

**As Introduced**

**128th General Assembly  
Regular Session  
2009-2010**

**S. B. No. 311**

**Senator Hughes**

**Cosponsor: Senator Miller, R.**

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**A B I L L**

To amend sections 4727.09, 4728.07, 4737.01, 4737.04, 1  
and 4737.99 and to enact section 4727.22 of the 2  
Revised Code to require pawn brokers, precious 3  
metal dealers, secondhand dealers, and scrap metal 4  
dealers to make electronic files of each purchase 5  
available on an internet law enforcement database 6  
reporting system. 7

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

**Section 1.** That sections 4727.09, 4728.07, 4737.01, 4737.04, 8  
and 4737.99 be amended and section 4727.22 of the Revised Code be 9  
enacted to read as follows: 10

**Sec. 4727.09.** (A) A Except as provided in division (B) of 11  
this section, a person licensed as a pawnbroker shall make the 12  
information required under division (B) of section 4727.08 of the 13  
Revised Code available to law enforcement officers via a secure 14  
internet law enforcement database reporting system approved by the 15  
director of commerce under section 4727.22 of the Revised Code. 16

(B) If the licensee cannot obtain the means to record the 17  
files electronically and access to the internet without undue 18  
hardship, the licensee shall, every day, furnish the following 19

information required under division (B) of section 4727.08 of the 20  
Revised Code to the chief of police of the municipal corporation 21  
or township in which the licensee's place of business is located 22  
or, if the place of business is not located within a municipal 23  
corporation or a township that has a chief of police, to the 24  
sheriff of the county in which the place of business is located+ 25

~~(1) A description of all property pledged with or purchased 26  
by the licensee; 27~~

~~(2) The number of the pawn or purchase form the licensee used 28  
to document the pledge or purchase. 29~~

~~(B) A The licensee shall provide the property description and 30  
form number required by division (A) of this section information 31  
on the form furnished by the law enforcement officer requesting 32  
the information. The completed form may be communicated by 33  
electronic transfer or be in a magnetic media format. 34~~

~~(C) For the purposes of this section, a licensee need provide 35  
only the information required by division (A) of this section 36  
Records submitted to a law enforcement officer pursuant to this 37  
section are not public records for purposes of section 149.43 of 38  
the Revised Code and, except as otherwise provided in this 39  
division, are confidential. A person who claims to own a stolen 40  
article that may be identified in those records, or an agent of 41  
that person, who provides proof of having filed a stolen property 42  
report with the appropriate law enforcement agency, may request 43  
those records. The law enforcement agency shall provide those 44  
records upon a request made by such a person or that person's 45  
agent, but the law enforcement agency shall redact any personal 46  
identifying information including information that reveals the 47  
name of the seller of any article or the seller's address. The 48  
agency also shall redact the price the licensee paid for any 49  
article the licensee purchased or the estimated value of any 50  
article the licensee received. The law enforcement agency shall 51~~

determine which records to provide, based upon the time period 52  
that the alleged theft is reported to have taken place. A law 53  
enforcement agency may charge or collect a fee for providing 54  
records as required by this division. 55

Sec. 4727.22. The director of commerce shall approve a secure 56  
law enforcement database reporting system for use by pawn brokers, 57  
precious metals dealers, secondhand dealers, and scrap metal 58  
dealers to make records available to law enforcement officers as 59  
required under sections 4727.09, 4728.07, 4737.01, and 4737.04 of 60  
the Revised Code. 61

The information in the database shall be available only to 62  
law enforcement officers. 63

Sec. 4728.07. Each (A) Except as provided in division (B) of 64  
this section, each person licensed under Chapter 4728. of the 65  
Revised Code, shall make the information required under section 66  
4728.06 of the Revised Code available to law enforcement officers 67  
via a secure internet law enforcement database reporting system 68  
approved by the director of commerce under section 4727.22 of the 69  
Revised Code. 70

(B) If the licensee cannot obtain the means to record the 71  
files electronically and access to the internet without undue 72  
hardship, the licensee shall, every business day, make available 73  
to the chief or the head of the local police department, on forms 74  
furnished by the police department, a description of the 75  
information required under section 4728.06 of the Revised Code 76  
regarding all articles received by the licensee on the business 77  
day immediately preceding, together with the number of the receipt 78  
issued. 79

(C) Records submitted to a law enforcement officer pursuant 80  
to this section are not public records for purposes of section 81

149.43 of the Revised Code and, except as otherwise provided in 82  
this division, are confidential. A person who claims to own a 83  
stolen article that may be identified in those records, or an 84  
agent of that person, who provides proof of having filed a stolen 85  
property report with the appropriate law enforcement agency, may 86  
request those records. The law enforcement agency shall provide 87  
those records upon a request made by such a person or that 88  
person's agent, but the law enforcement agency shall redact any 89  
personal identifying information including information that 90  
reveals the name of the seller of any article or the seller's 91  
address. The agency also shall redact the price the licensee paid 92  
for any article the licensee purchased or the estimated value of 93  
any article the licensee received. The law enforcement agency 94  
shall determine which records to provide, based upon the time 95  
period that the alleged theft is reported to have taken place. A 96  
law enforcement agency may charge or collect a fee for providing 97  
records as required by this division. 98

**Sec. 4737.01.** (A) "Personal identification card" means a 99  
current and valid driver's license, military identification card, 100  
state identification card issued under sections 4507.50 to 4507.52 101  
of the Revised Code, or a state identification card issued by 102  
another state on the condition that that card contains information 103  
substantially similar to the information contained on a state 104  
identification card issued under sections 4507.50 to 4507.52 of 105  
the Revised Code and also contains a photograph of the person to 106  
whom the card is issued. 107

(B) A person other than a scrap metal dealer, as defined in 108  
section 4737.04 of the Revised Code, purchasing, selling, 109  
exchanging, or receiving secondhand articles of any kind other 110  
than special purchase articles as defined in section 4737.04 of 111  
the Revised Code, scrap iron, and scrap metal, shall post in a 112  
conspicuous place in or upon the person's shop, store, wagon, 113

boat, or other place of business, a sign having the person's name 114  
and occupation legibly inscribed thereon, and shall keep a 115  
~~separate record book or~~ an electronic file in which shall be 116  
~~written~~ recorded, in the English language, at the time of the 117  
purchase or exchange of such articles, a description thereof, the 118  
name, description, and residence of the person from whom purchased 119  
and received, and the day and time when such purchase or exchange 120  
was made, and shall make and keep a an electronic copy of the 121  
person's personal identification card. ~~Every entry shall be~~ 122  
~~numbered consecutively, commencing with number one.~~ 123

The purchaser shall retain the ~~record book or~~ electronic file 124  
and electronic copies of personal identification cards for at 125  
least one year after the purchase or exchange date and shall make 126  
the ~~record or file~~ files and copies available for inspection by 127  
any law enforcement officer at all reasonable times. The purchaser 128  
also shall make the files and copies available to law enforcement 129  
officers via a secure internet law enforcement database reporting 130  
system approved by the director of commerce under section 4727.22 131  
of the Revised Code. 132

If the purchaser cannot obtain the means to record files 133  
electronically and access to the internet without undue hardship, 134  
the purchaser may collect the files required under this section in 135  
written format. The purchaser shall retain those written files and 136  
shall make copies available for inspection by any law enforcement 137  
officer as required under this section. 138

Records submitted to a law enforcement officer pursuant to 139  
this section are not public records for purposes of section 149.43 140  
of the Revised Code and, except as otherwise provided in this 141  
division, are confidential. A person who claims to own a stolen 142  
article that may be identified in those records, or an agent of 143  
that person, who provides proof of having filed a stolen property 144  
report with the appropriate law enforcement agency, may request 145

those records. The law enforcement agency shall provide those 146  
records upon a request made by such a person or that person's 147  
agent, but the law enforcement agency shall redact any personal 148  
identifying information including information that reveals the 149  
name of the seller of any article or the seller's address. The 150  
agency also shall redact the price the purchaser paid for any 151  
article the purchaser purchased or the estimated value of any 152  
article the purchaser received. The law enforcement agency shall 153  
determine which records to provide, based upon the time period 154  
that the alleged theft is reported to have taken place. A law 155  
enforcement agency may charge or collect a fee for providing 156  
records as required by this division. 157

**Sec. 4737.04.** (A) As used in this section and sections 158  
4737.041, 4737.042, and 4737.043 of the Revised Code: 159

(1) "Scrap metal dealer" means the owner or operator of a 160  
business that purchases or receives scrap metal. 161

(2) "Special purchase article" means all of the following: 162

(a) Beer kegs; 163

(b) Cable, wire, electrical components, and other equipment 164  
used in providing cable service or any utility service, including, 165  
but not limited to, copper or aluminum coverings, housings, or 166  
enclosures related thereto; 167

(c) Grave markers, sculptures, plaques, and vases made out of 168  
metal, the appearance of which suggest that the articles have been 169  
obtained from a cemetery; 170

(d) Guard rails for bridges, highways, and roads; highway and 171  
street signs; street light poles and fixtures; manhole covers, 172  
water meter covers, and other similar types of utility access 173  
covers; traffic directional and control signs and light signals, 174  
metal marked with the name of a political subdivision of the 175

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| state, and other metal articles that are purchased and installed   | 176 |
| for use upon authorization of the state or any political           | 177 |
| subdivision of the state;  | 178 |
| (e) Historical, commemorative, and memorial markers and            | 179 |
| plaques made out of metal;   | 180 |
| (f) Four-wheel metal carts, commonly referred to as "grocery       | 181 |
| carts," that are generally used by individuals to collect and      | 182 |
| transport consumer goods while shopping;                           | 183 |
| (g) Four-wheel metal carts, commonly referred to as "metal         | 184 |
| bossies," that are used to transport or merchandise food products  | 185 |
| that are stored in crates, shells, or trays.                       | 186 |
| (3) "Common recycled matter" means bottles and other               | 187 |
| containers made out of steel, tin, or aluminum and other consumer  | 188 |
| goods that are metal that are recycled by individual consumers and | 189 |
| not in the bulk or quantity that could be supplied or recycled by  | 190 |
| large business establishments. "Common recycled matter" does not   | 191 |
| include a metal tray used by a product producer, distributor,      | 192 |
| retailer, or agent of a product producer, distributor, or retailer | 193 |
| as a means for the bulk transportation, storage, or carrying of    | 194 |
| retail containers of milk, baked goods, eggs, or bottled beverage  | 195 |
| products.  | 196 |
| (4) "Consumer goods" has the same meaning as in section            | 197 |
| 1309.102 of the Revised Code.                                      | 198 |
| (5) "Recyclable materials" means the metal materials               | 199 |
| described in division (B)(5) of this section, on the condition     | 200 |
| that those metal materials are not special purchase articles.      | 201 |
| (6) "Motor vehicle" has the same meaning as in section             | 202 |
| 4501.01 of the Revised Code.                                       | 203 |
| (B) Every scrap metal dealer shall maintain a record book or       | 204 |
| electronic file, in which the dealer shall keep an accurate and    | 205 |

complete record of all articles purchased or received by the 206  
dealer in the course of the dealer's daily business. On and after 207  
~~the effective date of this amendment~~ September 11, 2008, every 208  
entry in the record book or electronic file shall be numbered 209  
consecutively. Every dealer shall maintain the record for each 210  
article purchased or received for a minimum period of one year 211  
after the date the dealer purchased or received the article. Said 212  
records shall contain all of the following: 213

(1) Name and residence of the person from whom said articles 214  
were purchased or received and a copy of that person's personal 215  
identification card; 216

(2) The date and time the scrap metal dealer purchased or 217  
received the articles; 218

(3) If the seller or provider of the articles arrives at the 219  
dealer's place of business in a motor vehicle, the license plate 220  
number of that motor vehicle along with the state that issued the 221  
license plate; 222

(4) For metal articles that are not recyclable materials, a 223  
full and accurate description of each article purchased or 224  
received by the dealer that includes identifying letters or marks 225  
written, inscribed, or otherwise included on the article and the 226  
name and maker of the article if known; 227

(5) For recyclable materials that are not special purchase 228  
articles, a scrap metal dealer shall use the following category 229  
codes to identify the recyclable materials that the dealer 230  
receives: 231

(a) "Number one copper," which includes clean copper pipe, 232  
clean copper wire, or other number one copper that does not have 233  
solder, paint, or coating; 234

(b) "Number two copper," which includes unclean copper pipe, 235  
unclean copper wire, or other number two copper; 236



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| (c) "Sheet copper," which includes copper roofing, copper gutters, copper downspouts, and other sheet copper;   | 237<br>238        |
| (d) "Insulated copper wire";  | 239               |
| (e) "Aluminum or copper radiators," which includes aluminum radiators, aluminum copper radiators, and copper radiators;   | 240<br>241        |
| (f) "Red brass," which includes red brass valves and other red brass;   | 242<br>243        |
| (g) "Yellow brass," which includes yellow brass fixtures, yellow brass valve and fitting, ornamental brass, and other yellow brass;                             | 244<br>245<br>246 |
| (h) "Aluminum sheet";   | 247               |
| (i) "Aluminum extrusions," which includes aluminum bleachers, aluminum benches, aluminum frames, aluminum pipe, and other aluminum extrusions;                  | 248<br>249<br>250 |
| (j) "Cast aluminum," which includes aluminum grills, lawnmower decks made of aluminum, aluminum motor vehicle parts and rims, and other cast aluminum;          | 251<br>252<br>253 |
| (k) "Clean aluminum wire";  | 254               |
| (l) "Unclean aluminum wire";  | 255               |
| (m) "Aluminum exteriors," which includes aluminum siding, aluminum gutters and downspouts, aluminum shutters, aluminum trim, and other aluminum exterior items; | 256<br>257<br>258 |
| (n) "Contaminated aluminum";  | 259               |
| (o) "Stainless steel," which includes, sinks, appliance housing, dishes, pots, pans, pipe, and other items made out of stainless steel;                         | 260<br>261<br>262 |
| (p) "Large appliances," which includes consumer and other appliances;   | 263<br>264        |
| (q) "Miscellaneous steel," which includes steel grates, steel   | 265               |

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| farm machinery, steel industrial machinery, steel motor vehicle frames, and other items made out of steel;   | 266 |
| (r) "Sheet irons," which includes bicycles, motor vehicle body parts made of iron, and other items made using sheet iron;  | 267 |
| (s) "Motor vehicle nonbody parts," which includes motor vehicle batteries, radiators, and other nonbody motor vehicle parts;   | 268 |
| (t) "Catalytic converters";  | 269 |
| (u) "Lead";  | 270 |
| (v) "Electric motors."   | 271 |
| (C) All journal brasses, and other railroad metals, other than purchases and sales under sections 4973.13 to 4973.16 of the Revised Code, shall be held by the dealer for a period of thirty days after being purchased or acquired.   | 272 |
| (D) The records required under division (B) of this section shall be open for inspection by the representative of any law enforcement agency and the director of public safety or the director's designated representative during all business hours. A scrap metal dealer shall provide a copy of those records to any law enforcement agency that requests the records or to the director or director's representative, upon request. <del>Records</del> <u>The scrap metal dealer also shall make the records available to law enforcement officers via a secure internet law enforcement database reporting system approved by the director of commerce under section 4727.22 of the Revised Code unless the purchaser cannot obtain the means to record files electronically and access to the internet without undue hardship.</u> | 273 |
| (E) <u>Records</u> submitted to any law enforcement agency pursuant to this section are not public records for purposes of section 149.43 of the Revised Code. A person who claims to own a stolen   | 274 |
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article that may be identified in those records, or an agent of 296  
that person, who provides proof of having filed a stolen property 297  
report with the appropriate law enforcement agency, may request 298  
those records. The law enforcement agency shall provide those 299  
records upon a request made by such a person or that person's 300  
agent, but the law enforcement agency shall redact any personal 301  
identifying information including information that reveals the 302  
name of the seller of any article ~~and~~ or the seller's address. The 303  
agency also shall redact the price the dealer paid for any article 304  
the dealer purchased or the estimated value of any article the 305  
dealer received. The law enforcement agency shall determine which 306  
records to provide, based upon the time period that the alleged 307  
theft is reported to have taken place. A law enforcement agency 308  
may charge or collect a fee for providing records as required by 309  
this section. 310

~~(E)~~(F)(1) No scrap metal dealer shall purchase or receive any 311  
metal articles from a person who refuses to show the dealer the 312  
person's personal identification card. 313

(2) The law enforcement agency that serves the jurisdiction 314  
in which a scrap metal dealer is located shall provide a list, as 315  
that agency determines appropriate, of the names and descriptions 316  
of persons known to be or who are suspected to be thieves or 317  
receivers of stolen property. No scrap metal dealer shall purchase 318  
or receive articles from any person identified on the list the 319  
dealer receives from the law enforcement agency. 320

(3) No scrap metal dealer shall purchase or receive any 321  
special purchase articles from any person who is under eighteen 322  
years of age. 323

(4) No scrap metal dealer shall purchase or receive any 324  
special purchase article without complying with division (B) of 325  
this section and division (B), (C), or (D) of section 4737.041 of 326  
the Revised Code. 327

(5) No scrap metal dealer shall purchase or receive more than 328  
one catalytic converter per day from the same person except from a 329  
motor vehicle dealer as defined in section 4517.01 of the Revised 330  
Code. 331

(6) No scrap metal dealer shall treat a transaction as exempt 332  
from section 4737.04 or 4737.041 of the Revised Code unless the 333  
seller provides evidence of satisfying division (D)(3) of section 334  
4737.043 of the Revised Code. 335

~~(F)~~(G) Every scrap metal dealer shall post a notice in a 336  
conspicuous place on the dealer's premises notifying persons who 337  
may wish to transact business with the dealer of the penalties 338  
applicable to any person who does any of the following: 339

(1) Provides a false personal identification card to the 340  
dealer; 341

(2) With purpose to defraud, provides any other false 342  
information to the dealer in connection with the dealer's duty to 343  
maintain the records required under division (B) of this section; 344

(3) Violates section 2913.02 of the Revised Code. 345

~~(G)~~(H)(1) Except as otherwise provided in the second 346  
paragraph of division ~~(E)~~(F) of this section, a chief of police, 347  
marshal, or other chief law enforcement officer, a sheriff, 348  
constable, or chief of police of a township police department or 349  
police district police force, and a deputy, officer, or employee 350  
of the law enforcement agency served by the marshal or the 351  
municipal or township chief, the office of the sheriff, or the 352  
constable is immune from liability in a civil action, including an 353  
action for defamation, libel, or slander, to recover damages for 354  
injury, death, or loss to persons or property or reputation 355  
allegedly caused by an act or omission in connection with 356  
compiling and providing the list required by division ~~(E)~~(F) of 357  
this section. 358

(2) The immunity described in division ~~(G)~~(H)(1) of this 359  
section does not apply to a person described in that division if, 360  
in relation to the act or omission in question, any of the 361  
following applies: 362

(a) The act or omission was manifestly outside the scope of 363  
the person's employment or official responsibilities. 364

(b) The act or omission was with malicious purpose, in bad 365  
faith, or in a wanton or reckless manner. 366

(c) Liability for the act or omission is expressly imposed by 367  
a section of the Revised Code. 368

**Sec. 4737.99.** (A) Except as specified in divisions (B) and 369  
(C) of this section, whoever violates sections 4737.01 to 4737.11 370  
of the Revised Code, shall be fined not less than twenty-five nor 371  
more than one thousand dollars and the costs of prosecution. 372

(B) Whoever violates division (F)(2) of section 4737.10 of 373  
the Revised Code is guilty of a misdemeanor of the fourth degree. 374

(C) Whoever fails to comply with or violates section 4737.01 375  
or 4737.041 or division (B), (C), ~~(E)~~, ~~or~~ (F), or (G) of section 376  
4737.04 of the Revised Code is guilty of a misdemeanor of the 377  
third degree. If the offender one time previously has violated or 378  
failed to comply with section 4737.01 or 4737.041 or division (B), 379  
(C), (D), (E), ~~or~~ (F), or (G) of section 4737.04 of the Revised 380  
Code, the violation or failure is a misdemeanor of the second 381  
degree. If the offender two or more times previously has violated 382  
or failed to comply with section 4737.01 or 4737.041 or division 383  
(B), (C), (D), (E), ~~or~~ (F), or (G) of section 4737.04 of the 384  
Revised Code, the violation or failure is a misdemeanor of the 385  
first degree. 386

**Section 2.** That existing sections 4727.09, 4728.07, 4737.01, 387  
4737.04, and 4737.99 of the Revised Code are hereby repealed. 388