



Ohio Legislative Service Commission

Synopsis of House Committee Amendments*

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Sub. S.B. 193

129th General Assembly
(H. Commerce, Labor and Technology)

Creates specific criminal penalties for the theft of special purchase articles and bulk merchandise containers, making the theft a fifth degree felony for the first offense and a third degree felony for any subsequent offense.

Requires a motor vehicle used in the theft of metal, special purchase articles, or bulk merchandise containers to be impounded for a specific period of time.

Prohibits any person from receiving, purchasing, or selling a special purchase article or a bulk merchandise container except as in accordance with the laws governing scrap metal dealers and bulk merchandise containers and prescribes penalties for violating the prohibition.

Expands the continuing law list of special purchase articles to include railroad material, specified metal trays and containers, and burnt wire.

Requires scrap metal dealers and bulk merchandise container dealers to register with the Director of Public Safety and prescribes registration requirements.

Narrows the current law definition of "scrap metal dealer" to mean the owner or operator of a business that purchases or receives scrap metal for the purpose of sorting, grading, and shipping metals to third parties for direct or indirect melting into new products, rather than simply an owner or operator of a business that purchases or receives scrap metal as under current law.

Requires dealers to pay an initial registration fee of \$200 and an annual renewal fee of \$150.

Requires the Director to develop and implement, by January 1, 2014, and maintain as a registry a secure database for use by law enforcement agencies regarding scrap metal and bulk merchandise container transactions and prescribes requirements for that registry.

* This synopsis does not address amendments that may have been adopted on the House Floor.

Requires dealers to transmit daily transaction reports to the Director for inclusion in the registry.

Eliminates the threshold number of plastic bulk merchandise containers that are marked with a company name or logo that a bulk merchandise container dealer must purchase or receive to trigger the duty to maintain an accurate and complete record of containers purchased or received.

Requires bulk merchandise containers for which the dealer must create a record under the bill to be treated in the same manner as special purchase articles in all respects, including the prohibitions regarding special purchase articles, instead of only the requirements regarding the purchase or receipt of those articles.

Makes changes to the recordkeeping requirements for scrap metal dealers.

Restores to current law the requirement for a scrap metal dealer to maintain a record for one year after the date the dealer purchases or receives the article (the Senate-passed version decreased the time period to 60 days), except that the required photograph must be kept only for 60 days.

Requires both types of dealers to maintain the applicable records for a period of 60 days after the date the dealer purchases or receives the article or container (reduced from one year in the Senate-passed version for bulk merchandise dealers) once the electronic registry required under the bill is operational.

Increases the current law penalties applicable to scrap metal dealers and secondhand dealers for failure to comply with the applicable duties in the law and subjects bulk merchandise container dealers to those increased penalties, increasing a first offense from a third degree misdemeanor to a first degree misdemeanor, a second offense from a second degree misdemeanor to a fifth degree felony, and any subsequent offense from a first degree misdemeanor to a fourth degree felony.

Requires the list provided by law enforcement to scrap metal dealers to include only persons known to be thieves or receivers of stolen property (instead of known or suspected under current law) and authorizes law enforcement agencies to request the clerk of courts to provide that list.

Requires that list to be provided in a searchable, electronic format and to also be provided to bulk merchandise container dealers and the Department of Public Safety.

Creates a joint select committee to study the bill's effectiveness, and the Scrap Metal and Bulk Merchandise Container Registry Advisory Council to assist in development of the registry.

Requires the Director to adopt rules to enforce the law governing secondhand dealers, scrap metal dealers, and bulk merchandise container dealers and for the format and maintenance of records and lists required under continuing law and the bill.

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