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Substitute Bill Comparative Synopsis

Sub. H.B. 328

135th General Assembly

House Criminal Justice

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This table summarizes how the latest substitute version of the bill differs from the immediately preceding version. It addresses only the topics on which the two versions differ substantively. It does not list topics on which the two bills are substantively the same.

Previous Version (As introduced)	Latest Version (I_135_2645-1)
Exceptions	
No provision.	<p>Excludes all sales and donations of catalytic converters from the recordkeeping and reporting exceptions that otherwise apply to scrap metal dealers, bulk merchandise container dealers, and, under the bill, other persons that receive used catalytic converters in the ordinary course of business. Under current law, changed in part by the bill, the following types of transactions are exempt from such requirements:</p> <ul style="list-style-type: none">▪ Donations to nonprofit organizations and others for which the person donating receives no payment;▪ Sales and donations of common recycled matter;▪ Sales between a scrap metal dealer and tax exempt organizations that collect scrap metals for fundraising purposes;▪ Certain sales between businesses, and between a business and the government;▪ Sales between scrap metal dealers and

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	<p>persons who create products that result in bulk quantities of recyclable metal;</p> <ul style="list-style-type: none"> ▪ Sales of catalytic converters between a scrap metal dealer and a motor vehicle dealer (<i>R.C. 4737.043</i>).
Investigations	
<p>Requires the Director of Public Safety to receive a complaint, supported by evidence, and determine a prima facie case exists before the Director may investigate an alleged violation of the Secondhand Dealer Law (<i>R.C. 4737.046</i>).</p> <p>No provision.</p>	<p>No provision.</p> <p>Requires the Director of Public Safety to consult with local law enforcement prior to investigating an alleged violation of the Secondhand Dealer Law (<i>R.C. 4737.046</i>).</p>
Bulk used catalytic convertor sales license	
<p>Requires any person selling used catalytic converters “in bulk,” i.e., more than one per day, to be licensed with the Department of Public Safety (<i>R.C. 4737.20 through 4737.25</i>).</p>	<p>No provision.</p>
Recordkeeping and reporting	
<p>Reclassifies a catalytic converter as a “special purchase article,” requiring scrap metal dealers and other persons who purchase them to comply with additional recordkeeping and reporting requirements (<i>R.C. 4737.04</i>).</p>	<p>Restores current law identifying a catalytic convertor as a recyclable material rather than a special purchase article. Applies the following requirements, that otherwise apply only to special purpose articles, to catalytic converters:</p> <ul style="list-style-type: none"> ▪ That the recipient take a photograph of the catalytic converter; ▪ That the recipient obtain proof of ownership of the catalytic converter; ▪ That the recipient issue payment for the catalytic converter in the form of a check; ▪ That the recipient withhold payment for the catalytic converter for two days after it is purchased; ▪ That, upon receiving proof that the

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<p>Requires a scrap metal dealer to post a notice on the dealer's premises that catalytic converters are special purpose articles (R.C. 4737.04(G)(2)).</p> <p>No provision.</p>	<p>catalytic converter was stolen, the recipient make certain records related to the transaction available for inspection. (R.C. 4737.041.)</p> <p>No provision.</p> <p>Requires a scrap metal dealer, or other person who receives used catalytic converters in the ordinary course of business, to provide any purchaser or transferee of such a catalytic converter, other than an individual, with the following:</p> <ul style="list-style-type: none"> ▪ A copy of the primary owner's driver's license or state identification card; ▪ The person's federal employer identification number; ▪ The person's permanent physical address, which must not be a post office box; ▪ Any additional information required by the Director of Public Safety (R.C. 4737.04(K) and 4737.041(B)).
Proof of ownership	
<p>Requires the seller or provider of a catalytic converter to establish ownership by providing the following items:</p> <ul style="list-style-type: none"> ▪ If the seller or provider owns the car, the car's title or registration or a repair receipt indicating replacement of the catalytic converter and the car's make, model, year, and vehicle identification number; ▪ If the seller or provider is a motor vehicle collision repair operator, the operator's registration certificate along with a receipt indicating replacement of the catalytic converter and the make, model, year, and vehicle identification number (R.C. 4737.041(A)(3)). 	<p>Also allows a scrap metal dealer, bulk merchandise container dealer, or other recipient of a catalytic converter to accept as proof of ownership an affidavit that includes the name and contact information of the seller or provider and the reasons that they are unable to produce the items otherwise required to establish ownership (R.C. 4737.041(A)(3) and (C)(2) and (3)).</p>

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No provision.	Requires the Director of Public Safety, within 90 days after the bill's effective date, to create a form for the affidavit and publish it to a publicly available website maintained by the Department of Public Safety (<i>R.C. 4737.041(C)(1)</i>).
No provision.	Specifies that whoever makes a false statement on the affidavit is guilty of falsification, which is a first degree misdemeanor (<i>R.C. 4737.041(C)(4)</i>).