

# HOUSE BILL No. 4217

February 16, 1989, Introduced by Reps. Weeks, Perry Bullard, Bartnik, Niederstadt, Hart, Webb, Dutko, Rocca, Martin, Clack, Scott, Dunaskiss and Hoekman and referred to the Committee on Transportation.

A bill to amend the title and sections 1 and 2 of Act No. 119 of the Public Acts of 1986, entitled "An act to regulate the business of buying or receiving used motor vehicle parts; to prescribe the powers and duties of certain state and local officers; and to provide penalties," being sections 257.1351 and 257.1352 of the Michigan Compiled Laws.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Section 1. The title and sections 1 and 2 of Act No. 119 of  
2 the Public Acts of 1986, being sections 257.1351 and 257.1352 of  
3 the Michigan Compiled Laws, are amended to read as follows:

| 4 | TITLE |
|---|-------|
|---|-------|

5       An act to regulate the business of buying or receiving used  
6 motor vehicle parts; to prescribe the powers and duties of  
7 certain STATE AGENCIES AND state and local officers; and to  
8 provide penalties.

1       Sec. 1. As used in this act:

2       (a) "Agent" means a person who, for compensation or valuable  
3 consideration, is employed either directly or indirectly by a  
4 dealer.

5       (b) "Dealer" means any person, corporation, partnership, or  
6 association, which, in whole or in part, engages in the ordinary  
7 course of repeated and recurrent transactions of buying or  
8 receiving used motor vehicle parts from persons other than a  
9 licensee. A dealer shall include any motor vehicle repair facil-  
10 ity which engages in repeated and recurrent transactions of  
11 buying or receiving used motor vehicle parts from persons other  
12 than a licensee. Dealer does not include a scrap metal processor  
13 who buys or otherwise acquires motor vehicles or motor vehicle  
14 component parts for the purpose of processing or selling the  
15 metal for remelting.

16       (c) "Late model vehicle" means a motor vehicle manufactured  
17 in the current model year or the 5 model years immediately pre-  
18 ceding the current model year.

19       (d) "Local police agency" means the police agency of the  
20 city, village, or township, or if none, the county sheriff.

21       (e) "Major component part" means 1 of the following subas-  
22 sembles of a motor vehicle regardless of its actual market  
23 value: ~~front~~

24       (i) FRONT end assembly, including fenders, grills, hood,  
25 bumper, and related parts. ~~; engine, transmission, T tops,~~  
26 ~~rear~~

1 (ii) ENGINE.

2 (iii) TRANSMISSION.

3 (iv) T-TOPS.

4 (v) REAR clip assembly, including quarter panels and floor  
5 panel assembly.  ~~, doors, tires,~~

6 (vi) DOORS.

7 (vii) TIRES, tire wheels, and continuous treads.

8 (f) "Motor vehicle" means a motor vehicle as defined in sec-  
9 tion 33 of the Michigan vehicle code, Act No. 300 of the Public  
10 Acts of 1949, being section 257.33 of the Michigan Compiled  
11 Laws.

12 (g) "Motor vehicle repair facility" means a place of busi-  
13 ness which engages in the business of performing or employing  
14 persons who perform maintenance, diagnosis, VEHICLE BODY WORK, or  
15 repair service on a motor vehicle for compensation.

16 (h) "Licensee" means a person, partnership, corporation, or  
17 association licensed under section 248 of ~~the Michigan vehicle~~  
18 ~~code,~~ Act No. 300 of the Public Acts of 1949, being section  
19 257.248 of the Michigan Compiled Laws, or similarly licensed in  
20 another state.

21 (I) "SECRETARY" MEANS THE SECRETARY OF STATE, ACTING  
22 DIRECTLY OR THROUGH AN AUTHORIZED DEPUTY, INVESTIGATOR, AGENT, OR  
23 EMPLOYEE.

24 (J) ~~(i)~~ "Used motor vehicle part" means any major compo-  
25 nent part, dashboard, radio, stereo, or seat of a late model  
26 motor vehicle for which a certificate of title and registration  
27 plate have been issued to a consumer or dealer.

1       Sec. 2. (1) A dealer shall maintain a permanent record of  
2 each transaction concerning the buying or receiving of any used  
3 motor vehicle part from a person other than a licensee, on record  
4 of transaction forms provided for in subsection (5), legibly  
5 written in ink in the English language. Each record of transac-  
6 tion form shall be filled out in duplicate by the dealer or agent  
7 with 1 copy going to the customer, and 1 copy to be retained by  
8 the dealer. At the time a dealer receives or purchases a used  
9 motor vehicle part from a person other than a licensee, the  
10 dealer or agent shall accurately record all of the following  
11 information on a record of transaction form:

12       (a) A general description of the used motor vehicle part  
13 received or purchased.

14       (b) The vehicle identification number of the vehicle the  
15 used motor vehicle part came from.

16       (c) The state of origin of the used motor vehicle part.

17       (d) The date of the transaction.

18       (e) The name of the person conducting the transaction for  
19 the dealer.

20       (f) The name, date of birth, driver's license number or  
21 state of Michigan personal identification card number, and street  
22 and house number of the person with whom the transaction is  
23 ~~being~~ made, together with a legible imprint of the right thumb  
24 of the person with whom the transaction is made, or if that is  
25 not possible, then the left thumb or a finger of that person.  
26 However, the thumbprint or fingerprint shall only be required on  
27 the record of transaction form retained by the dealer. The

1 thumb- print or fingerprint shall be made available to the  
2 SECRETARY, A local police agency, or the department of state  
3 police only during the course of ~~a police~~ AN investigation  
4 involving a used motor vehicle part described on the record of  
5 transaction. This ~~paragraph~~ SUBDIVISION shall not apply to a  
6 transaction involving an insurance company that has acquired  
7 ownership of a late model vehicle by the payment of damages due  
8 to an accident and a dealer that buys the vehicle from the insur-  
9 ance company for salvage.

10 (g) The price paid or to be paid by the dealer for the used  
11 motor vehicle part.

12 (h) The form of payment made to the customer. The dealer  
13 shall indicate the number of a check, money order, or bank  
14 draft.

15 (i) The signature of the person with whom the transaction is  
16 made.

17 (2) The record of each transaction shall be numbered consec-  
18 utively, commencing with the number 1 and the calendar year.

19 (3) The record of transaction forms of a dealer and each  
20 used motor vehicle part received by a dealer as the result of a  
21 transaction shall be open to an inspection by the SECRETARY, A  
22 local police agency, and the Michigan state police at all times  
23 during the ordinary business hours of the dealer. As a condition  
24 of doing business, a dealer shall be considered to have given  
25 consent to the inspection prescribed by this subsection. The  
26 record of transaction forms of a dealer shall ~~not be open to~~  
27 ~~inspection by~~ BE EXEMPT FROM DISCLOSURE TO the general public.

1 (4) Each record of a transaction shall be retained by the  
 2 dealer for not less than 1 year after the transaction to which  
 3 the record pertains. A dealer who goes out of business or  
 4 changes his or her business address to another local jurisdiction  
 5 either within or out of this state shall transmit to the local  
 6 police agency the records of all transactions made by the dealer  
 7 not more than 1 year before his or her closing or moving. After  
 8 a period of 1 year from the date of the transaction, if ~~a~~  
 9 ~~police~~ AN investigation concerning a used motor vehicle part  
 10 described on the record of transaction has not occurred, the  
 11 dealer and local police agency shall destroy, and not keep a per-  
 12 manent record of, the records of the transaction.

13 (5) The form of the record of transaction shall be 8-1/2 by  
 14 11 inches in size and shall be as follows:

15 "Record of Transaction

|    |                                 |                           |                             |
|----|---------------------------------|---------------------------|-----------------------------|
| 16 |                                 | #                         | _____                       |
| 17 |                                 |                           | (Transaction number printed |
| 18 |                                 |                           | on the form)                |
| 19 | (1) Description of Property -   |                           | _____                       |
| 20 |                                 |                           | _____                       |
| 21 |                                 |                           | _____                       |
| 22 |                                 |                           | _____                       |
| 23 |                                 |                           | _____                       |
| 24 |                                 |                           |                             |
| 25 | (2) _____                       | (3) _____                 |                             |
| 26 | (Vehicle Identification Number) | (State of Origin)         |                             |
| 27 |                                 |                           |                             |
| 28 |                                 |                           |                             |
| 29 | (4) _____, 19____               | (5) _____                 |                             |
| 30 | (Date)                          | (Name of Dealer/Employee) |                             |

1  
2  
3 (6) \_\_\_\_\_, 19\_\_\_\_  
4 (Name of Customer) (Date of Birth)

5  
6  
7 (Driver's License No./  
8 Mich. Personal ID Number) (Street Address)  
9 (City & State) (Zip)

10  
11 (7) \_\_\_\_\_  
12 (Price Paid)

13  
14 (8) \_\_\_\_\_  
15 (Check no., bank draft  
16 no., money order no., or  
17 cash)

18 Thumbprint

19 \_\_\_\_\_"  
(Signature of Customer)