



Ohio Legislative Service Commission

Bill Analysis

Meredith L. Rockwell

S.B. 193

129th General Assembly
(As Introduced)

Sens. Seitz, Patton

BILL SUMMARY

- Requires scrap metal dealers to take a photograph of each article purchased or received by the dealer and of each person who sells or otherwise gives the dealer that article.
- Prohibits a scrap metal dealer from purchasing or receiving an article from a person who refuses to allow the dealer to take the required photograph of that person.
- Prescribes penalties for failing to take or maintain the required photographs and for purchasing or receiving an article from a person who refuses to have the required photograph taken.

CONTENT AND OPERATION

Photograph requirement

The bill requires every scrap metal dealer to take a photograph, by any photographic means available, of each article for which the dealer must make a record under current law and of each person who sells or otherwise gives the dealer that article.¹ Under continuing law, a dealer is required to take a photograph of any special purchase articles, which include beer kegs; certain equipment used in providing cable service or any utility service; certain articles that have been or appear to have been obtained from a cemetery; certain metal articles that are purchased and installed for use upon authorization of the state or any political subdivision of the state; historical,

¹ R.C. 4737.04(H).

commemorative, and memorial markers and plaques made out of metal; grocery carts; and metal bossies.²

The dealer is required under the bill to take the photographs at the time the dealer purchases or receives the article and is required to keep the photographs as part of the record required under continuing law.³ The bill prohibits the dealer from purchasing or receiving any metal articles from a person who refuses to allow the dealer to take the required photograph of that person.⁴

Continuing law requires every scrap metal dealer to maintain a record book or electronic file in which the dealer must keep an accurate and complete record of all articles purchased or received by the dealer in the course of the dealer's daily business. The dealer must maintain the record for each article purchased or received for a minimum period of one year after the date the dealer purchased or received the article. Under continuing law, the record must contain the name and residence of the person from whom the articles were purchased or received and a copy of that person's personal identification card.⁵

Penalties

If the dealer fails to take or maintain the record of the photographs required by the bill, or if the dealer purchases or receives an article from a person who refuses to allow the dealer to take the required photograph of that person, the dealer is guilty of a third degree misdemeanor. If the dealer previously has violated the photograph requirements one time, if the dealer previously one time has purchased or received articles from a person who refused to allow the dealer to take the required photograph of that person, or if the dealer otherwise failed to comply with or violated other provisions of the law governing scrap metal transactions one time, the dealer is guilty of a second degree misdemeanor. If a dealer previously has violated the photograph requirements two or more times, if the dealer previously two or more times has purchased or received articles from a person who refused to allow the dealer to take the required photograph of that person, or if the dealer otherwise failed to comply with or violated other provisions of that law two or more times, the dealer is guilty of a first degree misdemeanor.⁶

² R.C. 4737.01(A)(2) and 4737.041(B), not in the bill.

³ R.C. 4737.04(H).

⁴ R.C. 4737.04(E)(1).

⁵ R.C. 4737.04(B).

⁶ R.C. 4737.99(C).

HISTORY

ACTION

DATE

Introduced

06-30-11

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