



H.B. 150

126th General Assembly
(As Introduced)

**Reps. Gibbs, McGregor, Ujvagi, C. Evans, Kearns, Williams, Hagan,
Reidelbach**

BILL SUMMARY

- Changes the penalty for violating the Secondhand Dealers and Junk Yards Law from a fine of not less than \$25 but not more than \$1,000 and the cost of prosecution to a fourth degree misdemeanor.

CONTENT AND OPERATION

Penalty for violating the Secondhand Dealers and Junk Yards Law

Under current law, whoever violates the Secondhand Dealers and Junk Yards Law (Chapter 4737. of the Revised Code) is fined not less than \$25 nor more than \$1,000 and the costs of prosecution. The bill changes this penalty to a fourth degree misdemeanor. A fourth degree misdemeanor may result in a possible jail term of not more than 30 days, a possible conventional fine of not more than \$250, and other possible sanctions (secs. 2929.24 to 2929.28, not in the bill). (Sec. 4737.99.)

Under existing law unchanged by the bill, the Secondhand Dealers and Junk Yards Law prohibits all of the following:

- Any person from purchasing or receiving by sale, barter, exchange, or otherwise, specified articles from a minor or apprentice, knowing or having reason to believe that the person is a minor or an apprentice, or from any person between the hours of nine p.m. and seven a.m. (sec. 4737.03, not in the bill).
- Any person from operating or maintaining a junk yard in specified jurisdictions without obtaining a license from the proper authorities, unless an exception applies (secs. 4737.06 and 4737.07, not in the bill).
- Any holder of a license to operate and maintain a junk yard from operating or maintaining a junk yard in violation of the provisions of the

Secondhand Dealers and Junk Yards Law that pertains to junk yards (sec. 4737.06, not in the bill).

Continuing law unchanged by the bill also places several duties on individuals subject to the Secondhand Dealers and Junk Yards Law. The following are some examples of these duties:

- A dealer in specified secondhand goods must: (1) keep a separate book, open to inspection by any law enforcement officer, written in English, (2) to record in this book, at the time of the purchase or exchange of articles, a description of the articles, the name, description, and residence of the person from whom the articles were purchased and received, and the day and hour when the purchase or exchange was made, (3) consecutively number each entry in that book, commencing with number one (sec. 4737.01(A), not in the bill).
- Any person, prior to purchasing any secondhand article of furniture or secondhand electrical or gas appliance or equipment for the purpose of resale to the general public, must demand to examine the seller's driver's or commercial driver's license or state identification card and one additional type of card typically used for identification purposes (sec. 4737.01(B), not in the bill).
- Any fence erected for a junk yard must be non-transparent, kept in good order and repair, and have no advertisements on the fence other than the name of the licensee and the nature of the business conducted therein (sec. 4737.09, not in the bill).

If any individual commits any of the acts prohibited by the Secondhand Dealers and Junk Yards Law, then that individual, under the bill, is subject to penalties for a fourth degree misdemeanor.

Arguably, if an individual failed to comply with the duties mentioned above or any of the other applicable duties specified in the Secondhand Dealers and Junk Yards Law, that person would be in violation of the law and, under the bill, could be subject to penalties for a fourth degree misdemeanor.

HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	03-24-05	p. 354

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