

As Reported by the Senate Judiciary--Criminal Justice Committee

125th General Assembly

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Sub. H. B. No. 179

Representatives Wolpert, McGregor, DeWine, C. Evans, Carano, Schmidt, Flowers, Aslanides, D. Evans, Gibbs, Allen, Seitz, Beatty, Harwood, Book, Schlichter, Willamowski, Grendell, Latta, Barrett, Bocchieri, Buehrer, Carmichael, Cates, Chandler, Cirelli, Clancy, Collier, Daniels, DeBose, Domenick, Gilb, Hagan, Hoops, Hughes, Jerse, Jolivette, Kearns, Key, Koziura, Niehaus, Olman, Price, Reidelbach, Schaffer, Schneider, Seaver, G. Smith, S. Smith, D. Stewart, J. Stewart, Taylor, Ujvagi, Wagner, Walcher, Widener, Williams, Wilson, Woodard, Young

Senator Austria

A BILL

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. 135

Sec. 2935.041. (A) A merchant, or ~~his~~ an employee or agent of 136
a merchant, who has probable cause to believe that items offered 137
for sale by a mercantile establishment have been unlawfully taken 138
by a person, may, for the purposes set forth in division (C) of 139
this section, detain the person in a reasonable manner for a 140
reasonable length of time within the mercantile establishment or 141
its immediate vicinity. 142

(B) Any officer, employee, or agent of a library, museum, or 143
archival institution may, for the purposes set forth in division 144
(C) of this section or for the purpose of conducting a reasonable 145
investigation of a belief that the person has acted in a manner 146
described in divisions (B)(1) and (2) of this section, detain a 147
person in a reasonable manner for a reasonable length of time 148
within, or in the immediate vicinity of, the library, museum, or 149
archival institution, if the officer, employee, or agent has 150
probable cause to believe that the person has either: 151

(1) Without privilege to do so, knowingly moved, defaced, 152
damaged, destroyed, or otherwise improperly tempered with property 153
owned by or in the custody of the library, museum, or archival 154
institution; or 155

(2) With purpose to deprive the library, museum, or archival 156
institution of property owned by it or in its custody, knowingly 157
obtained or exerted control over the property without the consent 158
of the owner or person authorized to give consent, beyond the 159
scope of the express or implied consent of the owner or person 160
authorized to give consent, by deception, or by threat. 161

(C) An officer, agent, or employee of a library, museum, or 162
archival institution pursuant to division (B) of this section or a 163
merchant or ~~his~~ employee or agent of a merchant pursuant to 164
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 building, structure, or shelter in which are stored historical documents, devices, records, manuscripts, or items of public interest, which historical materials are stored to preserve the materials or the information in the materials, to disseminate the information contained in the materials, or to make the materials available for public inspection or for inspection by certain persons who have a particular interest in, use for, or knowledge concerning the materials.

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

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

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

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

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

(B) Except as otherwise provided in or ordered pursuant to

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 owner or operator who is not an individual, the privilege may be	316 317

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