

**As Introduced**

**130th General Assembly  
Regular Session  
2013-2014**

**H. B. No. 93**

**Representative Hagan, R.**

**Cosponsors: Representatives Foley, Boyd, Driehaus, Antonio, Cera,  
Ashford, Pillich, Curtin, Fedor**

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**A B I L L**

To amend sections 1509.99 and 3734.99 and to enact 1  
section 1509.16 of the Revised Code to increase 2  
criminal penalties for violations of the Oil and 3  
Gas Law relating to improper disposal, transport, 4  
and management of brine, to establish a criminal 5  
penalty for a negligent violation of certain 6  
provisions of the Solid, Hazardous, and Infectious 7  
Wastes Law, and to require the revocation of a 8  
violator's permits and registration certificate 9  
and denial of future permit and registration 10  
certificate applications under the Oil and Gas 11  
Law. 12

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

**Section 1.** That sections 1509.99 and 3734.99 be amended and 13  
section 1509.16 of the Revised Code be enacted to read as follows: 14

**Sec. 1509.16.** In addition to any other penalties or 15  
enforcement actions provided for in this chapter for a violation 16  
of division (A) of section 1509.22 or division (C) of section 17  
1509.223 of the Revised Code, if a person who has been issued a 18

permit or registration certificate under this chapter has been 19  
convicted of or pleaded guilty to violating either of those 20  
divisions, the chief of the division of oil and gas resources 21  
management shall do both of the following: 22

(A) Permanently revoke each permit and registration 23  
certificate issued to the person; 24

(B) Deny any future application by the person for a permit or 25  
registration certificate. 26

**Sec. 1509.99.** (A) Whoever violates sections 1509.01 to 27  
1509.31 of the Revised Code or any rules adopted or orders or 28  
terms or conditions of a permit issued pursuant to these sections 29  
for which no specific penalty is provided in this section shall be 30  
fined not less than one hundred nor more than one thousand dollars 31  
for a first offense; for each subsequent offense the person shall 32  
be fined not less than two hundred nor more than two thousand 33  
dollars. 34

(B) Whoever violates section 1509.221 of the Revised Code or 35  
any rules adopted or orders or terms or conditions of a permit 36  
issued thereunder shall be fined not more than five thousand 37  
dollars for each violation. 38

(C) Whoever knowingly violates section 1509.072, division 39  
(A), (B), or (D) of section 1509.22, division (A)(1) or (C) of 40  
section 1509.222, or division (A) or (D) of section 1509.223 of 41  
the Revised Code or any rules adopted or orders issued under 42  
division (C) of section 1509.22 or rules adopted or orders or 43  
terms or conditions of a registration certificate issued under 44  
division (E) of section 1509.222 of the Revised Code is guilty of 45  
a felony and shall be fined not less than ten thousand dollars nor 46  
more than fifty thousand dollars or imprisoned for ~~six months~~ 47  
three years, or both for a first offense; for each subsequent 48

offense the person shall be fined not less than twenty thousand 49  
dollars nor more than one hundred thousand dollars or imprisoned 50  
for ~~two~~ six years, or both. Whoever negligently violates those 51  
divisions, sections, rules, orders, or terms or conditions of a 52  
registration certificate is guilty of a felony and shall be fined 53  
not ~~more~~ less than five thousand dollars nor more than twenty-five 54  
thousand dollars or imprisoned for not more than one year, or 55  
both; for each subsequent offense the person shall be fined not 56  
less than ten thousand dollars nor more than fifty thousand 57  
dollars or imprisoned for two years, or both. 58

(D) Whoever violates division (C) of section 1509.223 of the 59  
Revised Code shall be fined not more than five hundred dollars for 60  
a first offense and not more than one thousand dollars for a 61  
subsequent offense. 62

(E) The prosecuting attorney of the county in which the 63  
offense was committed or the attorney general may prosecute an 64  
action under this section. 65

(F) For purposes of this section, each day of violation 66  
constitutes a separate offense. 67

**Sec. 3734.99.** (A) Except as otherwise provided in divisions 68  
(B), (C), (D), (E), (F), (G), and (H) of this section, whoever 69  
recklessly violates any section of this chapter, except section 70  
3734.025, 3734.18, 3734.57, 3734.572, 3734.573, 3734.574, or 71  
3734.60 of the Revised Code, recklessly violates section 3734.03 72  
of the Revised Code with regard to scrap tires, or recklessly 73  
violates an order issued under division (B) of section 3734.13 of 74  
the Revised Code regarding a violation of the provisions of this 75  
chapter governing scrap tires, is guilty of a felony and shall be 76  
fined at least ten thousand dollars, but not more than twenty-five 77  
thousand dollars, or imprisoned for at least two years, but not 78  
more than four years, or both. Whoever negligently violates 79

division (C), (F), (H), (I), or (K) of section 3734.02 or section 3734.03 of the Revised Code is guilty of a misdemeanor and shall be fined not more than ten thousand dollars, or imprisoned for not more than two years, or both. Whoever violates section 3734.025, 3734.18, 3734.57, 3734.572, 3734.573, or 3734.574 of the Revised Code shall be fined not more than ten thousand dollars. Each day of violation constitutes a separate offense.

(B) Whoever violates division (G) of section 3734.05 of the Revised Code with respect to a report required pursuant to a plan approved under division (A) of section 3734.041 of the Revised Code or violates division (D) of section 3734.13 of the Revised Code with respect to an order issued pursuant to division (C) or (D) of section 3734.041 of the Revised Code is guilty of a felony and shall be fined at least ten thousand dollars, but not more than twenty-five thousand dollars, or imprisoned for at least two years, but not more than four years, or both. Each day of violation constitutes a separate offense.

(C) Except as otherwise provided in division (G) or (H) of this section, upon a second or subsequent conviction of a violation of any section of this chapter, except section 3734.025, 3734.18, 3734.57, 3734.572, 3734.573, 3734.574, or 3734.60 or a rule adopted under division (B) of section 3734.122 of the Revised Code, the offender shall be fined at least twenty thousand dollars, but not more than fifty thousand dollars per day of violation, or imprisoned for at least two years, but not more than four years, or both.

(D) Whoever knowingly violates a rule adopted under division (B) of section 3734.122 of the Revised Code shall be fined not more than twenty-five thousand dollars for each day of violation, or imprisoned for not more than one year, or both.

(E) Except as otherwise provided in divisions (F) and (G) of this section, whoever recklessly violates division (B) of section

3734.029 of the Revised Code or any provision of this chapter 112  
governing scrap tires is guilty of a misdemeanor of the first 113  
degree. 114

(F) Whoever knowingly violates an order issued under division 115  
(A) of section 3734.13 regarding a violation of the provisions of 116  
this chapter governing scrap tires or division (B) of section 117  
3734.029, division (B) or (C) of section 3734.75, division (B) or 118  
(C) of section 3734.76, division (B) or (C) of section 3734.77, 119  
division (B) or (C) of section 3734.78, section 3734.81, division 120  
(A) of section 3734.83, or a term or condition of a permit or 121  
license issued under section 3734.76, 3734.77, 3734.78, or 3734.81 122  
of the Revised Code is guilty of a felony and shall be fined at 123  
least ten thousand dollars, but not more than twenty-five thousand 124  
dollars, or imprisoned for at least two years, but not more than 125  
four years, or both. Each day of violation constitutes a separate 126  
offense. 127

(G) Upon a second or subsequent conviction of a violation of 128  
any provision of this chapter specified in division (E) or (F) of 129  
this section, the offender is guilty of a felony and shall be 130  
fined at least twenty thousand dollars, but not more than fifty 131  
thousand dollars per day of violation, or imprisoned for at least 132  
two years, but not more than four years, or both. 133

(H) Whoever knowingly violates any provision of section 134  
3734.904, 3734.906, 3734.907, 3734.908, 3734.9011, 3734.9012, or 135  
3734.9013 of the Revised Code, or any rule adopted by the tax 136  
commissioner under section 3734.902 or 3734.904 of the Revised 137  
Code, is guilty of a misdemeanor of the first degree on a first 138  
offense; on each subsequent offense, the person is guilty of a 139  
felony of the fourth degree. 140

**Section 2.** That existing sections 1509.99 and 3734.99 of the 141  
Revised Code are hereby repealed. 142