

# As Passed by the Senate

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Representatives Wolpert, McGregor, DeWine, C. Evans, Carano, Schmidt,  
Flowers, Aslanides, D. Evans, Gibbs, Allen, Seitz, Beatty, Harwood, Book,  
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Widener, Williams, Wilson, Woodard, Young  
Senators Austria, Amstutz, Carey, Randy Gardner, Robert Gardner, Harris,  
Schuring, Mumper, Spada

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## A B I L L

To amend sections 2913.02, 2935.041, 3745.71, and 1  
3745.72 and to enact section 2913.07 of the 2  
Revised Code to permit a suspension of the 3  
driver's licenses of offenders convicted of theft 4  
by reason of causing a motor vehicle to leave the 5  
premises of a retail gasoline establishment 6  
without full payment for gasoline dispensed into 7  
the motor vehicle's fuel tank or another 8  
container; to declare that those sections in the 9  
Revised Code that regulate theft of gasoline in 10  
certain circumstances are general laws; to 11  
prohibit motion picture piracy; to authorize the 12  
detention of individuals suspected of motion 13  
picture piracy; and to extend from January 1, 14  
2004, to January 1, 2009, the time by which 15

environmental audits must be completed in order to 16  
be within the scope of certain privileges and 17  
immunities that apply to such audits. 18

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

**Section 1.** That sections 2913.02, 2935.041, 3745.71, and 19  
3745.72 be amended and section 2913.07 of the Revised Code be 20  
enacted to read as follows: 21

**Sec. 2913.02.** (A) No person, with purpose to deprive the 22  
owner of property or services, shall knowingly obtain or exert 23  
control over either the property or services in any of the 24  
following ways: 25

(1) Without the consent of the owner or person authorized to 26  
give consent; 27

(2) Beyond the scope of the express or implied consent of the 28  
owner or person authorized to give consent; 29

(3) By deception; 30

(4) By threat; 31

(5) By intimidation. 32

(B)(1) Whoever violates this section is guilty of theft. 33

(2) Except as otherwise provided in this division or division 34  
(B)(3), (4), (5), or (6) of this section, a violation of this 35  
section is petty theft, a misdemeanor of the first degree. If the 36  
value of the property or services stolen is five hundred dollars 37  
or more and is less than five thousand dollars or if the property 38  
stolen is any of the property listed in section 2913.71 of the 39  
Revised Code, a violation of this section is theft, a felony of 40  
the fifth degree. If the value of the property or services stolen 41

is five thousand dollars or more and is less than one hundred 42  
thousand dollars, a violation of this section is grand theft, a 43  
felony of the fourth degree. If the value of the property or 44  
services stolen is one hundred thousand dollars or more and is 45  
less than five hundred thousand dollars, a violation of this 46  
section is aggravated theft, a felony of the third degree. If the 47  
value of the property or services is five hundred thousand dollars 48  
or more and is less than one million dollars, a violation of this 49  
section is aggravated theft, a felony of the second degree. If the 50  
value of the property or services stolen is one million dollars or 51  
more, a violation of this section is aggravated theft of one 52  
million dollars or more, a felony of the first degree. 53

(3) Except as otherwise provided in division (B)(4), (5), or 54  
(6) of this section, if the victim of the offense is an elderly 55  
person or disabled adult, a violation of this section is theft 56  
from an elderly person or disabled adult, and division (B)(3) of 57  
this section applies. Except as otherwise provided in this 58  
division, theft from an elderly person or disabled adult is a 59  
felony of the fifth degree. If the value of the property or 60  
services stolen is five hundred dollars or more and is less than 61  
five thousand dollars, theft from an elderly person or disabled 62  
adult is a felony of the fourth degree. If the value of the 63  
property or services stolen is five thousand dollars or more and 64  
is less than twenty-five thousand dollars, theft from an elderly 65  
person or disabled adult is a felony of the third degree. If the 66  
value of the property or services stolen is twenty-five thousand 67  
dollars or more and is less than one hundred thousand dollars, 68  
theft from an elderly person or disabled adult is a felony of the 69  
second degree. If the value of the property or services stolen is 70  
one hundred thousand dollars or more, theft from an elderly person 71  
or disabled adult is a felony of the first degree. 72

(4) If the property stolen is a firearm or dangerous 73

ordnance, a violation of this section is grand theft, a felony of 74  
the fourth degree. 75

(5) If the property stolen is a motor vehicle, a violation of 76  
this section is grand theft of a motor vehicle, a felony of the 77  
fourth degree. 78

(6) If the property stolen is any dangerous drug, a violation 79  
of this section is theft of drugs, a felony of the fourth degree, 80  
or, if the offender previously has been convicted of a felony drug 81  
abuse offense, a felony of the third degree. 82

(7) In addition to the penalties described in division (B)(2) 83  
of this section, if the offender committed the violation by 84  
causing a motor vehicle to leave the premises of an establishment 85  
at which gasoline is offered for retail sale without the offender 86  
making full payment for gasoline that was dispensed into the fuel 87  
tank of the motor vehicle or into another container, the court may 88  
do one of the following: 89

(a) Unless division (B)(7)(b) of this section applies, 90  
suspend for not more than six months the offender's driver's 91  
license, probationary driver's license, commercial driver's 92  
license, temporary instruction permit, or nonresident operating 93  
privilege; 94

(b) If the offender's driver's license, probationary driver's 95  
license, commercial driver's license, temporary instruction 96  
permit, or nonresident operating privilege has previously been 97  
suspended pursuant to division (B)(7)(a) of this section, impose a 98  
class seven suspension of the offender's license, permit, or 99  
privilege from the range specified in division (A)(7) of section 100  
4510.02 of the Revised Code, provided that the suspension shall be 101  
for at least six months. 102

(C) The sentencing court that suspends an offender's license, 103  
permit, or nonresident operating privilege under division (B)(7) 104

of this section may grant the offender limited driving privileges 105  
during the period of the suspension in accordance with Chapter 106  
4510. of the Revised Code. 107

Sec. 2913.07. (A) As used in this section: 108

(1) "Audiovisual recording function" means the capability of 109  
a device to record or transmit a motion picture or any part of a 110  
motion picture by means of any technology existing on, or 111  
developed after, the effective date of this section. 112

(2) "Facility" includes all retail establishments and movie 113  
theaters. 114

(B) No person, without the written consent of the owner or 115  
lessee of the facility and of the licensor of the motion picture, 116  
shall knowingly operate an audiovisual recording function of a 117  
device in a facility in which a motion picture is being shown. 118

(C) Whoever violates division (B) of this section is guilty 119  
of motion picture piracy, a misdemeanor of the first degree on the 120  
first offense and a felony of the fifth degree on each subsequent 121  
offense. 122

(D) This section does not prohibit or restrict a lawfully 123  
authorized investigative, law enforcement, protective, or 124  
intelligence gathering employee or agent of the government of this 125  
state or a political subdivision of this state, or of the federal 126  
government, when acting in an official capacity, from operating an 127  
audiovisual recording function of a device in any facility in 128  
which a motion picture is being shown. 129

(E) Division (B) of this section does not limit or affect the 130  
application of any other prohibition in the Revised Code. Any act 131  
that is a violation of both division (B) of this section and 132  
another provision of the Revised Code may be prosecuted under this 133  
section, under the other provision of the Revised Code, or under 134

both this section and the other provision of the Revised Code.

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**Sec. 2935.041.** (A) A merchant, or ~~his~~ an employee or agent of  
a merchant, who has probable cause to believe that items offered  
for sale by a mercantile establishment have been unlawfully taken  
by a person, may, for the purposes set forth in division (C) of  
this section, detain the person in a reasonable manner for a  
reasonable length of time within the mercantile establishment or  
its immediate vicinity.

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(B) Any officer, employee, or agent of a library, museum, or  
archival institution may, for the purposes set forth in division  
(C) of this section or for the purpose of conducting a reasonable  
investigation of a belief that the person has acted in a manner  
described in divisions (B)(1) and (2) of this section, detain a  
person in a reasonable manner for a reasonable length of time  
within, or in the immediate vicinity of, the library, museum, or  
archival institution, if the officer, employee, or agent has  
probable cause to believe that the person has either:

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(1) Without privilege to do so, knowingly moved, defaced,  
damaged, destroyed, or otherwise improperly tempered with property  
owned by or in the custody of the library, museum, or archival  
institution; or

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(2) With purpose to deprive the library, museum, or archival  
institution of property owned by it or in its custody, knowingly  
obtained or exerted control over the property without the consent  
of the owner or person authorized to give consent, beyond the  
scope of the express or implied consent of the owner or person  
authorized to give consent, by deception, or by threat.

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(C) An officer, agent, or employee of a library, museum, or  
archival institution pursuant to division (B) of this section or a  
merchant or ~~his~~ employee or agent of a merchant pursuant to

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division (A) of this section may detain another person for any of 165  
the following purposes: 166

(1) To recover the property that is the subject of the 167  
unlawful taking, criminal mischief, or theft; 168

(2) To cause an arrest to be made by a peace officer; 169

(3) To obtain a warrant of arrest. 170

(D) The owner or lessee of a facility in which a motion 171  
picture is being shown, or the owner's or lessee's employee or 172  
agent, who has probable cause to believe that a person is or has 173  
been operating an audiovisual recording function of a device in 174  
violation of section 2913.07 of the Revised Code may, for the 175  
purpose of causing an arrest to be made by a peace officer or of 176  
obtaining an arrest warrant, detain the person in a reasonable 177  
manner for a reasonable length of time within the facility or its 178  
immediate vicinity. 179

(E) The officer, agent, or employee of the library, museum, 180  
or archival institution, ~~or~~ the merchant or ~~his~~ employee or agent 181  
of a merchant, or the owner, lessee, employee, or agent of the 182  
facility acting under division (A) ~~or~~, (B), or (D) of this section 183  
shall not search the person detained, search or seize any property 184  
belonging to the person detained without the person's consent, or 185  
use undue restraint upon the person detained. 186

~~(E)~~(F) Any peace officer may arrest without a warrant any 187  
person that ~~he~~ the officer has probable cause to believe has 188  
committed any act described in division (B)(1) or (2) of this 189  
section ~~or~~, that ~~he~~ the officer has probable cause to believe has 190  
committed an unlawful taking in a mercantile establishment, or 191  
that the officer has reasonable cause to believe has committed an 192  
act prohibited by section 2913.07 of the Revised Code. An arrest 193  
under this division shall be made within a reasonable time after 194  
the commission of the act or unlawful taking. 195

~~(F)~~(G) As used in this section: 196

(1) "Archival institution" means any public or private 197  
building, structure, or shelter in which are stored historical 198  
documents, devices, records, manuscripts, or items of public 199  
interest, which historical materials are stored to preserve the 200  
materials or the information in the materials, to disseminate the 201  
information contained in the materials, or to make the materials 202  
available for public inspection or for inspection by certain 203  
persons who have a particular interest in, use for, or knowledge 204  
concerning the materials. 205

(2) "Museum" means any public or private nonprofit 206  
institution that is permanently organized for primarily 207  
educational or aesthetic purposes, owns or borrows objects or 208  
items of public interest, and cares for and exhibits to the public 209  
the objects or items. 210

(3) "Audiovisual recording function" and "facility" have the 211  
same meaning as in section 2913.07 of the Revised Code. 212

**Sec. 3745.71.** (A) Except as otherwise provided in division 213  
(C) of this section, the owner or operator of a facility or 214  
property who conducts an environmental audit of one or more 215  
activities at the facility or property has a privilege with 216  
respect to both of the following: 217

(1) The contents of an environmental audit report that is 218  
based on the audit; 219

(2) The contents of communications between the owner or 220  
operator and employees or contractors of the owner or operator, or 221  
among employees or contractors of the owner or operator, that are 222  
necessary to the audit and are made in good faith as part of the 223  
audit after the employee or contractor is notified that the 224  
communication is part of the audit. 225



(B) Except as otherwise provided in or ordered pursuant to 226  
this section, information that is privileged under this section is 227  
not admissible as evidence or subject to discovery in any civil or 228  
administrative proceeding and a person who possesses such 229  
information as a result of conducting or participating in an 230  
environmental audit shall not be compelled to testify in any civil 231  
or administrative proceeding concerning the privileged portions of 232  
the environmental audit. 233

(C) The privilege provided in this section does not apply to 234  
criminal investigations or proceedings. Where an audit report is 235  
obtained, reviewed, or used in a criminal proceeding, the 236  
privilege provided in this section applicable to civil or 237  
administrative proceedings is not waived or eliminated. 238  
Furthermore, the privilege provided in this section does not apply 239  
to particular information under any of the following 240  
circumstances: 241

(1) The privilege is not asserted with respect to that 242  
information by the owner or operator to whom the privilege 243  
belongs. 244

(2) The owner or operator to whom the privilege belongs 245  
voluntarily testifies, or has provided written authorization to an 246  
employee, contractor, or agent to testify on behalf of the owner 247  
or operator, as to that information. 248

(3) A court of record in a civil proceeding or the tribunal 249  
or presiding officer in an administrative proceeding finds, 250  
pursuant to this section, that the privilege does not apply to 251  
that information. 252

(4) The information is required by law to be collected, 253  
developed, maintained, reported, disclosed publicly, or otherwise 254  
made available to a government agency. 255

(5) The information is obtained from a source other than an 256

environmental audit report, including, without limitation, 257  
observation, sampling, monitoring, a communication, a record, or a 258  
report that is not part of the audit on which the audit report is 259  
based. 260

(6) The information is collected, developed, made, or 261  
maintained in bad faith or for a fraudulent purpose. 262

(7) The owner or operator to whom the privilege belongs 263  
waives the privilege, in whole or in part, explicitly or by 264  
engaging in conduct that manifests a clear intent that the 265  
information not be privileged. If an owner or operator introduces 266  
part of an environmental audit report into evidence in a civil or 267  
administrative proceeding to prove that the owner or operator did 268  
not violate, or is no longer violating, any environmental laws, 269  
the privilege provided by this section is waived with respect to 270  
all information in the audit report that is relevant to that 271  
issue. 272

(8)(a) The information shows evidence of noncompliance with 273  
environmental laws and the owner or operator fails to do any of 274  
the following: 275

(i) Promptly initiate reasonable efforts to achieve 276  
compliance upon discovery of the noncompliance through an 277  
environmental audit; 278

(ii) Pursue compliance with reasonable diligence; 279

(iii) Achieve compliance within a reasonable time. 280

(b) "Reasonable diligence" includes, without limitation, 281  
compliance with section 3745.72 of the Revised Code. 282

(9) The information contains evidence that a government 283  
agency federally authorized, approved, or delegated to enforce 284  
environmental laws has reasonable cause to believe is necessary to 285  
prevent imminent and substantial endangerment or harm to human 286

health or the environment.	287
(10) Any circumstance in which both of the following apply:	288
(a) The information contains evidence regarding an alleged violation of environmental laws and a government agency charged with enforcing any of those laws has a substantial need for the information to protect public health or safety or to prevent substantial harm to property or the environment;	289 290 291 292 293
(b) The government agency is unable to obtain the substantial equivalent of the information by other means without unreasonable delay or expense.	294 295 296
(11) The information consists of personal knowledge of an individual who did not obtain that information as part of an environmental audit.	297 298 299
(12) The information is not clearly identified as part of an environmental audit report. For purposes of this section, clear identification of information as part of an environmental audit report includes, without limitation, either of the following:	300 301 302 303
(a) The information is contained in a document and the front cover, the first page, or a comparable part of the document is prominently labeled with "environmental audit report: privileged information" or substantially comparable language;	304 305 306 307
(b) The information is contained in an electronic record and the record is programmed to display or print prominently "environmental audit report: privileged information" or substantially comparable language before the privileged information is displayed or printed.	308 309 310 311 312
(13) The information existed prior to the initiation of the environmental audit under division (A) of section 3745.70 of the Revised Code.	313 314 315
(D) If the privilege provided in this section belongs to an	316

owner or operator who is not an individual, the privilege may be 317  
asserted or waived, in whole or in part, on behalf of the owner or 318  
operator only by an officer, manager, partner, or other comparable 319  
person who has a fiduciary relationship with the owner or operator 320  
and is authorized generally to act on behalf of the owner or 321  
operator or is a person who is authorized specifically to assert 322  
or waive the privilege. 323

(E) A person asserting the privilege provided in this section 324  
has the burden of proving the applicability of the privilege by a 325  
preponderance of the evidence. If a person seeking disclosure of 326  
information with respect to which a privilege is asserted under 327  
this section shows evidence of noncompliance with environmental 328  
laws pursuant to division (C)(8) of this section, the person 329  
asserting the privilege also has the burden of proving by a 330  
preponderance of the evidence that reasonable efforts to achieve 331  
compliance with those laws were initiated promptly and that 332  
compliance was pursued with reasonable diligence and achieved 333  
within a reasonable time. 334

(F) When determining whether the privilege provided by this 335  
section applies to particular information, a court of record that 336  
is not acting pursuant to division (G) of this section, or the 337  
tribunal or presiding officer in an administrative proceeding, 338  
shall conduct an in camera review of the information in a manner 339  
consistent with applicable rules of procedure. 340

(G)(1) The prosecuting attorney of a county or the attorney 341  
general, having probable cause to believe, based on information 342  
obtained from a source other than an environmental audit report, 343  
that a violation has been committed under environmental laws for 344  
which a civil or administrative action may be initiated, may 345  
obtain information with respect to which a privilege is asserted 346  
under this section pursuant to a search warrant, subpoena, or 347  
discovery under the Rules of Civil Procedure. The prosecuting 348

attorney or the attorney general immediately shall place the 349  
information under seal and shall not review or disclose its 350  
contents. 351

(2) Not later than sixty days after receiving an 352  
environmental audit report under division (G)(1) of this section, 353  
the prosecuting attorney or the attorney general may file with the 354  
court of common pleas of a county in which there is proper venue 355  
to bring a civil or administrative action pertaining to the 356  
alleged violation a petition requesting an in camera hearing to 357  
determine if the information described in division (G)(1) of this 358  
section is subject to disclosure under this section. Failure to 359  
file such a petition shall cause the information to be released to 360  
the owner or operator to whom it belongs. 361

(3) Upon the filing of a petition under division (G)(2) of 362  
this section, the court shall issue an order scheduling an in 363  
camera hearing, not later than forty-five days after the filing of 364  
the petition, to determine if any or all of the information 365  
described in division (G)(1) of this section is subject to 366  
disclosure under this section. The order shall allow the 367  
prosecuting attorney or the attorney general to remove the seal 368  
from the report in order to review it and shall place appropriate 369  
limitations on distribution and review of the report to protect 370  
against unnecessary disclosure. 371

(4) The prosecuting attorney or the attorney general may 372  
consult with government agencies regarding the contents of the 373  
report to prepare for the in camera hearing. Information described 374  
in division (G)(1) of this section that is used by the prosecuting 375  
attorney or the attorney general to prepare for the in camera 376  
hearing shall not be used by the prosecuting attorney, the 377  
attorney general, an employee or agent of either of them, or an 378  
agency described in division (G)(4) of this section in any 379  
investigation or proceeding against the respondent, and otherwise 380

shall be kept confidential, unless the information is subject to 381  
disclosure under this section. 382

(5) The parties may stipulate that information contained in 383  
an environmental audit report is or is not subject to disclosure 384  
under this section. 385

(6) If the court determines that information described in 386  
division (G)(1) of this section is subject to disclosure under 387  
this section, the court shall compel disclosure under this section 388  
of only the information that is relevant to the proceeding 389  
described in division (G)(1) of this section. 390

(H) Nothing in this section affects the nature, scope, or 391  
application of any privilege of confidentiality or nondisclosure 392  
recognized under another section of the Revised Code or the common 393  
law of this state, including, without limitation, the work product 394  
doctrine and attorney-client privilege. 395

(I) The privilege provided by this section applies only to 396  
information and communications that are part of environmental 397  
audits initiated after March 13, 1997, and completed before 398  
January 1, ~~2004~~ 2009, in accordance with the time frames specified 399  
in division (A) of section 3745.70 of the Revised Code. 400

**Sec. 3745.72.** (A) The owner or operator of a facility or 401  
property who conducts an environmental audit of the facility or 402  
property and promptly and voluntarily discloses information 403  
contained in or derived from an audit report that is based on the 404  
audit and concerns an alleged violation of environmental laws to 405  
the director of the state agency that has jurisdiction over the 406  
alleged violation is immune from any administrative and civil 407  
penalties for the specific violation disclosed, except that where 408  
the disclosed violation has resulted in significant economic 409  
benefit to the owner or operator of the facility or property, 410  
there is no immunity for the economic benefit component of the 411

administrative and civil penalties for that violation. An owner or 412  
operator asserting entitlement to such immunity has the burden of 413  
proving that entitlement by a preponderance of the evidence. 414

(B) For the purposes of this section, a disclosure of 415  
information is voluntary with respect to an alleged violation of 416  
environmental laws only if all of the following apply: 417

(1) The disclosure is made promptly after the information is 418  
obtained through the environmental audit by the owner or operator 419  
who conducts the environmental audit; 420

(2) A reasonable, good faith effort is made to achieve 421  
compliance as quickly as practicable with environmental laws 422  
applicable to the information disclosed; 423

(3) Compliance with environmental laws applicable to the 424  
information disclosed is achieved as quickly as practicable or 425  
within such period as is reasonably ordered by the director of the 426  
state agency that has jurisdiction over the alleged violation; 427

(4) The owner or operator cooperates with the director of the 428  
state agency that has jurisdiction over the alleged violation in 429  
investigating the cause, nature, extent, and effects of the 430  
noncompliance; 431

(5) The disclosure is not required by law, prior litigation, 432  
or an order by a court or a government agency; 433

(6) The owner or operator who makes the disclosure does not 434  
know or have reason to know that a government agency charged with 435  
enforcing environmental laws has commenced an investigation or 436  
enforcement action that concerns a violation of such laws 437  
involving the activity. 438

(C) For the purposes of this section, a disclosure shall be 439  
in writing, dated, and hand delivered or sent by certified mail to 440  
the director of the state agency that has jurisdiction over the 441

alleged violation, and shall contain all of the following in a 442  
printed letter attached to the front of the disclosure: 443

(1) The name, address, and telephone number of the owner or 444  
operator making the disclosure; 445

(2) The name, title, address, and telephone number of one or 446  
more persons associated with the owner or operator who may be 447  
contacted regarding the disclosure; 448

(3) A brief summary of the alleged violation of environmental 449  
laws, including, without limitation, the nature, date, and 450  
location of the alleged violation to the extent that the 451  
information is known by the owner or operator; 452

(4) A statement that the information is part of an 453  
environmental audit report and is being disclosed under section 454  
3745.72 of the Revised Code in order to obtain the immunity 455  
provided by that section. 456

(D) This section does not provide immunity from the payment 457  
of damages for harm to persons, property, or the environment; the 458  
payment of reasonable costs incurred by a government agency in 459  
responding to a disclosure; or responsibility for the remediation 460  
or cleanup of environmental harm under environmental laws. 461

(E) The immunity provided by this section does not apply 462  
under any of the following circumstances: 463

(1) Within the three-year period prior to disclosure, the 464  
owner or operator of a facility or property has committed 465  
significant violations that constitute a pattern of continuous or 466  
repeated violations of environmental laws, environmental related 467  
settlement agreements, or environmental related judicial orders 468  
and that arose from separate and distinct events. For the purposes 469  
of division (E)(1) of this section, a pattern of continuous or 470  
repeated violations also may be demonstrated by multiple 471  
settlement agreements related to substantially the same alleged 472



significant violations that occurred within the three-year period 473  
immediately prior to the voluntary disclosure. Determination of 474  
whether a person has a pattern of continuous or repeated 475  
violations under division (E)(1) of this section shall be based on 476  
the compliance history of the property or specific facility at 477  
issue. 478

(2) With respect to a specific violation, the violation 479  
resulted in serious harm or in imminent and substantial 480  
endangerment to human health or the environment. 481

(3) With respect to a specific violation, the violation is of 482  
a specific requirement of an administrative or judicial order. 483

(F) The immunity provided by this section applies only to 484  
disclosures made concerning environmental audits initiated after 485  
March 13, 1997, and completed before January 1, ~~2004~~ 2009, in 486  
accordance with the time frames specified in division (A) of 487  
section 3745.70 of the Revised Code. 488

(G) The immunity provided by this section applies to a person 489  
who makes a good faith disclosure to a state agency under this 490  
section even though another state agency is determined to have 491  
jurisdiction over an alleged violation of environmental laws 492  
indicated in the disclosure. 493

(H) Each state agency that receives a disclosure under this 494  
section promptly shall record receipt of the disclosure, determine 495  
whether it has jurisdiction over the alleged violation of 496  
environmental laws indicated in the disclosure, and, if it does 497  
not have such jurisdiction, deliver the disclosure documents to 498  
the director of a state agency that has jurisdiction over the 499  
alleged violation. If a disclosure indicates alleged violations of 500  
environmental laws that are under the jurisdiction of more than 501  
one state agency, the state agency that first receives the 502  
disclosure and has jurisdiction over any of the alleged violations 503

promptly shall notify the director of each state agency that has 504  
jurisdiction over any of such alleged violations. The director of 505  
each state agency that receives a disclosure under this section, 506  
or is notified by another state agency that the director's agency 507  
has jurisdiction over an alleged violation of environmental laws 508  
indicated in the disclosure, promptly shall deliver written notice 509  
of that fact by certified mail to the owner or operator who made 510  
the disclosure. The notice shall identify the state agency that 511  
sends the notice; state the name, title, address, and telephone 512  
number of a person in the agency whom the owner or operator may 513  
contact regarding the disclosure; and state the name, address, and 514  
telephone number of the director of any other state agency 515  
notified about the disclosure because that agency has jurisdiction 516  
over an alleged violation of environmental laws indicated in the 517  
disclosure. 518

**Section 2.** That existing sections 2913.02, 2935.041, 3745.71, 519  
and 3745.72 of the Revised Code are hereby repealed. 520

**Section 3.** The General Assembly declares that the sections of 521  
the Revised Code that regulate persons who leave the premises of 522  
establishments at which gasoline is offered for retail sale 523  
without the person making full payment for gasoline that was 524  
dispensed at that establishment, including section 2913.02 of the 525  
Revised Code, are general laws that completely fill the field of 526  
regulation of that nature. Any municipal ordinance that prohibits 527  
establishments at which gasoline is offered for retail sale from 528  
requiring the prepayment of gasoline is in conflict with those 529  
general laws. 530