



Ohio Revised Code

Section 4737.046

Effective: October 06, 2026

Legislation: House Bill 210 - 136th General Assembly

(A) The director of public safety may investigate a scrap metal dealer, bulk merchandise container dealer, a person described in division (B) of section 4737.041 of the Revised Code, and any employee, officer, or agent of any of the foregoing. As part of the investigation, the director may, only after consulting with local law enforcement, search the person's premises during the person's regular work hours or between the hours of eight a.m. and five p.m., Monday through Friday.

(B)(1) The director may compel witnesses by subpoena to appear and testify in relation to an investigation under this section, and may compel by subpoena duces tecum the production of any books, papers, documents, or other records pertaining to such an investigation.

(2) If a person does not comply with a subpoena or subpoena duces tecum issued under division (B)(1) of this section, the director may apply to the court of common pleas of Franklin county or of the county in which the person conducts business for an order compelling the person to comply with the subpoena or subpoena duces tecum or, for failure to do so, be held in contempt of court.

(C) If as a result of an investigation the director finds that a person violated any provision of sections 4737.04 to 4737.046 of the Revised Code, the director may suspend the person's registration or license and shall reinstate the registration or license upon evidence that the person has remedied the violation. The director may revoke a registration or license if the director finds a subsequent violation of any provision of this chapter in any subsequent investigation.

(D)(1) No person shall undertake any activities that require registration under section 4737.045 of the Revised Code following a suspension or revocation.

(2) Following a suspension or revocation, the director shall conduct a follow-up investigation to determine whether the person violated division (D)(1) of this section. If the director determines the person violated division (D)(1) of this section, the director shall seek an injunction from the court of common pleas of Franklin county or of the county in which the person conducts business ordering the person to cease the violation.

(E)(1) The director may investigate, on the director's own initiative, the actions or proposed actions of a person who is not registered under section 4737.045 of the Revised Code and



who appears to be acting as a scrap metal dealer or bulk merchandise container dealer in the same manner as described in divisions (A) and (B) of this section.

(2) If, following an investigation, the director finds that a person acted as a scrap metal dealer or bulk merchandise container dealer without a registration or license, the director shall do both of the following:

(a) Seek an injunction from the court of common pleas of Franklin county or of the county in which the person conducts business ordering the person to cease the violation;

(b) Impose a civil penalty of ten thousand dollars in accordance with Chapter 119. of the Revised Code. Each day the violation occurred or continues to occur constitutes a separate violation and is subject to a separate penalty, except that the penalty for each consecutive day after the first day shall be one thousand dollars.

(3) The director shall deposit all penalties collected pursuant to division (E)(2) of this section into the state treasury to the credit of the infrastructure protection fund created under section 4737.045 of the Revised Code. Notwithstanding any contrary provision of that section, all such penalties shall be expended only to conduct investigations authorized under this section.

(4) If a person fails to pay a civil penalty imposed under division (E)(2) of this section within the time prescribed by the director, the director shall submit to the attorney general the person's name and the amount of the penalty. In that case, the attorney general shall collect the penalty. In addition to the penalty, the attorney general may assess, and the person shall pay, a fee covering the costs of collecting the penalty.

(F)(1) A person shall not do any of the following when applying for a registration, licensure, or renewal under section 4737.045 of the Revised Code:

(a) Engage in fraud;

(b) Knowingly provide false information;

(c) Knowingly fail to disclose relevant information that would result in a denial of or nonrenewal of a registration or license.

(2) The director shall impose a civil penalty of five hundred dollars on any person who violates division (F)(1) of this section in accordance with Chapter 119. of the Revised Code. The director shall deposit all such penalties into the state treasury to the credit of the infrastructure protection fund created under section 4737.045 of the Revised Code.

(G) Any refusal to renew and any denial, suspension, or revocation of any registration or license required under section 4737.045 of the Revised Code is subject to Chapter 119. of the Revised Code.



(H) The director shall record information on all noninvestigative visits made by the director to a scrap metal dealer or bulk merchandise container dealer. Such information shall be reported to the public on a quarterly basis via the department of public safety's web site.
