character, except as pursuant to division (B) of this 1345  
section. If the registrar denies an individual a license or 1346  
license renewal, the reasons for such denial shall be put in 1347  
writing. 1348

**Sec. 4738.12.** The motor vehicle salvage dealer's licensing 1349  
board shall hear appeals which may be taken from an order of the 1350  
registrar of motor vehicles, refusing to issue a license. All 1351

appeals from any order of the registrar refusing to issue any 1352  
license upon proper application made must be taken within thirty 1353  
days from the date of the order, or the order is final and 1354  
conclusive. All appeals from orders of the registrar must be by 1355  
petition in writing and verified under oath by the applicant 1356  
whose application for license has been denied, and must set 1357  
forth the reason why, in the petitioner's opinion, the order of 1358  
the registrar is not correct. In appeals the board may make 1359  
investigation to determine the correctness and legality of the 1360  
order of the registrar. 1361

The board may make rules governing its actions relative to 1362  
the suspension and revocation of licenses and may, upon its own 1363  
motion, and shall, upon the verified complaint in writing of any 1364  
person, investigate the conduct of any licensee under this 1365  
chapter. The board shall suspend or revoke or notify the 1366  
registrar to refuse to renew any license if any ground existed 1367  
upon which the license would have been refused, or if a ground 1368  
exists which would be cause for refusal to issue a license. 1369

The board may suspend or revoke any license if the 1370  
licensee has in any manner violated the rules issued pursuant to 1371  
sections 4738.01 to 4738.16 of the Revised Code, or has been 1372  
convicted of committing a felony or violating any law which in 1373  
any way relates to the theft of motor vehicles. 1374

The board shall revoke any license if the licensee is 1375  
convicted of or pleads guilty to a violation of division (B) of 1376  
section 4737.041 of the Revised Code, a violation of section 1377  
2923.03 of the Revised Code when division (G) of section 4737.99 1378  
of the Revised Code applies, a violation of section 2913.02 of 1379  
the Revised Code when the licensee is sentenced pursuant to 1380  
division (B)(10) of that section, or a violation of section 1381



2913.51 of the Revised Code when the licensee is sentenced 1382  
pursuant to division (F) of that section. 1383

**Sec. 4745.01.** (A) "Standard renewal procedure," as used in 1384  
Chapters 905., 907., 909., 911., 913., 915., 918., 921., 923., 1385  
927., 942., 943., 953., 1321., 3710., 3713., 3719., 3742., 1386  
3748., 3769., 3783., 3921., 3951., 4104., 4105., 4169., 4561., 1387  
4703., 4707., 4709., 4713., 4715., 4717., 4723., 4725., 4727., 1388  
4728., 4729., 4731., 4733., 4734., 4737., 4739., 4741., 4747., 1389  
4749., 4752., 4753., 4755., 4757., 4758., 4759., 4761., 4766., 1390  
4773., and 4775. of the Revised Code, means the license renewal 1391  
procedures specified in this chapter. 1392

(B) "Licensing agency," as used in this chapter, means any 1393  
department, division, board, section of a board, or other state 1394  
governmental unit subject to the standard renewal procedure, as 1395  
defined in this section, and authorized by the Revised Code to 1396  
issue a license to engage in a specific profession, occupation, 1397  
or occupational activity, or to have charge of and operate 1398  
certain specified equipment, machinery, or premises. 1399

(C) "License," as used in this chapter, means a license, 1400  
certificate, permit, card, or other authority issued or 1401  
conferred by a licensing agency by authority of which the 1402  
licensee has or claims the privilege to engage in the 1403  
profession, occupation, or occupational activity, or to have 1404  
control of and operate certain specific equipment, machinery, or 1405  
premises, over which the licensing agency has jurisdiction. 1406

(D) "Licensee," as used in this chapter, means either the 1407  
person to whom the license is issued or renewed by a licensing 1408  
agency, or the person, partnership, or corporation at whose 1409  
request the license is issued or renewed. 1410

(E) "Renewal" and "renewed," as used in this chapter and 1411  
in the chapters of the Revised Code specified in division (A) of 1412  
this section, includes the continuing licensing procedure 1413  
provided in Chapter 3748. of the Revised Code and rules adopted 1414  
under it and in sections 1321.05 and 3921.33 of the Revised 1415  
Code, and as applied to those continuing licenses any reference 1416  
in this chapter to the date of expiration of any license shall 1417  
be construed to mean the due date of the annual or other fee for 1418  
the continuing license. 1419

**Sec. 4775.09.** (A) (1) In accordance with Chapter 119. of 1420  
the Revised Code, the motor vehicle repair board may refuse to 1421  
issue or renew a registration certificate or may determine 1422  
whether to waive a suspension of a registration certificate as 1423  
provided in division (D) of section 4775.07 of the Revised Code. 1424

(2) Within ten days after receipt of an abstract from a 1425  
county court judge, mayor of a mayor's court, or clerk of a 1426  
court of record indicating a violation of division (D) of 1427  
section 4513.241 of the Revised Code, the board shall determine 1428  
whether the person named in the abstract is registered with the 1429  
board and, if the person is so registered, shall further 1430  
determine whether the person previously has been convicted of or 1431  
pleaded guilty to a violation of that section. If the person 1432  
previously has been convicted of or pleaded guilty to a 1433  
violation of that section, the board, in accordance with Chapter 1434  
119. of the Revised Code but without a prior hearing, shall 1435  
suspend the person's registration for a period of not more than 1436  
one hundred eighty days. 1437

(B) The court of common pleas of Franklin county has 1438  
exclusive jurisdiction over any person who conducts, or attempts 1439  
to conduct, business as a motor vehicle repair operator in 1440

violation of this chapter or any rule adopted under this 1441  
chapter. The court, on application of the board, may issue an 1442  
injunction, a cease and desist order, or other appropriate order 1443  
restraining the person from continuing the violation. This 1444  
section shall operate in addition to and shall not prohibit the 1445  
enforcement of any other law. 1446

(C) Upon the request of the executive director or as a 1447  
result of complaints, the board shall investigate the alleged 1448  
violation. 1449

(D) No person required to be registered under this chapter 1450  
shall have the benefit of any lien for labor or materials unless 1451  
the person is registered under this chapter. 1452

(E) No person whose application for registration under 1453  
this chapter is denied shall open or operate a facility for 1454  
business as a motor vehicle collision repair facility or motor 1455  
vehicle window tint installation facility under the name of the 1456  
person designated in the application for a registration 1457  
certificate or under any other name prior to registering as a 1458  
motor vehicle repair operator in accordance with this chapter. 1459

(F) (1) The board shall not issue a registration to or 1460  
renew the registration of a person who was convicted of or 1461  
pleaded guilty to a violation of division (B) of section 1462  
4737.041 of the Revised Code, a violation of section 2923.03 of 1463  
the Revised Code when division (G) of section 4737.99 of the 1464  
Revised Code applies, a violation of section 2913.02 of the 1465  
Revised Code when the person is sentenced pursuant to division 1466  
(B) (10) of that section, or a violation of section 2913.51 of 1467  
the Revised Code when the person is sentenced pursuant to 1468  
division (F) of that section. 1469

(2) The board shall revoke the registration of a person 1470  
who is convicted of or pleads guilty to a violation of division 1471  
(B) of section 4737.041 of the Revised Code, a violation of 1472  
section 2923.03 of the Revised Code when division (G) of section 1473  
4737.99 of the Revised Code applies, a violation of section 1474  
2913.02 of the Revised Code when the person is sentenced 1475  
pursuant to division (B)(10) of that section, or a violation of 1476  
section 2913.51 of the Revised Code when the person is sentenced 1477  
pursuant to division (F) of that section. 1478

**Section 2.** That existing sections 2913.02, 2913.51, 1479  
4737.012, 4737.04, 4737.041, 4737.045, 4737.99, 4738.03, 1480  
4738.07, 4738.12, 4745.01, and 4775.09 of the Revised Code are 1481  
hereby repealed. 1482

**Section 3.** All items in this act are hereby appropriated 1483  
as designated out of any moneys in the state treasury to the 1484  
credit of the designated fund. For all operating appropriations 1485  
made in this act, those in the first column are for fiscal year 1486  
2024 and those in the second column are for fiscal year 2025. 1487  
The operating appropriations made in this act are in addition to 1488  
any other operating appropriations made for these fiscal years. 1489

**Section 4.** 1490

1491

1	2	3	4	5
A		AGO ATTORNEY GENERAL		
B	General Revenue Fund			
C	GRF 055451	Catalytic Converter Theft	\$1,500,000	\$1,000,000

Task Force

D	TOTAL GRF General Revenue Fund	\$1,500,000	\$1,000,000
E	TOTAL ALL BUDGET FUND GROUPS	\$1,500,000	\$1,000,000

CATALYTIC CONVERTER THEFT TASK FORCE 1492

The foregoing appropriation item 055451, Catalytic 1493  
Converter Theft Task Force, shall be used by the Organized Crime 1494  
Investigations Commission to support the operations of any 1495  
catalytic converter theft task forces established by the 1496  
Commission pursuant to section 177.02 of the Revised Code. 1497

**Section 5.** Within the limits set forth in this act, the 1498  
Director of Budget and Management shall establish accounts 1499  
indicating the source and amount of funds for each appropriation 1500  
made in this act, and shall determine the manner in which 1501  
appropriation accounts shall be maintained. Expenditures from 1502  
operating appropriations contained in this act shall be 1503  
accounted for as though made in, and are subject to all 1504  
applicable provisions of, H.B 33 of the 135th General Assembly. 1505