

# HOUSE BILL No. 5366

October 29, 2001, Introduced by Reps. Vander Veen, Howell, Gilbert and Julian and referred to the Committee on Commerce.

A bill to amend 1974 PA 300, entitled "Motor vehicle service and repair act," by amending sections 2, 3, and 33 (MCL 257.1302, 257.1303, and 257.1333), section 2 as amended by 1988 PA 254.

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

1       Sec. 2. As used in this act:

2       (a) "Administrator" means the secretary of state or any  
3 person designated by him or her to act in his or her place.

4       (b) "Department" means the department of state.

5       (c) "Master mechanic" means a motor vehicle mechanic or spe-  
6 cialty mechanic who is certified by the department pursuant to  
7 this act in all of the specific repair categories.

8       (d) "Motor vehicle" means a vehicle ~~which~~ THAT is  
9 self-propelled, a vehicle ~~which~~ THAT is propelled by electric  
10 power, a motorcycle, ~~or~~ a trailer, OR A SEMI-TRAILER as those

1 terms are defined in the Michigan vehicle code, ~~Act No. 300 of~~  
2 ~~the Public Acts of 1949, as amended, being sections 257.1 to~~  
3 ~~257.923 of the Michigan Compiled Laws~~ 1949 PA 300, MCL 257.1 TO  
4 257.923. For the purposes of this act, a motor vehicle does not  
5 include the dwelling or sleeping portions of a motor home, trail-  
6 er, or any recreational vehicle ~~having similar facilities which~~  
7 THAT HAS SIMILAR FEATURES THAT are not directly connected with  
8 the drive mechanism of the vehicle or other areas of repair  
9 ~~which~~ THAT would require certification of motor vehicle mechan-  
10 ics as specified in this act or rules promulgated pursuant to  
11 this act.

12 (e) "Motor vehicle mechanic" means a technician, individual,  
13 or other person who, for compensation, repairs motor vehicles,  
14 including the reconditioning, replacement, adjustment, or alter-  
15 ation of the operating condition ~~—,~~ of any component or subas-  
16 sembly of a motor vehicle.

17 (f) "Mechanic trainee" means a person who desires to become  
18 a motor vehicle mechanic, a specialty mechanic, or a master  
19 mechanic and receives a permit from the administrator pursuant to  
20 this act.

21 (g) "Motor vehicle repair facility" means a place of busi-  
22 ness ~~which engages in the business of performing or employing~~  
23 THAT PERFORMS OR EMPLOYS persons who perform maintenance, diagno-  
24 sis, vehicle body work, or repair, OIL CHANGE, OR LUBRICATION  
25 service on a motor vehicle for compensation. ~~—, but excluding~~  
26 ~~all~~ MOTOR VEHICLE REPAIR FACILITY DOES NOT INCLUDE ANY of the  
27 following:

1 (i) A person who engages only in the business of repairing  
2 the motor vehicles of a single commercial or industrial estab-  
3 lishment or governmental agency.

4 (ii) A person repairing his or her own or a family member's  
5 ~~car~~ MOTOR VEHICLE.

6 (iii) A business that does not diagnose the operation of a  
7 motor vehicle, does not remove parts from a motor vehicle to be  
8 remachined, and does not install finished machined or remachined  
9 parts on a motor vehicle, ~~not including~~ EXCEPT FOR a motor  
10 vehicle repair facility ~~that engages in the business of~~ per-  
11 forming or employing persons who perform vehicle body work, OIL  
12 CHANGES, OR LUBRICATION SERVICES.

13 (iv) A SERVICE STATION ENGAGED IN THE RETAIL SALE OF MOTOR  
14 FUEL AND LUBRICANTS THAT DOES NOT PROVIDE MAINTENANCE, DIAGNOSIS,  
15 VEHICLE BODYWORK, OR REPAIR, OIL CHANGE, OR LUBRICATION SERVICE  
16 ON A MOTOR VEHICLE FOR COMPENSATION.

17 (h) "Specialty mechanic" means a motor vehicle mechanic who  
18 is certified by the department for a specific repair category or  
19 categories pursuant to this act.

20 Sec. 3. ~~Unless the means of doing or engaging in a motor~~  
21 ~~vehicle repair business including the operating of a motor vehi-~~  
22 ~~cle repair facility is adopted for the purposes of evading this~~  
23 ~~act, and except as otherwise provided in this act, this act shall~~  
24 ~~not apply to gasoline service stations exclusively engaged in the~~  
25 ~~business of selling motor fuel and lubricants. A person or~~  
26 ~~facility~~ PLACE OF BUSINESS providing minor REPAIR services FOR  
27 COMPENSATION, including, but not limited to, ~~the~~ changing or

1 installing ~~of~~ light bulbs, tires, lamp globes, batteries, air  
2 filters, oil filters, windshield wiper blades, fan or power  
3 assist belts, or lubrication or oil changes, and other minor or  
4 ornamental accessories, ~~or activities incidental to the business~~  
5 ~~of selling motor fuel and lubricants~~ is ~~hereby declared~~ a  
6 motor vehicle repair facility ~~and is~~ subject to this act,  
7 except that those employees performing only minor ~~repairs~~  
8 REPAIR SERVICE DESCRIBED IN THIS SECTION need not be certified  
9 under this act.

10 Sec. 33. (1) The administrator shall determine by rule the  
11 time and manner in which the motor vehicle repair facility shall  
12 return replaced parts to the customer ~~at the time of~~ UPON OR  
13 AFTER the completion of the work. This requirement does not  
14 apply to parts exempted by the administrator because of size,  
15 weight, or similar factors, ~~from this requirement, and except~~  
16 ~~for~~ OR parts ~~that~~ the motor vehicle repair facility or  
17 mechanic ~~is required to~~ MUST return to the manufacturer or dis-  
18 tributor under a warranty or exchange arrangement. If the parts  
19 must be returned to the manufacturer or distributor, the MOTOR  
20 VEHICLE REPAIR facility or mechanic shall offer to show and upon  
21 acceptance of the offer or upon request shall show the parts to  
22 the customer upon completion of the work. ~~, except the facility~~  
23 ~~shall not be~~ A MOTOR VEHICLE REPAIR FACILITY IS NOT required to  
24 ~~show~~ RETURN a replacement part when a charge is not being made  
25 for the replacement. ~~thereof.~~

26 (2) A MOTOR VEHICLE REPAIR FACILITY SHALL INFORM A customer  
27 ~~shall be informed~~ of his OR HER right to receive or see

1 replaced parts as provided in ~~this section prior to~~  
2 SUBSECTION (1) BEFORE the customer ~~executing~~ EXECUTES any docu-  
3 ment or ~~engaging~~ ENGAGES the MOTOR VEHICLE REPAIR facility ~~or~~  
4 ~~mechanic~~ for the work ~~. The information shall be given to the~~  
5 ~~customer~~ BY INCLUDING THE FOLLOWING NOTICE IN A SEPARATE WRITTEN  
6 DOCUMENT OR on the face of any contract, work order form, ~~or~~  
7 sign, or other document evidencing the engagement of the MOTOR  
8 VEHICLE REPAIR facility, ~~or mechanic or by separate written~~  
9 ~~document,~~ in at least 12-point ~~boldface~~ BOLDFACED type: ~~as~~  
10 follows:

11       **YOU ARE ENTITLED BY LAW TO THE RETURN OF ALL PARTS**  
12       **REPLACED, EXCEPT THOSE WHICH ARE TOO HEAVY OR LARGE, AND**  
13       **THOSE REQUIRED TO BE SENT BACK TO THE MANUFACTURER OR**  
14       **DISTRIBUTOR BECAUSE OF WARRANTY WORK OR AN EXCHANGE**  
15       **AGREEMENT. YOU ARE ENTITLED TO INSPECT THE PARTS WHICH**  
16       **CANNOT BE RETURNED TO YOU.**

17       (3) ~~The~~ A motor vehicle repair facility shall display a  
18 clearly legible sign in a conspicuous place at the entrance of  
19 the facility ~~indicating~~ THAT INDICATES that inquiries concern-  
20 ing repair service or complaints may be made to the administrator  
21 and ~~shall contain~~ CONTAINS the address and telephone number of  
22 the department.