

Attention Law Enforcement

New Law Concerning Scrap Metal And Bulk Merchandise Container Dealers

Provisions of the law effective on January 1, 2013:

- Every scrap metal and bulk merchandise container dealer must be registered with the Ohio Dept. of Public Safety, which will maintain an online registry. Failure to register is a Felony of the 5th degree, O.R.C. 4737.04(B) (1).
- No person shall receive, purchase, or sell a special purchase article* or a bulk merchandise container except as in accordance with O.R.C 4737.012 and 4737.04 to 4737.045. First offense violations are a Felony of the 5th degree, O.R.C. 4737.04 (B) (3).
- No person shall knowingly obtain or exert control over a special purchase article or bulk merchandise container without the owner's consent, beyond the scope of the express or implied consent of the owner, or by deception, threat or intimidation. First offense violations are a Felony of the 5th degree, O.R.C. 4737.04 (B) (2).

Provisions of the law effective on January 1, 2014:

- Scrap metal/bulk merchandise container dealers are required to report transactions through an electronic transaction reporting system maintained by the Ohio Dept. of Public Safety, O.R.C. 4737.045(E).
- The Ohio Dept. of Public Safety will maintain a "Do Not Buy From" list for use by law enforcement and scrap metal/bulk merchandise container dealers. The list will be accessible to law enforcement agencies through CIMS. Agencies will be required to provide information for inclusion into the list.

Law Enforcement Access to the Registry & Transaction Database

- Access to the registry is available at no cost through the Contact and Information Management System (CIMS) and through a query in the Law Enforcement Automated Data System (LEADS).
- When the transaction database becomes available, it will be searchable through CIMS and as a data source in the Ohio Law Enforcement Gateway (OHLEG).
- To obtain a CIMS account:
 1. Go to www.homelandsecurity.ohio.gov
 2. Click on "Contact and Information Management System (CIMS)" then "Don't Have a CIMS Account?"
 3. Follow instructions to submit CIMS application

Definitions

- "Scrap metal dealer" means the owner or operator of a business that purchases or receives scrap metal for the purpose of sorting, grading, and shipping metals to third parties for direct or indirect melting into new products.
- "Bulk merchandise container dealer" means one who engages in the business of purchasing, reselling, exchanging, recycling, shredding, or receiving bulk merchandise containers.
- "Bulk merchandise container" means a plastic or wooden carrier or holder used by a manufacturer or distributor to transport merchandise to wholesale and retail outlets.

***Examples of "special purchase articles"**

- Beer kegs; cable or wire used in providing utility service; metal markers and sculptures obtained from a cemetery or historical and commemorative markers; guard rails, road signs, light fixtures or signals, and manhole covers; grocery carts; commercial metal carts trays or containers used to transport or merchandise food products; railroad material, including spikes, rails, and ties; any metal that has been smelted, burned, or melted. For complete list of special purchase articles, refer to O.R.C. 4737.04.

For complete text of the new law: http://www.legislature.state.oh.us/BillText129/129_SB_193_EN_N.pdf



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