



HOUSE BILL No. 5857

September 8, 2016, Introduced by Rep. Pettalia and referred to the Committee on Transportation and Infrastructure.

A bill to amend 1974 PA 300, entitled "Motor vehicle service and repair act," by amending sections 2, 2a, 3, 7, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 30, 32, 33, 34a, 36, and 39 (MCL 257.1302, 257.1302a, 257.1303, 257.1307, 257.1309, 257.1310, 257.1311, 257.1312, 257.1313, 257.1314, 257.1315, 257.1316, 257.1317, 257.1318, 257.1319, 257.1320, 257.1321, 257.1322, 257.1330, 257.1332, 257.1333, 257.1334a, 257.1336, and 257.1339), sections 2 and 10 as amended by 2016 PA 33, section 2a as added and sections 18, 22, and 30 as amended by 1988 PA 254, and section 17 as amended by 2002 PA 464, and by adding sections 7a, 7b, 7c, 7d, 7e, 7f, 10b, 13a, 13b, and 32a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 2. As used in this act:

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

4 (B) "ADVERTISE" MEANS TO ADVISE, ANNOUNCE, APPRISE, COMMAND,
5 GIVE NOTICE OF, INFORM, MAKE KNOWN, OR PUBLISH ANY MATERIAL THAT
6 CALLS TO THE ATTENTION OF THE PUBLIC THE AVAILABILITY OF PARTS AND
7 SERVICES.

8 (C) "APPROVED EDUCATIONAL INSTITUTION" MEANS A SCHOOL,
9 ACADEMY, OR OTHER SIMILAR ESTABLISHMENT APPROVED BY THE
10 ADMINISTRATOR UNDER SECTION 13A TO PROVIDE TRAINING TO MECHANICS OR
11 MECHANICAL TRAINEES UNDER THIS ACT.

12 (D) "AUTOMOBILE OR LIGHT TRUCK" MEANS A MOTOR VEHICLE THAT HAS
13 A GROSS VEHICLE WEIGHT OF LESS THAN 10,000 POUNDS.

14 (E) ~~(b)~~-"BAIID mechanic" means a specialty mechanic who holds
15 a certification from the department under section 10 to perform
16 BAIID service.

17 (F) ~~(e)~~-"BAIID service" means the installation, removal,
18 repair, or other servicing of breath alcohol ignition interlock
19 devices.

20 (G) ~~(d)~~-"Breath alcohol ignition interlock device" or "BAIID"
21 means that term as defined in section 20d of the Michigan vehicle
22 code, 1949 PA 300, MCL 257.20d.

23 (H) "CONTRACT" MEANS A WRITTEN OR ORAL AGREEMENT, OR A SIMILAR
24 UNDERSTANDING OR ARRANGEMENT, IN WHICH A PERSON AGREES THAT ANOTHER
25 PERSON WILL PERFORM WORK, LABOR, DIAGNOSIS, REPAIR, RECONDITIONING,
26 REPLACEMENT, ADJUSTMENT, OR ALTERATION, DIRECTLY OR INDIRECTLY, ON
27 A MOTOR VEHICLE.

1 (I) "CUSTOMER" MEANS THE OWNER OR OPERATOR OF A MOTOR VEHICLE.

2 (J) ~~(e)~~ "Department" means the department of state.

3 ~~(f) "Master mechanic" means a motor vehicle mechanic or~~
4 ~~specialty mechanic who is certified by the department under this~~
5 ~~act in all of the specific repair or service categories described~~
6 ~~in section 10(1).~~

7 ~~(g) "Motor vehicle" means a vehicle that is self-propelled, a~~
8 ~~vehicle that is propelled by electric power, a motorcycle, or a~~
9 ~~trailer, as those terms are defined in the Michigan vehicle code,~~
10 ~~1949 PA 300, MCL 257.1 to 257.923. For the purposes of this act, a~~
11 ~~motor vehicle does not include the dwelling or sleeping portions of~~
12 ~~a motor home, trailer, or any recreational vehicle that has similar~~
13 ~~facilities that are not directly connected with the drive mechanism~~
14 ~~of the vehicle or other areas of repair that would require~~
15 ~~certification of motor vehicle mechanics as specified in this act~~
16 ~~or rules promulgated under this act.~~

17 ~~(h) "Motor vehicle mechanic" means a technician or other~~
18 ~~individual who, for compensation, repairs motor vehicles, including~~
19 ~~the reconditioning, replacement, adjustment, or alteration of the~~
20 ~~operating condition, of any component or subassembly of a motor~~
21 ~~vehicle.~~

22 ~~(i) "Mechanic trainee" means an individual who desires to~~
23 ~~become a motor vehicle mechanic, a specialty mechanic, or a master~~
24 ~~mechanic and receives a permit from the administrator under this~~
25 ~~act.~~

26 ~~(j) "Motor vehicle repair facility" means a place of business~~
27 ~~that, for compensation, is engaged in the business of performing,~~

1 ~~or employs individuals who perform, maintenance, diagnosis, vehicle~~
 2 ~~body work, repair service, or, beginning July 1, 2016, BAIID~~
 3 ~~service, on a motor vehicle for compensation. The term does not~~
 4 ~~include any of the following:~~

5 ~~—— (i) An individual who engages only in the business of~~
 6 ~~repairing the motor vehicles of a single commercial or industrial~~
 7 ~~establishment or governmental agency.~~

8 ~~—— (ii) An individual who is repairing his or her own or a family~~
 9 ~~member's car.~~

10 ~~—— (iii) A business that does not diagnose the operation of a~~
 11 ~~motor vehicle, does not remove parts from a motor vehicle to be~~
 12 ~~remachined, and does not install finished machined or remachined~~
 13 ~~parts on a motor vehicle, not including a motor vehicle repair~~
 14 ~~facility that engages in the business of performing or employing~~
 15 ~~persons who perform vehicle body work.~~

16 ~~—— (iv) A BAIID facility described in section 625k(14) (d) of the~~
 17 ~~Michigan vehicle code, 1949 PA 300, MCL 257.625k.~~

18 ~~—— (k) "Specialty mechanic" means a motor vehicle mechanic who is~~
 19 ~~certified by the department for a specific repair or service~~
 20 ~~category or categories described in section 10(1).~~

21 **(K) "DISTRESSED VEHICLE" MEANS THAT TERM AS DEFINED IN SECTION**
 22 **12A OF THE MICHIGAN VEHICLE CODE, 1949 PA 300, MCL 257.12A.**

23 **(l) "ESTIMATE" MEANS A WRITTEN STATEMENT THAT ITEMIZES AS**
 24 **CLOSELY AS POSSIBLE THE PRICE FOR LABOR, BY SHOWING THE LABOR PRICE**
 25 **PER HOUR, THE NUMBER OF HOURS REQUIRED TO PERFORM THE WORK, AND THE**
 26 **PRICE OF PARTS NECESSARY FOR A SPECIFIC REPAIR.**

27 **(M) "FACILITY" OR "MOTOR VEHICLE REPAIR FACILITY" MEANS A**

1 PLACE OF BUSINESS THAT IS REQUIRED TO REGISTER UNDER THIS ACT AND
2 THAT, FOR COMPENSATION, IS ENGAGED IN THE BUSINESS OF PERFORMING,
3 OR EMPLOYS INDIVIDUALS WHO PERFORM, MAINTENANCE, DIAGNOSIS, VEHICLE
4 BODY WORK, OR REPAIR SERVICE, OR, BEGINNING JULY 1, 2016, BAIID
5 SERVICE, ON A MOTOR VEHICLE. THE TERM DOES NOT INCLUDE ANY OF THE
6 FOLLOWING:

7 (i) A PERSON THAT ENGAGES ONLY IN THE BUSINESS OF REPAIRING
8 THE MOTOR VEHICLES OF A SINGLE COMMERCIAL OR INDUSTRIAL
9 ESTABLISHMENT OR GOVERNMENTAL AGENCY.

10 (ii) AN INDIVIDUAL WHO IS REPAIRING HIS OR HER OWN OR A FAMILY
11 MEMBER'S MOTOR VEHICLE.

12 (iii) A BUSINESS THAT DOES NOT DIAGNOSE THE OPERATION OF A
13 MOTOR VEHICLE, DOES NOT REMOVE PARTS FROM A MOTOR VEHICLE TO BE
14 REMACHINED, AND DOES NOT INSTALL FINISHED MACHINED OR REMACHINED
15 PARTS ON A MOTOR VEHICLE. THIS SUBPARAGRAPH DOES NOT APPLY TO A
16 MOTOR VEHICLE REPAIR FACILITY THAT ENGAGES IN THE BUSINESS OF
17 PERFORMING, OR EMPLOYING INDIVIDUALS WHO PERFORM, VEHICLE BODY
18 WORK.

19 (iv) A BAIID FACILITY DESCRIBED IN SECTION 625K(14) (D) OF THE
20 MICHIGAN VEHICLE CODE, 1949 PA 300, MCL 257.625K.

21 (N) "HEAVY-DUTY TRUCK" MEANS A MOTOR VEHICLE THAT HAS A GROSS
22 VEHICLE WEIGHT OF 10,000 POUNDS OR MORE AND INCLUDES BOTH SINGLE-
23 UNIT AND COMBINATION TRACTOR TRAILER OR TRACTOR SEMITRAILER
24 VEHICLES.

25 (O) "LATE MODEL VEHICLE" MEANS THAT TERM AS DEFINED IN SECTION
26 24B OF THE MICHIGAN VEHICLE CODE, 1949 PA 300, MCL 257.24B.

27 (P) "LIEN" MEANS A SECURITY INTEREST IN OR OTHER ENCUMBRANCE

1 ON A MOTOR VEHICLE. THE TERM INCLUDES A SECURITY INTEREST CREATED
 2 BY AGREEMENT, A JUDICIAL LIEN OBTAINED BY LEGAL OR EQUITABLE
 3 PROCESS OR PROCEEDINGS, A COMMON-LAW LIEN, OR A STATUTORY LIEN ON A
 4 VEHICLE.

5 Sec. 2a. As used in this act:

6 ~~— (a) "Distressed vehicle" means that term as defined in section~~
 7 ~~12a of the Michigan vehicle code, Act No. 300 of the Public Acts of~~
 8 ~~1949, being section 257.12a of the Michigan Compiled Laws.~~

9 ~~— (b) "Facility" means a motor vehicle repair facility.~~

10 ~~— (c) "Late model vehicle" means that term as defined in section~~
 11 ~~24b of Act No. 300 of the Public Acts of 1949, being section~~
 12 ~~257.24b of the Michigan Compiled Laws.~~

13 (A) ~~(d)~~ "Major component part" means ~~1~~ **ANY** of the following
 14 parts of a motor vehicle:

15 (i) The engine.

16 (ii) The transmission.

17 (iii) The right or left front fender.

18 (iv) The hood.

19 (v) A door ~~allowing~~ **THAT ALLOWS** entrance to or egress from the
 20 passenger compartment of the vehicle.

21 (vi) The front or rear bumper **BAR**.

22 (vii) The right or left rear quarter panel.

23 (viii) The deck lid, tailgate, or hatchback.

24 (ix) The trunk floor pan.

25 (x) The cargo box of a pickup.

26 (xi) The frame, or if the vehicle has a unitized body, the

27 ~~supporting structure or structures that serve as the frame.~~ **PARTS**

1 IDENTIFIED BY THE MOTOR VEHICLE MANUFACTURER AS STRUCTURAL
2 COMPONENTS.

3 (xii) The cab of a truck.

4 (xiii) The body of a passenger vehicle.

5 (xiv) AIRBAGS AND SEATBELTS.

6 (B) "MASTER MECHANIC" MEANS ANY OF THE FOLLOWING:

7 (i) A MOTOR VEHICLE MECHANIC OR SPECIALTY MECHANIC WHO IS
8 CERTIFIED BY THE DEPARTMENT UNDER THIS ACT IN ALL OF THE SPECIFIC
9 REPAIR OR SERVICE CATEGORIES APPLICABLE TO AUTOMOBILES OR LIGHT
10 TRUCKS DESCRIBED IN SECTION 10(5).

11 (ii) A MOTOR VEHICLE MECHANIC OR SPECIALTY MECHANIC WHO IS
12 CERTIFIED BY THE DEPARTMENT UNDER THIS ACT IN ALL OF THE SPECIFIC
13 REPAIR CATEGORIES APPLICABLE TO HEAVY-DUTY TRUCKS DESCRIBED IN
14 SECTION 10(6).

15 (iii) A MASTER MOTORCYCLE MECHANIC WHO IS CERTIFIED BY THE
16 DEPARTMENT TO ENGAGE IN MOTORCYCLE REPAIR AND IS DESCRIBED IN
17 SECTION 10B(5).

18 (iv) A RECREATIONAL TRAILER MECHANIC WHO IS CERTIFIED BY THE
19 DEPARTMENT TO ENGAGE IN THE INSTALLATION, SERVICE, AND REPAIR OF
20 RECREATIONAL VEHICLE EQUIPMENT AND IS DESCRIBED IN SECTION 10B(6).

21 (C) "MATERIAL FACT" MEANS A FACT THAT IS USED BY A PERSON AS A
22 PREMISE ON WHICH A CONCLUSION IS BASED.

23 (D) "MECHANIC TRAINEE" MEANS AN INDIVIDUAL WHO DESIRES TO
24 BECOME A MOTOR VEHICLE MECHANIC, A SPECIALTY MECHANIC, OR A MASTER
25 MECHANIC AND RECEIVES A PERMIT FROM THE ADMINISTRATOR UNDER THIS
26 ACT.

27 (E) "MINOR REPAIR SERVICES" MEANS LUBRICATION; OIL CHANGES;

1 INSTALLING, CHANGING, OR OTHERWISE SERVICING THE ANTIFREEZE OR
2 OTHER COOLANT; BODY REPAIRING, EXCEPT FOR UNITIZED BODY STRUCTURAL
3 REPAIR; OR THE REPLACEMENT, ADJUSTMENT, REPAIR, OR SERVICING OF ANY
4 OF THE FOLLOWING PARTS AND ASSEMBLIES:

- 5 (i) AIR CLEANER ELEMENT.
- 6 (ii) ACCESSORY DRIVE BELT.
- 7 (iii) AIR PUMP HOSE.
- 8 (iv) TWELVE-VOLT BATTERY.
- 9 (v) GROUND CABLE FOR 12-VOLT BATTERY.
- 10 (vi) HOLD-DOWN STRAP FOR 12-VOLT BATTERY.
- 11 (vii) POSITIVE CABLE FOR 12-VOLT BATTERY.
- 12 (viii) BATTERY-TO-STARTER RELAY CABLE FOR 12-VOLT BATTERY.
- 13 (ix) CRANKCASE VENT AIR CLEANER.
- 14 (x) CRANKCASE VENT AIR CLEANER HOSE.
- 15 (xi) ENGINE OIL FILTER.
- 16 (xii) EXHAUST PIPE, MUFFLER, CATALYTIC CONVERTER, OR TAIL PIPE
17 AND ASSOCIATED ATTACHING PARTS.
- 18 (xiii) FUEL FILTER.
- 19 (xiv) FUEL LINE FLEX HOSE OR LINE.
- 20 (xv) FUEL TANK, EXCEPT FOR A TANK THAT CONTAINS A FUEL PUMP.
- 21 (xvi) FUSE.
- 22 (xvii) HEATER HOSE.
- 23 (xviii) HORN.
- 24 (xix) IDLER PULLEY, ADJUST ONLY.
- 25 (xx) IGNITION COIL OUTPUT WIRE.
- 26 (xxi) LIGHTBULB OR HEADLAMP.
- 27 (xxii) MOTOR OR TRANSMISSION MOUNT.

- 1 (xxiii) ORNAMENTAL ACCESSORIES.
- 2 (xxiv) POSITIVE CRANKCASE VENTILATION CONTROL VALVE.
- 3 (xxv) RADIATOR.
- 4 (xxvi) RADIATOR HOSE, UPPER OR LOWER.
- 5 (xxvii) RADIATOR RESERVE TANK.
- 6 (xxviii) REAR SPRING, LEAF OR COIL, EXCEPT A MACPHERSON STRUT-
- 7 TYPE ASSEMBLY.
- 8 (xxix) SHOCK ABSORBER THAT IS NOT BUILT IN COMBINATION WITH
- 9 OTHER PARTS OF THE SUSPENSION.
- 10 (xxx) ANALOG SPEEDOMETER.
- 11 (xxxi) VAPOR CANISTER HOSE.
- 12 (xxxii) WHEEL, EXCEPT ALIGNMENT.
- 13 (xxxiii) WINDSHIELD WASHER HOSE.
- 14 (xxxiv) WINDSHIELD WASHER TANK.
- 15 (xxxv) WIPER BLADE.
- 16 (F) "MOTOR VEHICLE" MEANS A VEHICLE THAT IS SELF-PROPELLED, A
- 17 VEHICLE THAT IS PROPELLED BY ELECTRIC POWER, A MOTORCYCLE, OR A
- 18 TRAILER AS THOSE TERMS ARE DEFINED IN THE MICHIGAN VEHICLE CODE,
- 19 1949 PA 300, MCL 257.1 TO 257.923. THE TERM DOES NOT INCLUDE THE
- 20 DWELLING OR SLEEPING PORTIONS OF A MOTOR HOME, TRAILER, OR ANY
- 21 RECREATIONAL VEHICLE THAT HAS SIMILAR FACILITIES THAT ARE NOT
- 22 DIRECTLY CONNECTED WITH THE DRIVE MECHANISM OF THE VEHICLE OR OTHER
- 23 AREAS OF REPAIR THAT WOULD REQUIRE CERTIFICATION OF MOTOR VEHICLE
- 24 MECHANICS UNDER THIS ACT OR RULES PROMULGATED UNDER THIS ACT.
- 25 (G) "MOTOR VEHICLE MECHANIC" MEANS A TECHNICIAN OR OTHER
- 26 INDIVIDUAL WHO, FOR COMPENSATION, REPAIRS MOTOR VEHICLES, INCLUDING
- 27 THE RECONDITIONING, REPLACEMENT, ADJUSTMENT, OR ALTERATION OF THE

1 OPERATING CONDITION, OF ANY COMPONENT OR SUBASSEMBLY OF A MOTOR
2 VEHICLE.

3 (H) "PERSON" MEANS AN INDIVIDUAL, CORPORATION, LIMITED
4 LIABILITY COMPANY, PARTNERSHIP, ASSOCIATION, OR ANY OTHER LEGAL
5 ENTITY. THE TERM INCLUDES A MOTOR VEHICLE REPAIR FACILITY.

6 (I) "RECREATIONAL TRAILER" MEANS A TRAVEL TRAILER, CAMPER
7 TRAILER, OR OTHER SPECIAL PURPOSE OR UTILITY TRAILER OR SEMITRAILER
8 DESIGNED OR INTENDED TO BE DRAWN ON THE HIGHWAY BY AN AUTOMOBILE OR
9 LIGHT TRUCK THAT HAS A GROSS TOWING VEHICLE WEIGHT OF LESS THAN
10 10,000 POUNDS.

11 (J) "REPAIR" MEANS THE RECONDITIONING, ADJUSTMENT, ALTERATION,
12 MAINTENANCE, OR DIAGNOSIS OF THE OPERATING CONDITION OF A MOTOR
13 VEHICLE, WITH OR WITHOUT THE REPLACEMENT OF ANY COMPONENT OR
14 SUBASSEMBLY OF A MOTOR VEHICLE, FOR COMPENSATION OR UNDER THE TERMS
15 OF A WARRANTY.

16 (K) "REPAIR CATEGORY" MEANS A CATEGORY OF MOTOR VEHICLE REPAIR
17 WORK, LISTED IN SECTION 10B, THAT CERTIFICATION UNDER THIS ACT IS
18 REQUIRED TO PERFORM.

19 (L) "REPRESENTATION" MEANS A STATEMENT MADE BY A FACILITY TO A
20 CUSTOMER IN REGARD TO SOME PAST, PRESENT, OR FUTURE FACT,
21 CIRCUMSTANCE, OR SET OF FACTS PERTINENT TO A CONTRACT.

22 (M) ~~(e)~~ "Salvageable part" means a major component part of a
23 late model vehicle or a vehicle manufactured in the current model
24 year, if the part can be reused.

25 (N) "SPECIALTY MECHANIC" MEANS A MOTOR VEHICLE MECHANIC WHO IS
26 CERTIFIED BY THE DEPARTMENT FOR A SPECIFIC REPAIR OR SERVICE
27 CATEGORY OR CATEGORIES DESCRIBED IN SECTION 10(1).

1 (O) ~~(F)~~ "Vehicle body work" means the business or activity of
 2 repairing physical damage to a motor vehicle by repairing, mending,
 3 straightening, or replacing a major component part, except for the
 4 engine or transmission.

5 (P) "WARRANTY" MEANS A GUARANTEE GIVEN BY A MOTOR VEHICLE
 6 REPAIR FACILITY, IN WRITING OR BY IMPLICATION, OF THE
 7 MERCHANTABILITY, OF THE INTEGRITY OF THE SUBJECT OF A CONTRACT, OR
 8 OF THE RESPONSIBILITY OF THE PERSON THAT MAKES THE WARRANTY FOR THE
 9 REPLACEMENT OR REPAIR OF DEFECTIVE PARTS OR SERVICES, OR BOTH,
 10 ASSURING PERFORMANCE, PRODUCT, OR CONDITIONS AS PROMISED OR
 11 DECLARED BY THE PERSON THAT MAKES THE WARRANTY.

12 Sec. 3. Unless the means of doing or engaging in a motor
 13 vehicle repair business including the operating of a motor vehicle
 14 repair facility is adopted for the purposes of evading this act,
 15 and except as otherwise provided in this act, this act ~~shall~~ **DOES**
 16 not apply to gasoline service stations exclusively engaged in the
 17 business of selling motor fuel and lubricants. ~~A person or facility~~
 18 ~~providing minor services, including but not limited to: the~~
 19 ~~changing or installing of light bulbs, tires, lamp globes,~~
 20 ~~batteries, air filters, oil filters, windshield wiper blades, fan~~
 21 ~~or power assist belts or lubrication or oil changes and other minor~~
 22 ~~or ornamental accessories or~~ **HOWEVER, A PERSON, INCLUDING A**
 23 **GASOLINE SERVICE STATION, THAT PROVIDES MINOR REPAIR SERVICES OR**
 24 activities incidental to the business of selling motor fuel and
 25 lubricants is ~~hereby declared~~ a motor vehicle repair facility and
 26 is subject to this act, except that ~~those employees performing only~~
 27 ~~minor repairs need not be certified~~ **AN EMPLOYEE OF THE PERSON MAY**

1 PERFORM MINOR REPAIR SERVICES WITHOUT A CERTIFICATION OR PERMIT
2 FROM THE DEPARTMENT under this act.

3 ~~Sec. 7. A person subject to this act shall not engage or~~
4 ~~attempt to engage in a method, act, or practice which is unfair or~~
5 ~~deceptive.~~A MOTOR VEHICLE REPAIR FACILITY THAT IS SUBJECT TO THIS
6 ACT, OR A PERSON THAT IS AN OWNER OR OPERATOR OF A MOTOR VEHICLE
7 REPAIR FACILITY THAT IS SUBJECT TO THIS ACT, SHALL NOT, DIRECTLY OR
8 THROUGH AN AGENT OR EMPLOYEE, DO ANY OF THE FOLLOWING:

9 (A) ENTER INTO A CONTRACT WITH A CUSTOMER THAT USES A WAIVER
10 TO CIRCUMVENT OR EVADE THIS ACT.

11 (B) ENTER INTO A CONTRACT THAT TAKES ADVANTAGE OF A CUSTOMER'S
12 INABILITY TO REASONABLY PROTECT HIS OR HER INTERESTS BECAUSE OF HIS
13 OR HER ILLITERACY OR INABILITY TO UNDERSTAND THE LANGUAGE OF AN
14 AGREEMENT, IF THE FACILITY KNOWS OR REASONABLY SHOULD KNOW OF THE
15 CUSTOMER'S ILLITERACY OR INABILITY TO UNDERSTAND.

16 (C) ENTER INTO A CONTRACT WITH A CUSTOMER THAT HAS GROSS
17 DISCREPANCIES BETWEEN THE ORAL REPRESENTATIONS OF THE FACILITY AND
18 THE WRITTEN AGREEMENT COVERING THE SAME TRANSACTION.

19 (D) MAKE, EITHER WRITTEN OR ORALLY, AN UNTRUE OR MISLEADING
20 STATEMENT OF A MATERIAL FACT TO A CUSTOMER.

21 (E) FAIL TO REVEAL A MATERIAL FACT TO A CUSTOMER THAT THE
22 CUSTOMER COULD NOT REASONABLY KNOW IF THAT OMISSION TENDS TO
23 MISLEAD OR DECEIVE THE CUSTOMER.

24 (F) ENTER INTO A CONTRACT WITH A CUSTOMER THAT ATTEMPTS TO
25 ABROGATE, DISCLAIM, OR DISALLOW THE LEGAL RIGHTS, OBLIGATIONS,
26 OR REMEDIES OF THE CUSTOMER.

27 (G) ALLOW A CUSTOMER TO SIGN AN ACKNOWLEDGMENT, CERTIFICATE,

1 OR OTHER WRITING THAT AFFIRMS ACCEPTANCE, DELIVERY, COMPLIANCE WITH
2 A REQUIREMENT OF LAW, OR OTHER PERFORMANCE, IF THE FACILITY KNOWS
3 OR HAS REASON TO KNOW THAT THE STATEMENT IS NOT TRUE.

4 (H) SET UP CONTRACTUAL PROVISIONS WITH A CUSTOMER, INCLUDING
5 THE STATEMENT OF REPAIRS AND WAIVERS, THAT ARE NOT SPECIFIC IN
6 LANGUAGE, CLEARLY DESCRIBED, OR REASONABLY LEGIBLE.

7 (I) ATTEMPT TO AVOID OR EVADE THE LAW THROUGH A CONTRACT WITH
8 A CUSTOMER OR ANY PROVISION OF A CONTRACT WITH A CUSTOMER.

9 (J) IF A CONTRACT WITH A CUSTOMER IS RESCINDED, CANCELED, OR
10 OTHERWISE TERMINATED UNDER THE TERMS OF THE CONTRACT OR UNDER THIS
11 ACT, FAIL TO PROMPTLY RETURN ANY DEPOSIT, DOWN PAYMENT, OR OTHER
12 PAYMENT TO THE PERSON THAT IS ENTITLED TO RECEIVE IT.

13 (K) ALLOW A CUSTOMER TO SIGN A DOCUMENT IN BLANK RELATING TO
14 THE REPAIR OF A MOTOR VEHICLE.

15 (L) FAIL TO GIVE A CUSTOMER A COPY OF A DOCUMENT EVIDENCING
16 THE ENGAGEMENT OF A FACILITY AT THE TIME THE DOCUMENT IS EXECUTED
17 BY THE CUSTOMER.

18 (M) WHEN RETURNING A REPAIRED VEHICLE TO A CUSTOMER, FAIL TO
19 GIVE A WRITTEN STATEMENT OF REPAIRS TO THE CUSTOMER THAT DISCLOSES
20 ALL OF THE FOLLOWING:

21 (i) THE REPAIRS NEEDED, AS DETERMINED BY THE FACILITY.

22 (ii) THE REPAIRS REQUESTED BY THE CUSTOMER.

23 (iii) THE REPAIRS AUTHORIZED BY THE CUSTOMER.

24 (iv) THE FACILITY'S ESTIMATE OF REPAIR COSTS.

25 (v) THE ACTUAL COSTS OF REPAIRS.

26 (vi) THE REPAIRS OR SERVICES PERFORMED, INCLUDING A DETAILED
27 IDENTIFICATION OF ALL PARTS THAT WERE REPLACED AND A SPECIFICATION

1 OF WHICH PARTS ARE NEW OEM, NEW, USED, REBUILT, OEM SURPLUS, OR
2 RECONDITIONED.

3 (vii) A CERTIFICATION THAT AUTHORIZED REPAIRS WERE COMPLETED
4 PROPERLY OR A DETAILED EXPLANATION OF AN INABILITY TO COMPLETE
5 REPAIRS PROPERLY. THE OWNER OF THE FACILITY, OR AN INDIVIDUAL
6 DESIGNATED BY THE OWNER TO REPRESENT THE FACILITY, SHALL SIGN THE
7 CERTIFICATION STATEMENT. THE STATEMENT SHALL INCLUDE THE NAME OF
8 THE MECHANIC WHO PERFORMED THE DIAGNOSIS AND THE REPAIR.

9 SEC. 7A. A MOTOR VEHICLE REPAIR FACILITY THAT IS SUBJECT TO
10 THIS ACT, OR A PERSON THAT IS AN OWNER OR OPERATOR OF A MOTOR
11 VEHICLE REPAIR FACILITY THAT IS SUBJECT TO THIS ACT, SHALL NOT,
12 DIRECTLY OR THROUGH AN AGENT OR EMPLOYEE, DO ANY OF THE FOLLOWING:

13 (A) CHARGE FOR REPAIRS THAT ARE IN FACT NOT PERFORMED.

14 (B) PERFORM REPAIRS THAT ARE IN FACT NOT NECESSARY, UNLESS THE
15 CUSTOMER INSISTS THAT THE FACILITY PERFORM THE REPAIR AND
16 DISREGARDS THE FACILITY'S ADVICE THAT THE REPAIR IS UNNECESSARY.

17 (C) REPRESENT, DIRECTLY OR INDIRECTLY, THAT REPAIRS ARE
18 NECESSARY WHEN IN FACT THEY ARE NOT.

19 (D) PERFORM AND CHARGE FOR REPAIRS THAT ARE NOT SPECIFICALLY
20 AUTHORIZED.

21 (E) FAIL TO PERFORM PROMISED REPAIRS WITHIN THE PERIOD OF TIME
22 AGREED, OR WITHIN A REASONABLE TIME, UNLESS CIRCUMSTANCES BEYOND
23 THE CONTROL OF THE FACILITY PREVENT THE TIMELY PERFORMANCE OF THE
24 REPAIRS AND THE FACILITY DID NOT HAVE REASON TO KNOW OF THOSE
25 CIRCUMSTANCES AT THE TIME THE CONTRACT WAS MADE.

26 (F) REPRESENT, EITHER DIRECTLY OR INDIRECTLY, THAT A
27 REPLACEMENT PART USED IN THE REPAIR OF A VEHICLE IS NEW OR OF A

1 PARTICULAR MANUFACTURE WHEN IN FACT IT IS USED, REBUILT,
2 RECONDITIONED, DETERIORATED, OR OF A DIFFERENT MANUFACTURE, OR
3 OTHERWISE FAIL TO DISCLOSE IN WRITING, BEFORE BEGINNING A REPAIR,
4 THE USE OF USED, REBUILT, OR RECONDITIONED PARTS.

5 (G) SUBSEQUENT TO A DIAGNOSIS REQUESTED BY A CUSTOMER FOR
6 WHICH A CHARGE IS MADE, FAIL TO DISCLOSE A DIAGNOSED OR SUSPECTED
7 MALFUNCTION, THE RECOMMENDED REMEDY FOR THE MALFUNCTION, AND ANY
8 TEST, ANALYSIS, OR OTHER PROCEDURE EMPLOYED TO DETERMINE THE
9 MALFUNCTION.

10 SEC. 7B. A MOTOR VEHICLE REPAIR FACILITY THAT IS SUBJECT TO
11 THIS ACT, OR A PERSON THAT IS AN OWNER OR OPERATOR OF A MOTOR
12 VEHICLE REPAIR FACILITY THAT IS SUBJECT TO THIS ACT, SHALL NOT,
13 DIRECTLY OR THROUGH AN AGENT OR EMPLOYEE, DO ANY OF THE FOLLOWING:

14 (A) DISCLAIM OR LIMIT THE IMPLIED WARRANTY OF MERCHANTABILITY
15 OR FITNESS FOR USE, UNLESS EXCLUDED OR MODIFIED UNDER SECTION 2316
16 OF THE UNIFORM COMMERCIAL CODE, 1962 PA 174, MCL 440.2316.

17 (B) FAIL TO EXTEND THE PERIOD OF A FACILITY'S OWN WARRANTY FOR
18 REPAIRS AND SERVICES, IF THE CUSTOMER WAS DEPRIVED OF THE USE OR
19 ENJOYMENT OF THE SUBJECT OF THE WARRANTY BECAUSE OF A FAILURE ON
20 THE PART OF THE FACILITY TO COMPLY COMPLETELY WITH THE TERMS OF THE
21 WARRANTY, FOR A PERIOD OF TIME THAT IS EQUAL TO OR GREATER THAN THE
22 PERIOD OF THE DEPRIVATION.

23 (C) FAIL TO HONOR A WARRANTY ON A NEW PART BY REPLACING IT
24 WITH A USED PART OR REPLACING IT WITH A REBUILT OR REMANUFACTURED
25 PART THAT DOES NOT MEET ORIGINAL EQUIPMENT QUALITY, STANDARDS, OR
26 SPECIFICATIONS, OR THAT DOES NOT COMPLY WITH THE WARRANTY REPAIR
27 REQUIREMENTS OF THE WARRANTOR.

1 (D) FAIL TO HONOR AN EXPRESS WARRANTY.

2 (E) FAIL TO DISCLOSE IN WRITTEN LANGUAGE, THAT IS CLEAR AS TO
3 THE NATURE OR SCOPE OF THE WARRANTY, ALL MATERIAL ASPECTS AND THE
4 INTENT OF A WARRANTY, INCLUDING, BUT NOT LIMITED TO, WHAT IS
5 WARRANTED, THE PERSON THAT WILL HONOR THE WARRANTY, THE DURATION OF
6 THE WARRANTY, THE OBLIGATIONS, IF ANY, OF THE PERSON TO WHICH THE
7 WARRANTY IS EXTENDED, AND ANY EXCEPTIONS AND EXCLUSIONS FROM THE
8 TERMS OF THE WRITTEN WARRANTY AGREEMENT.

9 SEC. 7C. A MOTOR VEHICLE REPAIR FACILITY THAT IS SUBJECT TO
10 THIS ACT, OR A PERSON THAT IS AN OWNER OR OPERATOR OF A MOTOR
11 VEHICLE REPAIR FACILITY THAT IS SUBJECT TO THIS ACT, SHALL NOT,
12 DIRECTLY OR THROUGH AN AGENT OR EMPLOYEE, ADVERTISE OR REPRESENT,
13 EITHER DIRECTLY OR INDIRECTLY, ANY OF THE FOLLOWING:

14 (A) REDUCED PRICES FOR PRODUCTS OR SERVICES AND NOT SELL THEM
15 AT THE ADVERTISED PRICE DURING THE PERIOD OF THE OFFERING.

16 (B) PRODUCTS OR SERVICES AT A PARTICULAR PRICE DURING A
17 PARTICULAR PERIOD AND FAIL TO EXTEND THE OFFER BEYOND THAT PERIOD
18 TO ANY PERSON THAT SEEKS BUT DOES NOT OBTAIN THE PRODUCTS OR
19 SERVICES DURING THE ADVERTISED PERIOD BECAUSE THE FACILITY HAS
20 FAILED TO PREPARE FOR THE REASONABLY EXPECTED PUBLIC DEMAND.

21 (C) THAT A CUSTOMER WILL RECEIVE PRODUCTS OR SERVICES "FREE"
22 OR "WITHOUT CHARGE", OR USING WORDS OF SIMILAR IMPORT, IF THERE ARE
23 UNDISCLOSED CONDITIONS, TERMS, OR LIMITATIONS ATTACHED TO THE OFFER
24 OF THOSE PRODUCTS OR SERVICES.

25 (D) PRODUCTS OR SERVICES WHILE FAILING TO REVEAL A MATERIAL
26 FACT THAT A CUSTOMER COULD NOT REASONABLY KNOW, IF THE OMISSION OF
27 THAT FACT TENDS TO MISLEAD OR DECEIVE THE CUSTOMER.

1 (E) THAT A CUSTOMER WILL RECEIVE A REBATE, DISCOUNT, OR OTHER
2 BENEFIT AS AN INDUCEMENT FOR ENTERING INTO A CONTRACT, IF THE
3 BENEFIT IS CONTINGENT ON THE OCCURRENCE OF AN EVENT AFTER THE
4 TRANSACTION IS COMPLETED.

5 (F) THAT A FACILITY HAS THE ABILITY TO PERFORM REPAIR SERVICES
6 USING PERSONNEL WHO ARE QUALIFIED IN SPECIFIC REPAIR SPECIALTIES,
7 INCLUDING THOSE SPECIALTIES ENUMERATED IN SECTIONS 10 AND 10B OF
8 THIS ACT, IF IN FACT THE FACILITY DOES NOT EMPLOY MECHANICS WHO ARE
9 LEGALLY CERTIFIED IN THOSE SPECIALTIES.

10 (G) PRODUCTS OR SERVICES, IF THERE IS A MATERIAL CONTINGENCY,
11 CONDITION, OR LIMITATION ON THE OFFER OF THOSE PRODUCTS OR
12 SERVICES, UNLESS THE CONTINGENCY, CONDITION, OR LIMITATION IS
13 STATED CONTEMPORANEOUSLY WITH THE OFFER IN A MANNER CLEARLY AND
14 EASILY UNDERSTOOD BY THE CUSTOMER.

15 (H) PRODUCTS OR SERVICES IN A LANGUAGE OTHER THAN ENGLISH,
16 UNLESS THE ADVERTISEMENT OR REPRESENTATION INCLUDES ANY REQUIRED
17 DISCLOSURES OR LIMITATIONS ON THE OFFER IN THE LANGUAGE PRINCIPALLY
18 USED IN THE ADVERTISEMENT OR REPRESENTATION.

19 (I) THAT MECHANICS EMPLOYED BY A FACILITY ARE "CERTIFIED",
20 "LICENSED", OR OTHERWISE QUALIFIED IF THAT REPRESENTATION TENDS TO
21 GIVE THE IMPRESSION THAT ALL MECHANICS EMPLOYED BY THE FACILITY ARE
22 CERTIFIED OR LICENSED IF IN FACT THEY ARE NOT.

23 (J) THAT A CUSTOMER'S FAILURE TO ACT QUICKLY OR WITHIN A
24 CERTAIN PERIOD OF TIME TO PROCURE PRODUCTS OR SERVICES WILL RESULT
25 IN THE LOSS OF OPPORTUNITY TO PROCURE THEM AT A PARTICULAR PRICE,
26 IF IN FACT IT IS UNTRUE.

27 (K) CREDIT AVAILABILITY, IN A MANNER THAT CREATES A LIKELIHOOD

1 OF CONFUSION OR MISUNDERSTANDING OF THE TERMS OR CONDITIONS OF
2 CREDIT, OR THAT CREDIT AVAILABILITY OR THE TERMS OF CREDIT ARE
3 "EASY", OR USING WORDS OF SIMILAR IMPORT TO DESCRIBE CREDIT
4 AVAILABILITY OR TERMS, IF IN FACT THAT IS UNTRUE.

5 (I) THAT PRODUCTS OR SERVICES ARE SOLD UNDER THE TERMS OF
6 "SATISFACTION GUARANTEED OR MONEY BACK", OR USING WORDS OF SIMILAR
7 IMPORT, IF IN FACT THE CUSTOMER'S DECLARATION OF DISSATISFACTION IS
8 NOT A SUFFICIENT BASIS FOR OBTAINING A REFUND OF THE PURCHASE PRICE
9 FOR THOSE PRODUCTS OR SERVICES.

10 (M) THE NECESSITY, DESIRABILITY, OR ADVANTAGE TO A PROSPECTIVE
11 CUSTOMER OF DEALING WITH A FACILITY BY MISREPRESENTING THE
12 FACILITY'S ALLEGED ADVANTAGES OF SIZE.

13 (N) THAT A DOCUMENT THAT A CUSTOMER SIGNS IS SOMETHING OTHER
14 THAN WHAT IT IS.

15 (O) AN ASPECT OF A REPAIR TRANSACTION IN A MANNER THAT CAUSES
16 A LIKELIHOOD OF CONFUSION, OR OF MISUNDERSTANDING, WITH RESPECT TO
17 THE AUTHORITY OF A MECHANIC, SALESPERSON, REPRESENTATIVE, OR AGENT
18 TO NEGOTIATE THE FINAL TERMS OF THE TRANSACTION.

19 (P) AN ASPECT OF A REPAIR TRANSACTION IN A MANNER THAT CAUSES
20 A LIKELIHOOD OF CONFUSION, OR OF MISUNDERSTANDING, OF THE LEGAL
21 RIGHTS, OBLIGATIONS, OR REMEDIES OF A PARTY TO THE TRANSACTION.

22 (Q) THAT SERVICE ON AN OFFERED PRODUCT IS AVAILABLE UNDER A
23 WARRANTY IF IN FACT IT IS NOT AVAILABLE OR THERE ARE UNDISCLOSED
24 LIMITATIONS OR CONDITIONS ON THE AVAILABILITY OF THAT SERVICE.

25 (R) A FREE OR LOW-COST INSPECTION OR DIAGNOSIS THAT REQUIRES
26 THE REMOVAL OR DISMANTLING, OR BOTH, OF A PART OR ASSEMBLY AND
27 FAILING TO DISCLOSE BEFORE THE TRANSACTION A CHARGE FOR REPLACEMENT

1 OR REASSEMBLY IF THE CUSTOMER DECLINES TO AUTHORIZE A RECOMMENDED
2 REPAIR.

3 (S) A PRODUCT OR SERVICE AT A REDUCED RATE AND, IF THE
4 FACILITY FAILS TO PROVIDE IT AT THE OFFERED PRICE DURING THE PERIOD
5 OF THE OFFERING TO A CUSTOMER SEEKING IT, FAILING TO OFFER AND
6 PROVIDE THE CUSTOMER THE OPPORTUNITY TO OBTAIN THE PRODUCT OR
7 SERVICE AT THE SAME REDUCED RATE WITHIN A REASONABLE PERIOD OF TIME
8 AFTER THE EXPIRATION OF THE ORIGINAL OFFER.

9 (T) PRODUCTS OR SERVICES, OR THE AVAILABILITY OF PRODUCTS OR
10 SERVICES, IN A MANNER THAT INVOLVES THE SOLICITATION OF WAIVERS BY
11 THE FACILITY.

12 (U) PRODUCTS OR SERVICES THAT FAIL TO MEET THE REASONABLY
13 EXPECTED PUBLIC DEMAND FOR THE DURATION OF THE ADVERTISED OFFERING,
14 UNLESS THE ADVERTISEMENT HAS CLEARLY EXPRESSED A SPECIFIC
15 LIMITATION ON THE QUANTITY OF THE ADVERTISED PRODUCTS OR SERVICES.

16 (V) THE WORDS "CERTIFICATION", "LICENSING", OR "REGISTRATION",
17 OR THE USE OF WORDS OF SIMILAR IMPORT, OF A MOTOR VEHICLE REPAIR
18 FACILITY OR MECHANIC, BY AN ORGANIZATION, ASSOCIATION, GOVERNMENTAL
19 ENTITY, OR OTHER PROGRAM OR AUTHORITY OTHER THAN THE ADMINISTRATOR,
20 WITHOUT CLEARLY AND CONSPICUOUSLY DISCLOSING THE SOURCE OF THE
21 CERTIFICATION, LICENSING, OR REGISTRATION, AND WITHOUT ADDING THE
22 DISCLAIMER "NOT THE MICHIGAN DEPARTMENT OF STATE".

23 (W) THE DESIRABILITY OR ADVANTAGES OF CERTIFICATION OR
24 LICENSING BY A FEDERAL, STATE, OR LOCAL GOVERNMENTAL AGENCY, OR
25 THAT A MOTOR VEHICLE REPAIR FACILITY OR MECHANIC IS APPROVED OR
26 SANCTIONED BY THE ADMINISTRATOR.

27 SEC. 7D. A MOTOR VEHICLE REPAIR FACILITY THAT IS SUBJECT TO

1 THIS ACT, OR A PERSON THAT IS AN OWNER OR OPERATOR OF A MOTOR
2 VEHICLE REPAIR FACILITY THAT IS SUBJECT TO THIS ACT, SHALL NOT,
3 DIRECTLY OR THROUGH AN AGENT OR EMPLOYEE, DO ANY OF THE FOLLOWING:

4 (A) ASSERT, CLAIM, OR IMPOSE A MECHANIC'S OR SIMILAR TYPE LIEN
5 IF THE FACILITY HAS VIOLATED THIS ACT OR RULES PROMULGATED UNDER
6 THIS ACT WITH RESPECT TO THE TRANSACTION ON WHICH THE LIEN IS
7 BASED.

8 (B) SEEK THE REPOSSESSION OF A MOTOR VEHICLE IF THE FACILITY
9 HAS VIOLATED THIS ACT OR RULES PROMULGATED UNDER THIS ACT WITH
10 RESPECT TO THE TRANSACTION ON WHICH THE REPOSSESSION IS BASED.

11 (C) SEEK TO ASSERT OR ENFORCE A LIEN BY REFUSING TO RETURN A
12 VEHICLE IF THE FACILITY HAS VIOLATED THIS ACT OR RULES PROMULGATED
13 UNDER THIS ACT WITH RESPECT TO THE TRANSACTION ON WHICH THE REFUSAL
14 IS BASED.

15 (D) FAIL TO RETURN A CUSTOMER'S VEHICLE IF THERE IS A DISPUTE
16 AND THE CUSTOMER HAS PAID THE AMOUNT OF THE WRITTEN ESTIMATE AND
17 ANY AMOUNT IN EXCESS OF THAT AMOUNT THAT WAS AGREED TO EITHER
18 ORALLY OR IN WRITING BY THE CUSTOMER.

19 SEC. 7E. A MOTOR VEHICLE REPAIR FACILITY THAT IS SUBJECT TO
20 THIS ACT, OR A PERSON THAT IS AN OWNER OR OPERATOR OF A MOTOR
21 VEHICLE REPAIR FACILITY THAT IS SUBJECT TO THIS ACT, SHALL NOT,
22 DIRECTLY OR THROUGH AN AGENT OR EMPLOYEE, DO ANY OF THE FOLLOWING:

23 (A) UNLESS LEGALLY WAIVED BY THE CUSTOMER, FAIL TO GIVE THE
24 CUSTOMER A WRITTEN ESTIMATE BEFORE BEGINNING WORK ON A MOTOR
25 VEHICLE.

26 (B) CHARGE FOR WORK DONE OR PARTS SUPPLIED IN EXCESS OF THE
27 ESTIMATED PRICE WITHOUT THE KNOWING CONSENT, ORALLY OR IN WRITING,

1 OF THE CUSTOMER.

2 (C) FAIL TO GIVE A CUSTOMER AN ESTIMATE FOR THE COST, IF ANY,
3 OF REASSEMBLY, DISASSEMBLY, OR DIAGNOSIS.

4 (D) FAIL TO INFORM A CUSTOMER, AT A TIME BEFORE THE CUSTOMER
5 EXECUTES A DOCUMENT OR ENGAGES THE FACILITY FOR THE WORK, BY THE
6 USE OF A NOTICE REQUIRED UNDER SECTION 33, OF HIS OR HER RIGHT TO
7 RECEIVE OR INSPECT REPLACED PARTS FOR WHICH HE OR SHE WILL BE
8 CHARGED IN THE REPAIR OF HIS OR HER MOTOR VEHICLE.

9 (E) FAIL TO RETAIN A CUSTOMER WAIVER WITH THE RECORDS RETAINED
10 BY THE FACILITY CONCERNING THE TRANSACTION.

11 (F) CHARGE A CUSTOMER STORAGE CHARGES IF THERE IS A DISPUTE
12 CONCERNING REPAIR CHARGES. IF A DELAY IN REPAIRS IS CAUSED BY A
13 LACK OF PARTS, A FACILITY MAY CHARGE FOR STORAGE AFTER INFORMING
14 THE CUSTOMER OF THE APPROXIMATE LENGTH OF THE ANTICIPATED DELAY AND
15 OF THE DAILY STORAGE CHARGE RATE AND OBTAINING THE CUSTOMER'S
16 CONSENT TO THE DELAY AND THE STORAGE CHARGES.

17 (G) FAIL TO COMPLY WITH THE TRUTH IN LENDING ACT, 15 USC 1601
18 TO 1667F, AND THE RETAIL INSTALLMENT SALES ACT, 1966 PA 224, MCL
19 445.851 TO 445.873, IF THE CUSTOMER FINANCES REPAIRS THROUGH THE
20 FACILITY.

21 (H) FAIL IN PRACTICE TO COMPLY WITH ADVERTISED OR STATED
22 PAYMENT POLICIES.

23 (I) CONSPIRE WITH ANOTHER TO FIX PRICES.

24 (J) CONSPIRE WITH ANOTHER TO ALLOCATE THE MARKET BETWEEN THEM.

25 (K) FAIL TO NOTIFY A CUSTOMER OF AN EXCHANGE AGREEMENT AND
26 CHARGES FOR EXCHANGE PARTS IF THE CUSTOMER WISHES TO HAVE THOSE
27 PARTS RETURNED.

1 (l) FAIL TO DISCLOSE, ON THE CUSTOMER'S REQUEST, THE METHOD
2 USED BY A FACILITY TO COMPUTE LABOR CHARGES.

3 SEC. 7F. A MOTOR VEHICLE REPAIR FACILITY THAT IS SUBJECT TO
4 THIS ACT, OR A PERSON THAT IS AN OWNER OR OPERATOR OF A MOTOR
5 VEHICLE REPAIR FACILITY THAT IS SUBJECT TO THIS ACT, SHALL NOT,
6 DIRECTLY OR THROUGH AN AGENT OR EMPLOYEE, DO ANY OF THE FOLLOWING:

7 (A) IMPROPERLY UTILIZE WAIVERS IN A MANNER THAT SUGGESTS OR
8 IMPLIES, DIRECTLY OR INDIRECTLY, ORALLY OR BY ACTION, THAT SIGNING
9 A WAIVER WILL IMPROVE OR EXPEDITE SERVICE OR REPAIRS OR WILL REDUCE
10 THE PRICE.

11 (B) EXAGGERATE THE SERIOUSNESS OF A MALFUNCTION TO INDUCE A
12 CUSTOMER TO AGREE TO A REPAIR.

13 (C) SUGGEST OR IMPLY, DIRECTLY OR INDIRECTLY, ORALLY OR BY
14 ACTION, THAT SERVICE WILL BE IMPROVED OR EXPEDITED OR THAT THE
15 PRICE WILL BE REDUCED IF THE CUSTOMER AGREES THAT THE FACILITY IS
16 NOT REQUIRED TO RETURN FOR INSPECTION ANY PARTS THAT THE FACILITY
17 REPLACED.

18 (D) MISREPRESENT THAT BECAUSE OF SOME DEFECT IN THE CUSTOMER'S
19 MOTOR VEHICLE, THE HEALTH, SAFETY, AND LIVES OF THE CUSTOMER OR HIS
20 OR HER FAMILY ARE IN DANGER IF PARTS OR REPAIR SERVICES ARE NOT
21 PURCHASED, IF IN FACT THE DEFECT DOES NOT EXIST OR THE INSTALLATION
22 OF THE PARTS OR THE PERFORMANCE OF THE SERVICES WOULD NOT REMOVE
23 THE DANGER.

24 Sec. 9. The administrator shall **DO ALL OF THE FOLLOWING:**

25 (a) Certify master and specialty mechanics and issue permits
26 to mechanic trainees **WHO ARE** subject to this act.

27 (b) Register motor vehicle repair facilities **THAT ARE** subject

1 to this act.

2 (c) Keep a complete register of motor vehicle repair
3 facilities, ~~which shall be open to~~ **AND MAKE THAT REGISTER AVAILABLE**
4 **FOR** public inspection at the office of the secretary of state.

5 (d) Keep an accurate listing by name and by certificate number
6 of each specialty and master mechanic **WHO IS** certified by the
7 administrator at the office of the secretary of state.

8 (e) Engage in a public information program to inform the
9 public of their rights and remedies under this act.

10 (f) Inform registered motor vehicle repair facilities at least
11 annually of the rules promulgated ~~pursuant to~~ **UNDER** this act, of
12 representative disciplinary hearings, orders, or judgments issued
13 or obtained by the administrator, and suspensions or revocations of
14 registrations or licenses. A motor vehicle repair facility shall
15 inform the mechanics in its employ of these actions.

16 (g) Establish procedures for receiving complaints relating to
17 alleged violations of this act or rules promulgated ~~pursuant to~~
18 **UNDER** this act.

19 (h) Establish and collect fees for certification examinations
20 administered by the administrator.

21 (i) Promulgate **ANY** rules ~~pursuant to Act No. 306 of the Public~~
22 ~~Acts of 1969, as amended, being sections 24.201 to 24.315 of the~~
23 ~~Michigan Compiled Laws.~~ **THAT ARE NECESSARY TO IMPLEMENT THIS ACT**
24 **UNDER THE ADMINISTRATIVE PROCEDURES ACT OF 1969, 1969 PA 306, MCL**
25 **24.201 TO 24.328.**

26 ~~— The rules shall include but not be limited to:~~

27 ~~— (i) Definitions of unfair and deceptive practices.~~

1 ~~(ii) Definitions of minor repair services.~~

2 ~~(iii) Criteria for determining the competency of specialty and~~
3 ~~master mechanics, as a prerequisite to continued certification~~
4 ~~under this act.~~

5 ~~(iv) Definition of repair categories for the certification of~~
6 ~~specialty and master mechanics.~~

7 ~~(v) Other rules as are necessary to implement this act.~~

8 (J) ISSUE DECLARATORY RULINGS TO IMPLEMENT THIS ACT. ALL OF
9 THE FOLLOWING APPLY TO A DECLARATORY RULING UNDER THIS SUBDIVISION:

10 (i) THE ADMINISTRATOR MAY ISSUE A DECLARATORY RULING
11 CONCERNING THE APPLICABILITY OF THIS ACT OR RULES PROMULGATED UNDER
12 THIS ACT TO AN ACTUAL STATEMENT OF FACTS IF THE ADMINISTRATOR
13 RECEIVES A REQUEST FOR A DECLARATORY RULING FROM AN INTERESTED
14 PERSON AND THE INTERESTED PERSON SUBMITS A CLEAR AND CONCISE
15 STATEMENT OF FACTS TO THE ADMINISTRATOR. THE INTERESTED PERSON MAY
16 SUBMIT TO THE ADMINISTRATOR A BRIEF OR OTHER REFERENCE TO LEGAL
17 AUTHORITIES ON WHICH THE INTERESTED PERSON RELIES CONCERNING THE
18 APPLICABILITY OF THIS ACT OR RULES PROMULGATED UNDER THIS ACT TO
19 THE STATEMENT OF FACTS.

20 (ii) IF HE OR SHE DECIDES TO ISSUE A DECLARATORY RULING, THE
21 ADMINISTRATOR SHALL PROVIDE THE INTERESTED PERSON THAT REQUESTED
22 THE RULING A STATEMENT THAT HE OR SHE WILL ISSUE A DECLARATORY
23 RULING AND THE DATE BY WHICH THE ADMINISTRATOR WILL ISSUE THE
24 RULING.

25 (iii) A DECLARATORY RULING SHALL INCLUDE THE ACTUAL STATEMENT
26 OF FACTS PROVIDED BY THE INTERESTED PERSON THAT REQUESTED THE
27 RULING, THE LEGAL AUTHORITY ON WHICH THE ADMINISTRATOR RELIES FOR

1 HIS OR HER RULING, IF ANY, AND THE RULING OF THE ADMINISTRATOR.

2 (iv) AFTER IT IS ISSUED, A DECLARATORY RULING IS BINDING ON
3 THE ADMINISTRATOR AND HE OR SHE MAY NOT RETROACTIVELY CHANGE THE
4 RULING. HOWEVER, THIS SUBDIVISION DOES NOT PROHIBIT THE
5 ADMINISTRATOR FROM PROSPECTIVELY CHANGING A DECLARATORY RULING.

6 Sec. 10. (1) Subject to subsection (3) **AND SECTION 10B(3) AND**
7 **(4)**, an individual may become certified as a specialty mechanic ~~if~~
8 ~~he or she passes an examination, developed by the administrator or~~
9 ~~developed by a private entity and adopted by the administrator,~~
10 ~~that the administrator determines is an adequate test of an~~
11 ~~individual's ability to perform certain types of motor vehicle~~
12 ~~repair. The repair or service categories for which certification is~~
13 ~~required include the following and any others specified by the~~
14 ~~administrator by rule:~~**IN 1 OR MORE REPAIR CATEGORIES DESCRIBED IN**
15 **SECTION 10B(1) OR (2) IF THAT INDIVIDUAL TAKES 1 OR MORE**
16 **EXAMINATIONS, DEVELOPED OR APPROVED BY THE ADMINISTRATOR, AND**
17 **RECEIVES SCORES, AS DETERMINED BY THE ADMINISTRATOR, THAT INDICATE**
18 **COMPETENCY TO PERFORM MOTOR VEHICLE REPAIRS IN THE REPAIR CATEGORY**
19 **OR CATEGORIES.**

20 ~~—— (a) Engine repair.~~

21 ~~—— (b) Automatic transmission repair.~~

22 ~~—— (c) Manual transmission and rear axle repair.~~

23 ~~—— (d) Front end repair.~~

24 ~~—— (e) Repair of brakes.~~

25 ~~—— (f) Electrical systems repair.~~

26 ~~—— (g) Heating and air conditioning repair.~~

27 ~~—— (h) Engine tune-up.~~

House Bill No. 5857 as amended November 30, 2016

1 ~~(i) Pre-1973 motor vehicle repair.~~

2 ~~(j) BAIID service.~~

3 (2) An individual may apply for a specialty mechanic's
4 certificate in any or all repair categories but he or she is **ONLY**
5 required to pay ~~only 1~~ certification fee if ~~he or she makes the~~
6 ~~applications~~ **THE INDIVIDUAL APPLIES** for more than 1 category at 1
7 time.

8 (3) On application, the department shall issue an initial
9 specialty mechanic's certificate in BAIID service, without
10 examination, to an individual who holds a valid specialty
11 mechanic's certificate in electrical systems repair on ~~the~~
12 ~~effective date of the amendatory act that added this~~
13 ~~subsection.~~ **JUNE 5, 2016.**

14 (4) ~~Within 120 days after the effective date of the amendatory~~
15 ~~act that added section 10a,~~ **BY OCTOBER 4, 2016,** the administrator
16 shall develop or adopt an examination for specialty mechanic
17 certification in the repair or service category described in
18 ~~subsection (1)(j)~~ **SECTION 10B(1) (I)** for an individual who is
19 engaged, for compensation, in BAIID service.

20 (5) An individual may apply for and receive a **CERTIFICATE AS A**
21 ~~master mechanic's certificate~~ **MECHANIC FOR AUTOMOBILES OR LIGHT**
22 **TRUCKS** if he or she is qualified as a specialty mechanic in all **OF**
23 **THE REPAIR** categories ~~of motor vehicle repair~~ described in
24 ~~subsection (1),~~ **SECTION 10B(1)**, except that qualification in a
25 specialty category described in ~~subsection (1)(i) or (j)~~ **SECTION**
26 **[10B(1) (I), (J), (K), OR (L)]** is not necessary for a master mechanic's
27 certificate.

House Bill No. 5857 as amended November 30, 2016

1 (6) AN INDIVIDUAL MAY APPLY FOR AND RECEIVE A CERTIFICATE AS A
 2 MASTER MECHANIC FOR HEAVY-DUTY TRUCKS IF THAT INDIVIDUAL IS
 3 QUALIFIED AS A SPECIALTY MECHANIC IN ALL REPAIR CATEGORIES
 4 DESCRIBED IN SECTION 10B(2), EXCEPT THAT CERTIFICATION IN THE
 5 REPAIR CATEGORY DESCRIBED IN SECTION [10B(2)(G)] IS NOT NECESSARY FOR
 6 A MASTER MECHANIC'S CERTIFICATE DESCRIBED IN THIS SUBSECTION.

7 SEC. 10B. (1) THE ADMINISTRATOR MAY ISSUE A CERTIFICATION TO
 8 PERFORM REPAIR WORK AS A SPECIALTY OR MASTER MECHANIC FOR
 9 AUTOMOBILES AND LIGHT TRUCKS IN 1 OR MORE OF THE FOLLOWING REPAIR
 10 CATEGORIES:

11 (A) ENGINE REPAIR.

12 (B) AUTOMATIC TRANSMISSION.

13 (C) MANUAL TRANSMISSION, FRONT AND REAR DRIVE AXLE.

14 (D) FRONT END, SUSPENSION, AND STEERING SYSTEMS.

15 (E) BRAKES AND BRAKING SYSTEMS.

16 (F) ELECTRICAL SYSTEMS.

17 (G) HEATING AND AIR-CONDITIONING.

18 (H) ENGINE TUNE-UP AND PERFORMANCE.

19 (I) COLLISION-RELATED MECHANICAL REPAIR.

20 (J) UNITIZED BODY STRUCTURAL REPAIR.

21 (K) PRE-1973 AUTOMOBILE OR LIGHT TRUCK REPAIR. AS USED IN THIS
 22 SUBDIVISION, "PRE-1973 AUTOMOBILE OR LIGHT TRUCK REPAIR" MEANS THE
 23 REPAIR OF AN AUTOMOBILE OR LIGHT TRUCK MANUFACTURED BEFORE 1973 OR
 24 THE RECONDITIONING, REPLACEMENT, ADJUSTMENT, OR ALTERATION OF THE
 25 OPERATING CONDITION OF ANY COMPONENT OR SUBASSEMBLY OF AN
 26 AUTOMOBILE OR LIGHT TRUCK MANUFACTURED BEFORE 1973.

27 (L) BAIIID SERVICE.

House Bill No. 5857 as amended November 30, 2016

1 (2) THE ADMINISTRATOR MAY ISSUE A CERTIFICATION TO PERFORM
2 REPAIR WORK AS A SPECIALTY OR MASTER MECHANIC FOR HEAVY-DUTY TRUCKS
3 IN 1 OR MORE OF THE FOLLOWING REPAIR CATEGORIES:

- 4 (A) ENGINE REPAIR, GASOLINE.
- 5 (B) ENGINE REPAIR, DIESEL.
- 6 (C) DRIVETRAINS.
- 7 (D) BRAKES AND BRAKING SYSTEMS.
- 8 (E) SUSPENSION AND STEERING SYSTEMS.
- 9 (F) ELECTRICAL SYSTEMS.
- 10 (G) COLLISION-RELATED MECHANICAL REPAIR.

11 [
12
13
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16]

17 (3) AN INDIVIDUAL WHO IS APPLYING FOR CERTIFICATION AS A
18 SPECIALTY AUTOMOBILE OR LIGHT TRUCK MECHANIC IS ELIGIBLE FOR THAT
19 CERTIFICATION IF HE OR SHE PASSES AN EXAMINATION IN THE REPAIR
20 CATEGORY THAT RELATES TO THAT SPECIALTY. AN INDIVIDUAL WHO IS
21 APPLYING FOR CERTIFICATION AS A MASTER AUTOMOBILE OR LIGHT TRUCK
22 MECHANIC IS ELIGIBLE FOR THAT CERTIFICATION IF HE OR SHE PASSES THE
23 EXAMINATIONS IN ALL REPAIR CATEGORIES LISTED IN SUBSECTION (1) (A)
24 TO (H) .

25 (4) AN INDIVIDUAL WHO IS APPLYING FOR CERTIFICATION AS A
26 SPECIALTY HEAVY-DUTY TRUCK MECHANIC IS ELIGIBLE FOR THAT
27 CERTIFICATION IF HE OR SHE PASSES AN EXAMINATION IN THE REPAIR

1 CATEGORY THAT RELATES TO THAT SPECIALTY. AN INDIVIDUAL WHO IS
 2 APPLYING FOR CERTIFICATION AS A MASTER HEAVY-DUTY TRUCK MECHANIC IS
 3 ELIGIBLE FOR THAT CERTIFICATION IF HE OR SHE PASSES THE
 4 EXAMINATIONS IN ALL REPAIR CATEGORIES LISTED IN SUBSECTION (2) (A)
 5 TO (F) .

6 (5) AN INDIVIDUAL WHO IS APPLYING FOR CERTIFICATION AS A
 7 MASTER MOTORCYCLE MECHANIC IS ELIGIBLE FOR THAT CERTIFICATION IF HE
 8 OR SHE PASSES AN EXAMINATION PERTAINING TO ALL MECHANICAL ASPECTS
 9 OF MOTORCYCLE REPAIR.

10 (6) AN INDIVIDUAL WHO IS APPLYING FOR CERTIFICATION AS A
 11 RECREATIONAL TRAILER MECHANIC IS ELIGIBLE FOR THAT CERTIFICATION IF
 12 HE OR SHE PASSES AN EXAMINATION PERTAINING TO ALL MECHANICAL
 13 ASPECTS OF THE INSTALLATION, SERVICE, AND REPAIR OF RECREATIONAL
 14 TRAILER EQUIPMENT. AS USED IN THIS SUBSECTION, "RECREATIONAL
 15 TRAILER EQUIPMENT" INCLUDES RECREATIONAL TRAILER BRAKES,
 16 SUSPENSION, WHEELS, OR AXLES; ADAPTATIONS AND ALTERATIONS MADE TO
 17 TOWING VEHICLES; AND OTHER ITEMS OF EQUIPMENT ON A RECREATIONAL
 18 TRAILER REQUIRED UNDER SECTIONS 683 TO 711 OF THE MICHIGAN VEHICLE
 19 CODE, 1949 PA 300, MCL 257.683 TO 257.711.

20 Sec. 11. (1) ~~Before a person offers to engage in or engages~~ **AN**
 21 **INDIVIDUAL SHALL NOT ENGAGE OR OFFER TO ENGAGE** in employment as a
 22 specialty or master mechanic ~~, that person shall apply for and~~
 23 ~~receive~~ **IF HE OR SHE HAS NOT APPLIED FOR AND RECEIVED** a certificate
 24 for that employment from the department. ~~Application~~ **AN APPLICANT**
 25 for a specialty or master mechanic's certificate shall ~~be made~~
 26 **SUBMIT TO THE ADMINISTRATOR**, on a form provided by the department,
 27 ~~and shall include~~ **ALL OF THE FOLLOWING INFORMATION AND THE RESULTS**

1 **OF THE REQUIRED EXAMINATIONS:**

2 (a) The name and home address of the applicant.

3 (b) The repair category or categories for which the applicant
4 is applying. ~~and the results of the required examinations.~~

5 (c) The number of years the applicant has worked as a motor
6 vehicle mechanic for compensation and the education or training he
7 has had to prepare him for work as a motor vehicle mechanic,
8 specialty mechanic, or master mechanic.

9 (d) The states or jurisdictions in which the applicant is
10 licensed or certified to work as a motor vehicle mechanic,
11 specialty mechanic, or master mechanic.

12 (e) A copy of an irrevocable appointment of the secretary of
13 state as the applicant's agent for service of process.

14 (f) Other relevant information ~~as REQUIRED BY~~ the
15 administrator. ~~shall require.~~

16 **(2) THE TERM OF A MASTER MECHANIC'S CERTIFICATE IS 1 YEAR. AN**
17 **INDIVIDUAL MAY RENEW A MASTER MECHANIC'S CERTIFICATE BY PROVIDING**
18 **ALL OF THE INFORMATION DESCRIBED IN SUBSECTION (1) (A) TO (F), ON A**
19 **FORM PROVIDED BY THE ADMINISTRATOR, AND PAYING THE RENEWAL FEE**
20 **DESCRIBED IN SECTION 30.**

21 **(3) THE TERM OF A SPECIALTY CERTIFICATE IS 1 YEAR. THE**
22 **ADMINISTRATOR MAY ONLY RENEW A SPECIALTY CERTIFICATE IF THE**
23 **INDIVIDUAL WHO IS APPLYING FOR RENEWAL PROVIDES ALL OF THE**
24 **INFORMATION DESCRIBED IN SUBSECTION (1) (A) TO (F), ON A FORM**
25 **PROVIDED BY THE ADMINISTRATOR, PAYS THE RENEWAL FEE DESCRIBED IN**
26 **SECTION 30, AND, IF APPLICABLE, MEETS 1 OF THE FOLLOWING:**

27 **(A) IF HE OR SHE IS SEEKING TO RENEW A CERTIFICATION AS A**

1 MECHANIC IN THE AREA OF AUTOMOBILE AND LIGHT TRUCK ENGINE TUNE-UP
2 AND PERFORMANCE, IN THE 1998 CALENDAR YEAR OR IN ANY FIFTH CALENDAR
3 YEAR AFTER 1998, DOES 1 OF THE FOLLOWING:

4 (i) TAKES AND PASSES A TEST GIVEN OR APPROVED BY THE
5 ADMINISTRATOR.

6 (ii) PRESENTS PROOF THAT HE OR SHE HAS SUCCESSFULLY COMPLETED
7 AN ACCEPTABLE COURSE OF TRAINING IN AUTOMOBILE AND LIGHT TRUCK
8 ENGINE TUNE-UP AND PERFORMANCE PROVIDED BY AN APPROVED EDUCATIONAL
9 INSTITUTION, MOTOR VEHICLE MANUFACTURER, OR DISTRIBUTOR.

10 (iii) PRESENTS A VALID, CURRENT CERTIFICATION IN AUTOMOBILE
11 AND LIGHT TRUCK ENGINE TUNE-UP AND PERFORMANCE, OR A COMPARABLE
12 CATEGORY, FROM THE NATIONAL INSTITUTE FOR AUTOMOTIVE SERVICE
13 EXCELLENCE OR ANOTHER MECHANIC CERTIFICATION ORGANIZATION APPROVED
14 BY THE ADMINISTRATOR.

15 (B) IF HE OR SHE IS SEEKING TO RENEW A CERTIFICATION AS A
16 MECHANIC IN THE AREA OF AUTOMOBILE AND LIGHT TRUCK ELECTRICAL
17 SYSTEMS, IN THE 1999 CALENDAR YEAR OR IN ANY FIFTH CALENDAR YEAR
18 AFTER 1999, DOES 1 OF THE FOLLOWING:

19 (i) TAKES AND PASSES A TEST GIVEN OR APPROVED BY THE
20 ADMINISTRATOR.

21 (ii) PRESENTS PROOF THAT HE OR SHE HAS SUCCESSFULLY COMPLETED
22 AN ACCEPTABLE COURSE OF TRAINING IN AUTOMOBILE AND LIGHT TRUCK
23 ENGINE ELECTRICAL SYSTEMS PROVIDED BY AN APPROVED EDUCATIONAL
24 INSTITUTION, MOTOR VEHICLE MANUFACTURER, OR DISTRIBUTOR.

25 (iii) PRESENTS A VALID, CURRENT CERTIFICATION IN AUTOMOBILE
26 AND LIGHT TRUCK ENGINE ELECTRICAL SYSTEMS, OR A COMPARABLE
27 CATEGORY, FROM THE NATIONAL INSTITUTE FOR AUTOMOTIVE SERVICE

1 EXCELLENCE OR ANOTHER MECHANIC CERTIFICATION ORGANIZATION APPROVED
2 BY THE ADMINISTRATOR.

3 (C) IF HE OR SHE IS SEEKING TO RENEW A CERTIFICATION AS A
4 MECHANIC IN THE AREA OF AUTOMOBILE AND LIGHT TRUCK BRAKES AND
5 BRAKING SYSTEMS, IN THE 2000 CALENDAR YEAR OR IN ANY FIFTH CALENDAR
6 YEAR AFTER 2000, DOES 1 OF THE FOLLOWING:

7 (i) TAKES AND PASSES A TEST GIVEN OR APPROVED BY THE
8 ADMINISTRATOR.

9 (ii) PRESENTS PROOF THAT HE OR SHE HAS SUCCESSFULLY COMPLETED
10 AN ACCEPTABLE COURSE OF TRAINING IN AUTOMOBILE AND LIGHT TRUCK
11 ENGINE BRAKES AND BRAKING SYSTEMS PROVIDED BY AN APPROVED
12 EDUCATIONAL INSTITUTION, MOTOR VEHICLE MANUFACTURER, OR
13 DISTRIBUTOR.

14 (iii) PRESENTS A VALID, CURRENT CERTIFICATION IN AUTOMOBILE
15 AND LIGHT TRUCK BRAKES AND BRAKING SYSTEMS, OR A COMPARABLE
16 CATEGORY, FROM THE NATIONAL INSTITUTE FOR AUTOMOTIVE SERVICE
17 EXCELLENCE OR ANOTHER MECHANIC CERTIFICATION ORGANIZATION APPROVED
18 BY THE ADMINISTRATOR.

19 ~~Sec. 12. An applicant shall be required to have passed an~~
20 ~~examination which is designed to test the competency to correctly~~
21 ~~diagnose and repair motor vehicles in the specific category for~~
22 ~~which the applicant is applying. The examination shall be written~~
23 ~~or oral or practical.~~ ALL OF THE FOLLOWING APPLY TO A CERTIFICATION
24 EXAMINATION UNDER THIS ACT:

25 (A) AN EXAMINATION SHALL BE WRITTEN, EXCEPT THAT THE
26 ADMINISTRATOR MAY ALLOW AN INDIVIDUAL TO TAKE AN ORAL OR PRACTICAL
27 EXAMINATION IF THE ADMINISTRATOR DETERMINES THAT THE INDIVIDUAL

1 MEETS 1 OF THE FOLLOWING:

2 (i) HE OR SHE HAS SPECIAL LANGUAGE PROBLEMS THAT PRECLUDE THE
3 POSSIBILITY OF PASSING A STANDARD ENGLISH LANGUAGE EXAMINATION.

4 (ii) HE OR SHE WAS UNSUCCESSFUL ON THE WRITTEN EXAMINATION.

5 (B) The administrator shall review examinations that are being
6 given by private or public agencies, including the department of
7 education. If the administrator approves an agency for the purposes
8 of administering examinations, ~~the prospective~~ **AN** applicant may
9 take ~~the~~ **AN** examination **ADMINISTERED BY THAT AGENCY**, and the
10 testing agency shall forward the results to the administrator for
11 review and verification, or the prospective applicant may take ~~such~~
12 **THE** examination ~~as may be developed~~ and given by the administrator,
13 **IF ANY**.

14 (C) **AN EXAMINATION SHALL BE GIVEN AT PLACES AND TIMES**
15 **DETERMINED BY THE ADMINISTRATOR**.

16 (D) **THE RESULTS OF AN EXAMINATION ARE NOT FINAL UNTIL APPROVED**
17 **BY THE ADMINISTRATOR. THE ADMINISTRATOR SHALL FORWARD THE RESULTS**
18 **OF AN EXAMINATION TO THE APPLICANT OR TO THE APPLICANT'S AUTHORIZED**
19 **REPRESENTATIVE**.

20 Sec. 13. (1) If ~~a person~~ **AN INDIVIDUAL** is unable to obtain a
21 certificate as a specialty or master mechanic ~~as provided in~~ **UNDER**
22 this act, and that ~~person~~ **INDIVIDUAL** desires to become a specialty
23 or master mechanic, he **OR SHE** may ~~make application~~ **APPLY** for a
24 mechanic trainee permit on ~~the~~ **A** form prescribed or approved by the
25 administrator. ~~The administrator shall issue or approve a mechanic~~
26 ~~trainee permit to an applicant who qualifies under the rules~~
27 ~~promulgated for that purpose. A person~~

1 (2) IF AN INDIVIDUAL IS UNABLE TO RENEW A SPECIALTY
2 CERTIFICATION AS A MECHANIC IN THE AREA OF AUTOMOBILE AND LIGHT
3 TRUCK ENGINE TUNE-UP AND PERFORMANCE, AUTOMOBILE AND LIGHT TRUCK
4 ELECTRICAL SYSTEMS, OR AUTOMOBILE AND LIGHT TRUCK BRAKES AND
5 BRAKING SYSTEMS BECAUSE HE OR SHE DOES NOT MEET THE REQUIREMENTS OF
6 SECTION 11(3) (A), (B), OR (C), HE OR SHE MAY APPLY FOR A MECHANIC
7 TRAINEE PERMIT, ON A FORM PRESCRIBED OR APPROVED BY THE
8 ADMINISTRATOR, IF HE OR SHE MEETS ALL LEGAL REQUIREMENTS FOR THE
9 PERMIT AND WAS NOT ISSUED A MECHANIC TRAINEE PERMIT BY THE
10 ADMINISTRATOR IN THE 3-YEAR PERIOD BEFORE THE ADMINISTRATOR
11 RECEIVES HIS OR HER APPLICATION FOR THE MECHANIC TRAINEE PERMIT
12 UNDER THIS SUBSECTION.

13 (3) ALL OF THE FOLLOWING APPLY TO A MECHANIC TRAINEE DESCRIBED
14 IN THIS SECTION:

15 (A) AN INDIVIDUAL who qualifies as a mechanic trainee may
16 retain that status for a period of not more than 2 years.

17 (B) A mechanic trainee **WHO IS** employed by a motor vehicle
18 repair facility ~~shall be~~ **IS** required to work under the direct
19 supervision of a specialty or master mechanic during the full time
20 of his **OR HER** employment.

21 (C) The administrator shall ~~by rule establish and operate a~~
22 ~~mechanic trainee training program designed to provide the training~~
23 ~~necessary to become certified under this act. Instead of~~
24 ~~establishing and operating the program, the administrator may~~
25 ~~appoint schools, academies, or other similar establishments~~ **SELECT**
26 **1 OR MORE APPROVED EDUCATIONAL INSTITUTIONS** to engage in mechanic
27 trainee training. ~~if those establishments, schools, or academies~~

1 ~~meet the criteria established by the administrator, after~~
2 ~~consultation with the department of education and the United States~~
3 ~~department of labor, bureau of apprenticeship and training. The~~
4 ~~establishments may be designated by the administrator to engage in~~
5 ~~a continuing education and training program for specialty and~~
6 ~~master mechanics.~~

7 **SEC. 13A. (1) THE ADMINISTRATOR SHALL EVALUATE AND MAY APPROVE**
8 **A SCHOOL, ACADEMY, OR OTHER SIMILAR ESTABLISHMENT THAT INTENDS TO**
9 **PROVIDE TRAINING TO MECHANICS OR MECHANIC TRAINEES UNDER THIS ACT.**

10 **(2) ALL OF THE FOLLOWING APPLY TO THE APPROVAL OF A SCHOOL,**
11 **ACADEMY, OR SIMILAR ESTABLISHMENT BY THE ADMINISTRATOR UNDER**
12 **SUBSECTION (1):**

13 **(A) AN ESTABLISHMENT SEEKING APPROVAL SHALL SUBMIT AN**
14 **APPLICATION FOR APPROVAL TO THE ADMINISTRATOR. THE ADMINISTRATOR**
15 **SHALL DETERMINE THE FORM AND CONTENT OF THE APPLICATION. THE**
16 **APPLICATION SHALL INCLUDE SUPPORTING MATERIALS REQUIRED BY THE**
17 **ADMINISTRATOR.**

18 **(B) THE ADMINISTRATOR SHALL REVIEW AN APPLICATION AND**
19 **SUPPORTING MATERIALS SUBMITTED UNDER SUBDIVISION (A) AND SHALL**
20 **APPROVE, DENY APPROVAL OF, OR WITHDRAW APPROVAL FROM THE TRAINING**
21 **PROGRAM OFFERED TO MECHANICS AND MECHANIC TRAINEES BY THE**
22 **ESTABLISHMENT.**

23 **(C) IN EVALUATING AN ESTABLISHMENT FOR APPROVAL, THE**
24 **ADMINISTRATOR SHALL CONSIDER ALL OF THE FOLLOWING FACTORS:**

25 **(i) ACCREDITATION OR LACK OF ACCREDITATION BY A RECOGNIZED**
26 **ACCREDITATION AGENCY.**

27 **(ii) QUANTITY AND QUALITY OF CLASSROOM TRAINING PROVIDED.**

- 1 (iii) COURSE OBJECTIVES.
- 2 (iv) NUMBER, QUALITY, AND AGE OF TOOLS, EQUIPMENT, AND
3 MATERIALS MADE AVAILABLE TO STUDENTS.
- 4 (v) PERCENTAGE OF CLASS TIME SPENT IN HANDS-ON TRAINING.
- 5 (vi) QUALIFICATIONS OF INSTRUCTORS AND OTHER STAFF.
- 6 (vii) QUALITY, QUANTITY, AND ACCESSIBILITY OF RECORDS
7 MAINTAINED BY THE ESTABLISHMENT.
- 8 (viii) CLASS SIZE AND LOCATION.
- 9 (ix) QUALITY OF TESTING ADMINISTERED.
- 10 (x) OTHER RELATED FACTORS THE ADMINISTRATOR CONSIDERS
11 RELEVANT.
- 12 (3) THE ADMINISTRATOR MAY CONTRACT WITH APPROVED EDUCATIONAL
13 INSTITUTIONS TO PROVIDE TRAINING OR TESTING REQUIRED UNDER THIS
14 ACT.
- 15 SEC. 13B. (1) A CERTIFIED SPECIALTY OR MASTER MECHANIC SHALL
16 DISPLAY, IN A CONSPICUOUS LOCATION IN THE PLACE OF BUSINESS WHERE
17 HE OR SHE IS EMPLOYED OR ENGAGED TO PERFORM REPAIRS, A CURRENT AND
18 VALID CERTIFICATE ISSUED BY THE ADMINISTRATOR.
- 19 (2) IF A CERTIFIED MECHANIC WORKS ON, INSPECTS AND APPROVES,
20 OR SUPERVISES A REPAIR, HE OR SHE SHALL AFFIX HIS OR HER NAME AND
21 CERTIFICATION NUMBER, AS ASSIGNED BY THE ADMINISTRATOR, TO THE
22 WRITTEN STATEMENT OF REPAIRS GIVEN THE CUSTOMER UNDER SECTION 34.
- 23 (3) A CERTIFIED SPECIALTY OR MASTER MECHANIC OR MECHANIC
24 TRAINEE SHALL NOT DEPART FROM, OR DISREGARD IN ANY MATERIAL
25 RESPECT, ACCEPTED MOTOR VEHICLE REPAIR INDUSTRY STANDARDS.
26 COMPLIANCE WITH PUBLISHED VEHICLE MANUFACTURER, PARTS MANUFACTURER,
27 EQUIPMENT MANUFACTURER, OR RECOGNIZED AFTERMARKET REPAIR MANUAL

1 SPECIFICATIONS CREATES A PRESUMPTION THAT THE MECHANIC OR MECHANIC
 2 TRAINEE HAS FOLLOWED ACCEPTED MOTOR VEHICLE REPAIR INDUSTRY
 3 STANDARDS.

4 (4) IF THE ADMINISTRATOR, AFTER NOTICE AND A HEARING,
 5 DETERMINES THAT A SPECIALTY OR MASTER MECHANIC OR MECHANIC TRAINEE
 6 HAS VIOLATED SUBSECTION (3), THE ADMINISTRATOR MAY, UNDER SECTION
 7 21, REQUIRE THAT THE SPECIALTY OR MASTER MECHANIC OR MECHANIC
 8 TRAINEE DO BOTH OF THE FOLLOWING:

9 (A) SUCCESSFULLY COMPLETE A DESIGNATED TRAINING COURSE OR
 10 PROGRAM AS A PREREQUISITE TO CONTINUED CERTIFICATION.

11 (B) ONLY PERFORM SPECIFIC MOTOR VEHICLE REPAIRS OR REPAIR
 12 PROCEDURES IDENTIFIED BY THE ADMINISTRATOR UNTIL THE TRAINING
 13 COURSE OR PROGRAM DESCRIBED IN SUBDIVISION (A) IS COMPLETED.

14 Sec. 14. ~~A~~ **THE OWNER OF A** motor vehicle repair facility shall
 15 ~~be registered by the owner~~ **REGISTER THE FACILITY BY PROVIDING ALL**
 16 **OF THE FOLLOWING INFORMATION TO THE ADMINISTRATOR,** on a
 17 registration form provided by the administrator, ~~which shall~~
 18 ~~disclose the following information:~~ **ACCOMPANIED BY A REGISTRATION**
 19 **FEE IN AN AMOUNT DETERMINED UNDER SECTION 30:**

20 (a) The name, address, and form of ownership of the facility,
 21 and ~~for~~ **IF THE OWNER IS** a corporation, the date and place of
 22 incorporation.

23 (b) The name and address of each of ~~its~~ **THE OWNER'S** resident
 24 agents, officers, directors, and partners in ~~the~~ **THIS** state, **AS**
 25 **APPLICABLE.**

26 (c) The principal occupation **OR BUSINESS** for the past 5 years
 27 of ~~every officer, director, and partner, and each owner of 10% or~~

1 ~~more of the facility, and any person occupying a similar status or~~
 2 ~~performing similar functions.~~ **ALL OF THE FOLLOWING, AS APPLICABLE:**

3 **(i) EACH PERSON THAT OWNS 10% OR MORE OF THE FACILITY.**

4 **(ii) FOR EACH OWNER DESCRIBED IN SUBPARAGRAPH (i), EVERY**
 5 **OFFICER AND DIRECTOR IF THE OWNER IS A CORPORATION; EVERY PARTNER**
 6 **IF THE OWNER IS A PARTNERSHIP; AND ANY OTHER PERSON THAT OCCUPIES A**
 7 **SIMILAR STATUS OR PERFORMS SIMILAR FUNCTIONS.**

8 (d) A description of the ~~repair facility to be registered as~~
 9 ~~specified by rule.~~ **THAT INCLUDES ALL OF THE FOLLOWING:**

10 **(i) THE TYPE OF SERVICE BUSINESS THE FACILITY OPERATES.**

11 **(ii) THE TYPE OF REPAIRS THE FACILITY PERFORMS.**

12 **(iii) THE TYPE OF VEHICLES THE FACILITY SERVICES.**

13 **(iv) THE NUMBER OF MECHANICS THE FACILITY EMPLOYS WHO PERFORM**
 14 **REPAIRS.**

15 **(v) THE RANGE OF GROSS REVENUE RECEIVED BY THE FACILITY FROM**
 16 **PERFORMING REPAIRS, INCLUDING REVENUE FROM PARTS AND GOODS SOLD IN**
 17 **CONJUNCTION WITH REPAIRS, FOR THE MOST RECENT FEDERAL INCOME TAX**
 18 **YEAR.**

19 **(vi) MEASURED IN SQUARE FEET, THE SIZE OF THAT PART OF THE**
 20 **FACILITY UTILIZED FOR PERFORMING REPAIRS.**

21 (e) An irrevocable appointment of the secretary of state as
 22 the agent for the facility for service of process.

23 (f) A copy of ~~the documents, instruments, forms, contracts, or~~
 24 ~~other papers known to be~~ **EACH INSTRUMENT, FORM, CONTRACT, OR OTHER**
 25 **DOCUMENT** used by the applicant in dealing with the public in the
 26 repair of motor vehicles, ~~as specified by rule.~~ **INCLUDING, BUT NOT**
 27 **LIMITED TO, ALL OF THE FOLLOWING:**

1 (i) ANY DOCUMENT ON WHICH THE FACILITY ROUTINELY REQUIRES THE
2 CUSTOMER'S SIGNATURE.

3 (ii) ANY DOCUMENT USED BY THE FACILITY IN CONNECTION WITH
4 PROVIDING ESTIMATES, DIAGNOSES, OR REPAIRS.

5 (iii) ANY INVOICES, WARRANTIES, OR WAIVERS.

6 (iv) ANY OTHER DOCUMENT USED BY THE FACILITY TO COMPLY WITH
7 THIS ACT OR RULES PROMULGATED UNDER THIS ACT.

8 (g) ~~Other~~ ANY OTHER relevant information ~~as~~ REQUIRED BY the
9 administrator. ~~shall require.~~

10 Sec. 15. (1) A MOTOR VEHICLE REPAIR FACILITY REGISTRATION
11 UNDER THIS ACT TAKES EFFECT ON THE DATE IT IS APPROVED BY THE
12 ADMINISTRATOR AND EXPIRES 1 YEAR AFTER THAT DATE. THE OWNER OF A
13 MOTOR VEHICLE REPAIR FACILITY SHALL RENEW ITS REGISTRATION ANNUALLY
14 AND SHALL SUBMIT AN APPLICATION FOR RENEWAL OF THE REGISTRATION,
15 ACCOMPANIED BY A REGISTRATION FEE IN AN AMOUNT DETERMINED UNDER
16 SECTION 30, WITH THE ADMINISTRATOR AT LEAST 30 DAYS BEFORE THE
17 EXPIRATION OF ITS THEN-CURRENT REGISTRATION.

18 (2) A MOTOR VEHICLE REPAIR FACILITY MAY CONTINUE TO OPERATE
19 AFTER THE EXPIRATION DATE OF ITS THEN-CURRENT REGISTRATION, PENDING
20 APPROVAL OF THE RENEWAL APPLICATION BY THE ADMINISTRATOR, IF THE
21 RENEWAL APPLICATION AND RENEWAL FEE ARE RECEIVED BY THE
22 ADMINISTRATOR ON OR BEFORE THE EXPIRATION DATE. IF A RENEWAL
23 APPLICATION AND RENEWAL FEE ARE FILED AFTER THE EXPIRATION DATE,
24 THE FACILITY MAY OPERATE FROM THE DAY ON WHICH THE APPLICATION AND
25 APPROPRIATE FEE ARE RECEIVED BY THE ADMINISTRATOR, PENDING APPROVAL
26 OF THE RENEWAL APPLICATION. THE ADMINISTRATOR SHALL CHARGE A FEE OF
27 1-1/2 TIMES THE NORMAL REGISTRATION FEE IF THE RENEWAL APPLICATION

1 IS RECEIVED BY THE ADMINISTRATOR AFTER THE EXPIRATION DATE.

2 (3) A ~~business maintaining~~ PERSON THAT OWNS more than 1 motor
3 vehicle repair facility shall file a single registration form FOR
4 ALL OF THOSE FACILITIES annually, ~~which THAT~~ along with the other
5 information required by ~~UNDER~~ this act, clearly indicates the
6 location of and the individual in charge of each facility, ~~. Fees~~
7 ~~shall be paid separately for each location.~~ AND SHALL PAY A SEPARATE
8 REGISTRATION FEE FOR EACH OF THOSE FACILITIES.

9 Sec. 16. (1) IF THERE IS A CHANGE IN OWNERSHIP OF A MOTOR
10 VEHICLE REPAIR FACILITY, A NEW REGISTRATION AND PAYMENT OF A NEW
11 REGISTRATION FEE IS REQUIRED AND THE FACILITY SHALL NOT OPERATE
12 UNTIL ITS REGISTRATION APPLICATION IS APPROVED BY THE ADMINISTRATOR
13 AND THE FEE IS PAID. If a name or address of the motor vehicle
14 repair facility changes, ~~not involving a change of ownership,~~ AND
15 THERE IS NOT A CHANGE OF OWNERSHIP, the facility shall notify the
16 administrator in writing of the change ~~. Appropriate~~ AND SHALL MAKE
17 THE APPROPRIATE changes ~~should be made~~ on the NEXT renewal
18 registration when due.

19 (2) IF THE OWNER OF A MOTOR VEHICLE REPAIR FACILITY IS A
20 CORPORATION, AND 10% OR MORE OF THE STOCK OF THE CORPORATION IS
21 SOLD OR TRANSFERRED, THE OWNER SHALL NOTIFY THE ADMINISTRATOR OF
22 THAT CHANGE WITHIN 30 DAYS OF THE SALE OR TRANSFER.

23 (3) AS USED IN THIS SECTION, "CHANGE OF OWNERSHIP" MEANS A
24 SALE OF ALL OR PART OF A FACILITY TO A NEW OWNER. THE TERM INCLUDES
25 A SALE OR TRANSFER OF A PARTNERSHIP INTEREST IN THE OWNER OF A
26 FACILITY IF THE OWNER IS A PARTNERSHIP. THE TERM DOES NOT INCLUDE
27 THE SALE OR TRANSFER OF STOCK IN THE OWNER OF A FACILITY IF THE

1 **OWNER IS A CORPORATION.**

2 Sec. 17. (1) The **OWNER OF A FACILITY THAT IS** registered
 3 ~~facility or a facility OR IS~~ required to ~~be registered~~ **REGISTER**
 4 under this act shall ~~be~~ **ENSURE THAT THE FACILITY IS** open to
 5 inspection by the administrator and other law enforcement officials
 6 during reasonable business hours. During reasonable business hours,
 7 the administrator and other law enforcement officials may make
 8 periodic unannounced inspections of the premises, parts records,
 9 and parts inventories of ~~facilities~~ **A FACILITY.**

10 (2) A person ~~who hinders, obstructs, or otherwise prevents an~~
 11 ~~inspection is in violation of this act.~~ **SHALL NOT HINDER, OBSTRUCT,**
 12 **OR OTHERWISE PREVENT AN INSPECTION UNDER THIS SECTION OR SECTION 18**
 13 **OR 18A.**

14 (3) **AS USED IN THIS SECTION, "REASONABLE BUSINESS HOURS"**
 15 **INCLUDES ANY POSTED OR ADVERTISED BUSINESS HOURS OF A FACILITY.**

16 Sec. 18. (1) ~~A~~ **THE OWNER OF A MOTOR VEHICLE REPAIR** facility
 17 shall maintain reasonable **BUSINESS** records ~~as are required by rules~~
 18 ~~promulgated to carry out this act. The records shall be~~ **FOR THE**
 19 **FACILITY AND ENSURE THAT THOSE RECORDS ARE** open for reasonable
 20 inspection by the administrator or other law enforcement officials.
 21 ~~and shall be maintained by the facility for not less than 5~~
 22 ~~years.~~ **AS USED IN THIS SUBSECTION, "REASONABLE BUSINESS RECORDS"**
 23 **INCLUDES THOSE DOCUMENTS AND RECORDS DESCRIBED IN SUBSECTION (2) (A)**
 24 **TO (C) .**

25 (2) **THE OWNER OF A MOTOR VEHICLE REPAIR FACILITY SHALL RETAIN**
 26 **THE RECORDS OF THE FACILITY FOR THE FOLLOWING TIME PERIODS:**

27 **(A) THE OWNER SHALL RETAIN COPIES OF EACH INSTRUMENT, FORM,**

1 CONTRACT, OR OTHER DOCUMENT USED IN CONNECTION WITH A REPAIR
2 TRANSACTION, INCLUDING, BUT NOT LIMITED TO, ALL OF THE FOLLOWING
3 FOR AT LEAST 3 YEARS AFTER COMPLETION OF THE REPAIR TRANSACTION:

4 (i) ANY DOCUMENT ON WHICH THE FACILITY REQUIRED THE CUSTOMER'S
5 SIGNATURE.

6 (ii) ANY DOCUMENT USED BY THE FACILITY IN CONNECTION WITH
7 PROVIDING AN ESTIMATE, DIAGNOSIS, OR REPAIR.

8 (iii) ANY INVOICE, WARRANTY, OR WAIVER.

9 (iv) ANY OTHER DOCUMENT USED BY THE FACILITY TO RECORD OR
10 CONVEY THE TERMS OF THE TRANSACTION.

11 (v) ANY OTHER DOCUMENT REQUIRED UNDER THIS ACT OR RULES
12 PROMULGATED UNDER THIS ACT IN CONNECTION WITH A REPAIR TRANSACTION.

13 (B) IF A FACILITY IS ADVISED BY THE ADMINISTRATOR THAT HE OR
14 SHE HAS RECEIVED A COMPLAINT ABOUT A REPAIR TRANSACTION PERFORMED
15 BY THE FACILITY, AND THE FACILITY IS UNDER INVESTIGATION BY THE
16 ADMINISTRATOR, THE OWNER SHALL RETAIN RECORDS RELATING TO THE
17 TRANSACTION OR OTHERWISE RELEVANT TO THE COMPLAINT UNTIL THE DATE
18 THE ADMINISTRATOR ADVISES THE FACILITY IN WRITING THAT THE
19 COMPLAINT IS CLOSED, OR FOR 3 YEARS AFTER THE COMPLETION OF THE
20 REPAIR TRANSACTION, WHICHEVER IS LATER.

21 (C) IF A REPAIR TRANSACTION INVOLVES THE ASSUMPTION BY THE
22 FACILITY OF AN OBLIGATION EXTENDING BEYOND 3 YEARS, THE OWNER SHALL
23 RETAIN RECORDS OR DOCUMENTS RELATING TO THAT OBLIGATION FOR AT
24 LEAST THE TERM OF THE OBLIGATION.

25 (D) FOR ANY OTHER DOCUMENT OR RECORD THAN THOSE DESCRIBED IN
26 SUBDIVISION (A), (B), OR (C), THE OWNER SHALL RETAIN THAT DOCUMENT
27 OR RECORD FOR AT LEAST 3 YEARS.

1 **(3)** ~~(2)~~—A facility that engages in vehicle body work shall
 2 maintain records in a form prescribed by the administrator. The
 3 records shall contain the date of purchase or acquisition of each
 4 distressed vehicle, a description of the vehicle, and the name and
 5 address of the person from ~~whom~~ **WHICH** the vehicle was acquired. If
 6 the vehicle is sold, the record shall contain the date of sale and
 7 the name and address of the purchaser. The record shall indicate
 8 whether a certificate of title or salvage certificate of title was
 9 obtained by the facility **FOR THE VEHICLE**. ~~In the case of~~ **IF THE**
 10 **VEHICLE IS** a late model vehicle, **THE FACILITY SHALL MAINTAIN** a
 11 record of the purchase or sale of each major component part
 12 purchased or acquired ~~shall be maintained by~~ the facility **FOR THE**
 13 **VEHICLE**. The record shall contain the date of purchase or
 14 acquisition of the part, a description of the part, the
 15 identification number assigned to the part, and the name and
 16 address of the person to or from ~~whom~~ **WHICH** the part was purchased,
 17 acquired, or sold. ~~The~~

18 **(4) A FACILITY SHALL MAINTAIN OR ATTACH THE** record of ~~the~~ **A**
 19 sale, purchase, or acquisition of a major component part ~~shall be~~
 20 ~~maintained in or attached to~~ a police book ~~as described in section~~
 21 251 of the Michigan vehicle code, ~~Act No. 300 of the Public Acts of~~
 22 ~~1949, being section 257.251 of the Michigan Compiled Laws. The~~
 23 ~~facility's~~ **1949 PA 300, MCL 257.251. A FACILITY SHALL MAKE ITS**
 24 police book and ~~the~~ **ITS** records of vehicle part sales, purchases,
 25 or acquisitions ~~shall immediately be made~~ **IMMEDIATELY** available for
 26 inspection by the administrator and other law enforcement officials
 27 ~~after~~ **IF** a request for inspection is made.

1 (5) ~~(3) Nothing in this section shall~~ **THIS SECTION DOES NOT**
 2 authorize a facility to engage in the business of dealing in
 3 vehicles or salvageable parts without a dealer's license **UNDER THE**
 4 **MICHIGAN VEHICLE CODE, 1949 PA 300, MCL 257.1 TO 257.923.**

5 Sec. 19. In the event of loss, destruction, or mutilation of a
 6 registration, certificate, or **TRAINEE** permit, the person to whom
 7 **WHICH** it was issued may obtain a ~~duplicate copy upon~~ **REPLACEMENT BY**
 8 furnishing satisfactory proof of the loss, destruction, or
 9 mutilation and paying the fee ~~as determined by rule.~~ **REQUIRED UNDER**
 10 **SECTION 30. AN APPLICATION FOR A REPLACEMENT REGISTRATION,**
 11 **CERTIFICATE, OR TRAINEE PERMIT SHALL INCLUDE ALL OF THE FOLLOWING**
 12 **INFORMATION:**

13 (A) THE NAME AND ADDRESS OF THE APPLICANT.

14 (B) AN EXPLANATION OF THE LOSS, DESTRUCTION, OR MUTILATION OF
 15 THE ORIGINAL REGISTRATION, CERTIFICATE, OR PERMIT.

16 Sec. 20. ~~(1) Registrations and certificates including mechanic~~
 17 ~~trainee permits shall be renewed as determined by rule.~~ **A**
 18 **CERTIFICATION AS A SPECIALTY OR MASTER MECHANIC UNDER THIS ACT**
 19 **TAKES EFFECT ON THE DATE IT IS APPROVED BY THE ADMINISTRATOR AND**
 20 **EXPIRES 1 YEAR AFTER THAT DATE. A SPECIALTY OR MASTER MECHANIC MAY**
 21 **ANNUALLY RENEW HIS OR HER CERTIFICATION BY SUBMITTING AN**
 22 **APPLICATION FOR RENEWAL, ACCOMPANIED BY THE CERTIFICATION FEE**
 23 **DESCRIBED IN SECTION 30, WITH THE ADMINISTRATOR ON OR BEFORE THE**
 24 **EXPIRATION DATE OF HIS OR HER THEN-CURRENT CERTIFICATION.**

25 (2) A MECHANIC MAY CONTINUE TO FUNCTION AS A CERTIFIED
 26 MECHANIC AFTER THE EXPIRATION DATE OF HIS OR HER THEN-CURRENT
 27 CERTIFICATION, PENDING APPROVAL OF THE RENEWAL APPLICATION BY THE

1 ADMINISTRATOR, IF THE RENEWAL APPLICATION AND RENEWAL FEE ARE
 2 RECEIVED BY THE ADMINISTRATOR ON OR BEFORE THE EXPIRATION DATE. IF
 3 A RENEWAL APPLICATION AND RENEWAL FEE ARE FILED AFTER THE
 4 EXPIRATION DATE, THE MECHANIC MAY TEMPORARILY ENGAGE IN REPAIRS
 5 WITHOUT A CERTIFICATE FROM THE DAY ON WHICH THE APPLICATION AND
 6 APPROPRIATE FEE ARE RECEIVED BY THE ADMINISTRATOR, PENDING APPROVAL
 7 OF THE RENEWAL APPLICATION. THE ADMINISTRATOR SHALL CHARGE A FEE OF
 8 1-1/2 TIMES THE NORMAL RENEWAL FEE IF THE RENEWAL APPLICATION IS
 9 RECEIVED BY THE ADMINISTRATOR AFTER THE EXPIRATION DATE.

10 Sec. 21. (1) If the administrator determines after notice and
 11 a hearing that a person has violated this act or a rule promulgated
 12 ~~pursuant to it, or engaged in an unfair or deceptive method, act,~~
 13 ~~or practice,~~ **UNDER THIS ACT**, directly or through an agent or
 14 employee, he **OR SHE** may issue an order requiring the person to
 15 cease and desist from the ~~unlawful act or practice~~ **VIOLATION** or to
 16 take such ~~AN~~ affirmative action as ~~THAT~~ in the judgment of the
 17 administrator ~~will~~ **WOULD** carry out the purposes of this act.

18 (2) If the ~~department~~ **ADMINISTRATOR** makes a finding of fact in
 19 writing that the public interest will be irreparably harmed by
 20 delay in issuing an order, ~~it~~ **HE OR SHE** may issue a temporary cease
 21 and desist order. ~~Prior to~~ **BEFORE** issuing the temporary cease and
 22 desist order, the administrator when possible by telephone or
 23 otherwise shall give notice of the proposal to issue a temporary
 24 cease and desist order to the facility. A temporary cease and
 25 desist order shall include in its terms a provision that ~~upon~~ **ON**
 26 request **THE ADMINISTRATOR SHALL HOLD** a hearing ~~shall be held~~ within
 27 30 days to determine whether or not the order shall become

1 permanent.

2 Sec. 22. ~~(1) The administrator may deny, suspend, or revoke a~~
 3 ~~registration, certificate, or mechanic trainee permit after notice~~
 4 ~~and opportunity for a hearing~~ **TAKE ANY ADMINISTRATIVE ACTION**
 5 **DESCRIBED IN SUBSECTION (2)** if the administrator determines that
 6 ~~the~~ **A facility, mechanic, or trainee, did** **OR A STOCKHOLDER,**
 7 **OFFICER, DIRECTOR, OR PARTNER OF A FACILITY THAT IS A CORPORATION**
 8 **OR PARTNERSHIP, DOES** 1 or more of the following:

9 (a) ~~Engaged in a method, act, or practice that is unfair or~~
 10 ~~deceptive or made~~ **MAKES** an untrue statement of a material fact.

11 (b) ~~Violated~~ **VIOLATES** this act or a rule promulgated under
 12 this act.

13 (c) ~~Violated~~ **VIOLATES** a condition of probation.

14 (d) ~~Made~~ **MAKES** unnecessary repairs or repairs not authorized
 15 by the customer.

16 (e) ~~Refused~~ **REFUSES** to honor warranties made by a facility.

17 (f) ~~Caused or allowed~~ **CAUSES OR ALLOWS** a customer to sign a
 18 document in blank relating to the repair of a motor vehicle.

19 (g) ~~Was~~ **IS** enjoined by a court of competent jurisdiction from
 20 engaging in the trade or business of repairing motor vehicles or
 21 from a violation of this act or a rule promulgated under this act.

22 ~~—— (h) If the applicant is a corporation or partnership, a~~
 23 ~~stockholder, officer, director, or partner of the applicant was~~
 24 ~~guilty of an act or omission that would be a cause for refusing,~~
 25 ~~revoking, or suspending a license issued to the officer, director,~~
 26 ~~or partner as an individual.~~

27 **(H) (i) Failed** **FAILS** to comply with the terms of a final cease

1 and desist order.

2 (I) ~~(j) Was~~ **IS** convicted of a violation of this act.

3 (J) ~~(k) Used~~ **USES** the waiver of liability provision in an
4 attempt to evade this act.

5 (K) ~~(l) Was~~ **IS** convicted of a violation of ~~Act No. 119 of the~~
6 ~~Public Acts of 1986, being sections 257.1351 to 257.1355 of the~~
7 ~~Michigan Compiled Laws.~~ **1986 PA 119, MCL 257.1351 TO 257.1355.**

8 (L) ~~(m) Was~~ **IS** convicted under section 413, 415, 535, 535a, or
9 536a of the Michigan penal code, ~~Act No. 328 of the Public Acts of~~
10 ~~1931, being sections 750.413, 750.415, 750.535, 750.535a, and~~
11 ~~750.536a of the Michigan Compiled Laws,~~ **1931 PA 328, MCL 750.413,**
12 **750.415, 750.535, 750.535A, AND 750.536A,** or has been convicted in
13 another state of a violation of a law substantially corresponding
14 to **1 OF THOSE** sections ~~413, 415, 535, 535a, 536, and 536a~~ of the
15 Michigan penal code. ~~, Act No. 328 of the Public Acts of 1931.~~

16 **(2) AFTER NOTICE AND OPPORTUNITY FOR A HEARING, THE**
17 **ADMINISTRATOR MAY DO 1 OR MORE OF THE FOLLOWING IF HE OR SHE**
18 **DETERMINES THAT A FACILITY, MECHANIC, OR TRAINEE, OR A STOCKHOLDER,**
19 **OFFICER, DIRECTOR, OR PARTNER OF A FACILITY THAT IS A CORPORATION**
20 **OR PARTNERSHIP, VIOLATES SUBSECTION (1):**

21 **(A) PLACE A LIMITATION ON A REGISTRATION, CERTIFICATE, OR**
22 **MECHANIC TRAINEE PERMIT.**

23 **(B) SUSPEND A REGISTRATION, CERTIFICATE, OR MECHANIC TRAINEE**
24 **PERMIT.**

25 **(C) DENY A REGISTRATION, CERTIFICATE, OR MECHANIC TRAINEE**
26 **PERMIT OR RENEWAL OF A REGISTRATION, CERTIFICATE, OR MECHANIC**
27 **TRAINEE PERMIT.**

1 (D) REVOKE A REGISTRATION, CERTIFICATE, OR MECHANIC TRAINEE
 2 PERMIT.

3 (E) CENSURE THE PERSON THAT HOLDS A REGISTRATION, CERTIFICATE,
 4 OR MECHANIC TRAINEE PERMIT.

5 (3) AS AN ALTERNATIVE OR IN ADDITION TO ADMINISTRATIVE ACTION
 6 UNDER SUBSECTION (2) FOR A VIOLATION OR ALLEGED VIOLATION OF
 7 SUBSECTION (1), THE ADMINISTRATOR MAY, BY WRITTEN AGREEMENT WITH A
 8 PERSON THAT HOLDS A REGISTRATION, CERTIFICATE, OR MECHANIC TRAINEE
 9 PERMIT, PLACE A REGISTRATION, CERTIFICATE, OR MECHANIC TRAINEE
 10 PERMIT ON PROBATION AND INCLUDE CONDITIONS OF PROBATION IN THE
 11 AGREEMENT.

12 (4) THE REMEDIES AND SANCTIONS UNDER THIS ACT ARE INDEPENDENT
 13 AND CUMULATIVE. THE USE OF A REMEDY OR SANCTION UNDER THIS ACT,
 14 INCLUDING, BUT NOT LIMITED TO, ADMINISTRATIVE ACTION BY THE
 15 ADMINISTRATOR UNDER SUBSECTION (2) OR AN AGREEMENT FOR PROBATION
 16 UNDER SUBSECTION (3), DOES NOT BAR OTHER LAWFUL REMEDIES AND
 17 SANCTIONS AGAINST A PERSON AND DOES NOT LIMIT A PERSON'S CRIMINAL
 18 OR CIVIL LIABILITY UNDER LAW.

19 Sec. 30. (1) The registration fee for the registration of a
 20 facility ~~shall be~~ **IS** determined by a sliding fee scale **THAT IS**
 21 based ~~upon~~ **ON** the gross annual revenue of the facility, as follows:

| 22 GROSS ANNUAL REVENUE | FEE |
|------------------------------------|----------|
| 23 under \$5,000.00..... | \$ 25.00 |
| 24 \$5,001.00 to \$15,000.00..... | 50.00 |
| 25 \$15,001.00 to \$25,000.00..... | 75.00 |
| 26 \$25,001.00 to \$40,000.00..... | 100.00 |
| 27 \$40,001.00 to \$60,000.00..... | 125.00 |

| | | |
|----|-----------------------------------|--------|
| 1 | \$60,001.00 to \$80,000.00..... | 150.00 |
| 2 | \$80,001.00 to \$100,000.00..... | 175.00 |
| 3 | \$100,001.00 to \$120,000.00..... | 200.00 |
| 4 | \$120,001.00 to \$140,000.00..... | 225.00 |
| 5 | \$140,001.00 to \$160,000.00..... | 250.00 |
| 6 | \$160,001.00 to \$180,000.00..... | 275.00 |
| 7 | \$180,001.00 to \$200,000.00..... | 300.00 |
| 8 | \$200,001.00 to \$220,000.00..... | 325.00 |
| 9 | \$220,001.00 to \$240,000.00..... | 350.00 |
| 10 | \$240,001.00 to \$260,000.00..... | 375.00 |
| 11 | \$260,001.00 to \$280,000.00..... | 400.00 |
| 12 | \$280,001.00 to \$300,000.00..... | 425.00 |
| 13 | \$300,001.00 to \$320,000.00..... | 450.00 |
| 14 | \$320,001.00 to \$340,000.00..... | 475.00 |
| 15 | over \$340,000.00..... | 500.00 |

16 ~~———— (2) The certificate fee for the certification of specialty and~~
 17 ~~master mechanics and the permit fee of mechanic trainees shall be~~
 18 ~~set by rule.~~

19 ~~———— (3) The fee for the renewal of the registration of a facility,~~
 20 ~~certification of a specialty or master mechanic, including a permit~~
 21 ~~of a mechanic trainee shall be set by rule. The effective length of~~
 22 ~~original and renewal registrations, certificates, and permits shall~~
 23 ~~be set by rule and shall not be less than 1 year in duration. The~~
 24 ~~renewal fee for a registration, certificate, or permit that has~~
 25 ~~expired shall be 1 1/2 times the fee for the renewal of a~~
 26 ~~registration, certificate, or permit that has not expired.~~

27 **(2) THE EXAMINATION, APPLICATION, CERTIFICATE, AND RENEWAL**

1 FEES FOR THE CERTIFICATION OF MECHANICS ARE AS FOLLOWS:

2 (A) EACH CERTIFICATION EXAMINATION ADMINISTERED BY THE
3 ADMINISTRATOR, \$6.00.

4 (B) APPLICATION FOR ORIGINAL CERTIFICATE, \$25.00. HOWEVER, ANY
5 OF THE FOLLOWING MAY APPLY FOR AN ORIGINAL SPECIALTY OR MASTER
6 MECHANIC CERTIFICATE WITHOUT PAYING A FEE UNDER THIS SUBDIVISION:

7 (i) AN INDIVIDUAL WHO IS CURRENTLY CERTIFIED BY THE
8 ADMINISTRATOR IN AT LEAST 1 REPAIR CATEGORY MAY APPLY FOR
9 CERTIFICATION IN 1 OR MORE ADDITIONAL REPAIR CATEGORIES WITHOUT
10 PAYING A FEE UNDER THIS SUBDIVISION.

11 (ii) A MECHANIC TRAINEE WHO PRESENTS PROOF THAT HE OR SHE HAS
12 SUCCESSFULLY COMPLETED 30 OR MORE HOURS OF CONTINUING MECHANIC
13 EDUCATION COURSES GIVEN BY AN APPROVED EDUCATIONAL INSTITUTION
14 DURING THE 5-YEAR PERIOD IMMEDIATELY PRECEDING THE DATE THE TRAINEE
15 SUBMITS THE APPLICATION FOR CERTIFICATION.

16 (iii) AN INDIVIDUAL WHO SERVED IN THE ARMED FORCES; WAS
17 SEPARATED FROM THAT SERVICE; AND PROVIDES TO THE ADMINISTRATOR A
18 FORM DD214, A FORM DD215, OR ANY OTHER FORM THAT IS SATISFACTORY TO
19 THE ADMINISTRATOR THAT DEMONSTRATES THAT THE INDIVIDUAL WAS
20 SEPARATED FROM THAT SERVICE, WITH AN HONORABLE CHARACTER OF SERVICE
21 OR UNDER HONORABLE CONDITIONS (GENERAL) CHARACTER OF SERVICE.

22 (C) APPLICATION FOR RENEWAL CERTIFICATE, \$20.00.

23 (D) REPLACEMENT CERTIFICATE, \$5.00.

24 (3) THE PERMIT FEES FOR A MECHANIC TRAINEE ARE AS FOLLOWS:

25 (A) APPLICATION FOR A MECHANIC TRAINEE PERMIT, \$20.00.

26 HOWEVER, EITHER OF THE FOLLOWING MAY APPLY FOR A MECHANIC TRAINEE
27 PERMIT WITHOUT PAYING A FEE UNDER THIS SUBDIVISION:

1 (i) AN INDIVIDUAL WHO IS CURRENTLY CERTIFIED BY THE
2 ADMINISTRATOR IN AT LEAST 1 REPAIR CATEGORY.

3 (ii) A STUDENT WHO IS CURRENTLY ENROLLED IN A VOCATIONAL
4 EDUCATION OR SPECIAL EDUCATION PROGRAM THAT INCLUDES EMPLOYMENT BY
5 A MOTOR VEHICLE REPAIR FACILITY; THAT IS APPROVED BY THE DEPARTMENT
6 OF EDUCATION; AND FOR WHICH THE STUDENT RECEIVES CREDIT TOWARD THE
7 AWARD OF A HIGH SCHOOL OR SPECIAL EDUCATION DIPLOMA.

8 (B) REPLACEMENT OF TRAINEE PERMIT, \$5.00.

9 (4) AS USED IN THIS SECTION:

10 (A) "ARMED FORCES" MEANS THAT TERM AS DEFINED IN SECTION 2 OF
11 THE VETERAN RIGHT TO EMPLOYMENT SERVICES ACT, 1994 PA 39, MCL
12 35.1092.

13 (B) "GROSS ANNUAL REVENUE" MEANS A FACILITY'S GROSS REVENUE
14 FROM PERFORMING REPAIRS, INCLUDING PARTS AND GOODS SOLD IN
15 CONJUNCTION WITH REPAIRS, IN ITS MOST RECENTLY COMPLETED FEDERAL
16 INCOME TAX YEAR, OR, IF THE FACILITY HAS NOT BEEN IN BUSINESS FOR A
17 COMPLETE FEDERAL INCOME TAX YEAR, THE FACILITY'S REASONABLY
18 ANTICIPATED GROSS REVENUE FOR ITS FIRST FULL FEDERAL INCOME TAX
19 YEAR OF OPERATION.

20 Sec. 32. (1) ~~A~~ **BEFORE BEGINNING REPAIR WORK, A** motor vehicle
21 repair facility shall give to the customer a written estimate ~~7~~
22 ~~itemizing~~ **THAT ITEMIZES** as closely as possible the price for labor
23 and parts necessary for ~~a specific job prior to the commencement of~~
24 **THE** work. A facility shall not charge for work done or parts
25 supplied in excess of the estimated price, or in excess of the
26 limit stated by the customer in the waiver ~~provided for~~ **DESCRIBED**
27 in subsection (3), without the knowing written or oral consent of

1 the customer, ~~which shall be obtained at some time after it is~~
 2 ~~determined~~ **THE FACILITY DETERMINES** that the estimated price or
 3 stated limit is insufficient and before any work **THAT IS** not
 4 estimated or **IS** in excess of the limit is done or the parts **THAT**
 5 **ARE** not estimated or **ARE** in excess of the limit are supplied. If a
 6 waiver is not signed ~~as provided in~~ **UNDER** subsection (3) and the
 7 estimated price is exceeded by not more than 10% or ~~\$10.00~~ **\$50.00**,
 8 whichever is lesser, the **FACILITY IS NOT REQUIRED TO OBTAIN THE**
 9 written or oral consent of the customer for the excess charge ~~need~~
 10 ~~not be obtained~~ unless specifically requested by the customer. This
 11 section shall not be construed as requiring a motor vehicle repair
 12 facility, mechanic, or mechanic trainee to give a written estimated
 13 price if ~~he~~ **THE FACILITY, MECHANIC, OR TRAINEE** agrees not to
 14 perform the requested repair. If the actual cost of **A** repair is
 15 less than the agreed ~~upon~~ **ON** estimated cost, the customer shall pay
 16 only the actual cost.

17 (2) If ~~the~~ **A** facility or mechanic informs the customer that
 18 the price for repair will exceed the written estimate or the stated
 19 limit in the waiver and the customer does not want the repair work
 20 performed, ~~then~~ the customer is ~~liable~~ **RESPONSIBLE** for all
 21 reasonable costs to return the vehicle to the condition it was ~~when~~
 22 **IN AT THE TIME** it entered the facility. ~~These~~ **THE FACILITY SHALL**
 23 **INDICATE THOSE** costs ~~should be indicated~~ in written form, itemizing
 24 the costs as closely as possible with a copy given to the customer.
 25 The cost of a diagnosis ~~to be made~~ **BY THE FACILITY**, whether or not
 26 the customer authorizes **THE FACILITY TO PERFORM THOSE** repairs, ~~to~~
 27 ~~be performed~~, shall be contained **INCLUDED** in the written estimate

1 before the diagnosis is undertaken.

2 (3) If a customer initiates a request for service or parts for
 3 the repair of a motor vehicle without receiving a written estimate
 4 and voluntarily agrees to pay all reasonable costs of repair up to
 5 an amount stated by the customer, a ~~repair~~-facility may obtain from
 6 the customer a waiver of his **OR HER** right to receive a prior
 7 estimate of repair costs. The waiver shall be in 14 point or larger
 8 bold capital type face and executed with 1 copy to the customer **WHO**
 9 **IS** requesting the repairs. ~~and THE WAIVER~~ shall read as follows:

10 "I, _____, voluntarily ~~request~~ **AUTHORIZE** _____ to
 11 provide services or parts in the repair of the below described
 12 motor vehicle without receiving an estimate of repair costs. By
 13 signing this form, I understand that I will give up my right to:

- 14 1. Receive a written estimate of the cost for repairs;
 15 2. Approve in advance any repairs or costs with a total cost
 16 under \$ _____; and
 17 3. Refuse to pay for repairs with a total cost less than the
 18 amount stated above.

19 The facility may exceed the amount stated above only after I
 20 give my written or oral approval.

21 Motor vehicle description:

22 Customer signature _____

23 Date _____

24 Time _____".

25 ~~(4) This waiver shall not be effective unless~~ **A WAIVER**
 26 **DESCRIBED IN SUBSECTION (3) IS NOT EFFECTIVE UNLESS IT IS** given by
 27 the customer voluntarily and with full knowledge of the

1 implications of the waiver. A motor vehicle repair facility or
2 anyone in its employ shall not make use of ~~the~~A waiver DESCRIBED
3 IN SUBSECTION (3) in an attempt to evade this act.

4 (5) A MOTOR VEHICLE REPAIR FACILITY SHALL AT ALL TIMES
5 DISPLAY, IN A PLACE AND MANNER CONSPICUOUS TO ITS CUSTOMERS, A
6 CURRENT AND VALID CERTIFICATE OF REPAIR FACILITY REGISTRATION
7 ISSUED BY THE ADMINISTRATOR.

8 (6) A MOTOR VEHICLE REPAIR FACILITY SHALL INCLUDE ITS
9 REGISTRATION NUMBER, AS ASSIGNED BY THE ADMINISTRATOR, ON EACH COPY
10 OF ANY INSTRUMENT, FORM, CONTRACT, OR OTHER DOCUMENT USED BY THE
11 APPLICANT IN DEALING WITH THE PUBLIC IN THE REPAIR OF MOTOR
12 VEHICLES, INCLUDING, BUT NOT LIMITED TO, ALL OF THE FOLLOWING:

13 (A) ANY DOCUMENT ON WHICH THE FACILITY ROUTINELY REQUIRES THE
14 CUSTOMER'S SIGNATURE.

15 (B) ANY DOCUMENT USED BY THE FACILITY IN CONNECTION WITH
16 PROVIDING ESTIMATES, DIAGNOSES, OR REPAIRS.

17 (C) ANY INVOICES, WARRANTIES, OR WAIVERS.

18 (D) ANY OTHER DOCUMENT USED BY THE FACILITY TO COMPLY WITH
19 THIS ACT OR RULES PROMULGATED UNDER THIS ACT.

20 SEC. 32A. (1) A MOTOR VEHICLE REPAIR FACILITY SHALL DISPLAY A
21 CONSUMER INFORMATION SIGN. THE SIGN SHALL CONTAIN 12 LINES OF
22 LETTERING WORDED SUBSTANTIALLY AS FOLLOWS:

23 "THIS ESTABLISHMENT IS REGISTERED WITH THE MICHIGAN DEPARTMENT OF
24 STATE AND IS REQUIRED BY LAW TO FURNISH A CUSTOMER WITH A:

25 (1) WRITTEN ESTIMATE IF REPAIRS WILL BE \$50 OR MORE OR ON REQUEST
26 IF REPAIRS WILL BE LESS THAN \$50.

27 (2) DETAILED STATEMENT OF LABOR AND PARTS SUPPLIED. QUESTIONS

1 REGARDING SERVICE WORK SHOULD BE DIRECTED FIRST TO THE MANAGER OF
2 THIS REPAIR FACILITY.

3 MICHIGAN DEPARTMENT OF STATE

4 P.O. BOX _____, LANSING, MI 489_____

5 TOLL-FREE TELEPHONE: 800 _____

6 MON.-FRI., 8:30 A.M. - 4:30 P.M.

7 DEPARTMENT OF STATE WEBSITE: _____."

8 (2) ALL OF THE FOLLOWING APPLY TO A SIGN REQUIRED UNDER
9 SUBSECTION (1):

10 (A) IT SHALL BE RECTANGULAR IN SHAPE AND AT LEAST 28 INCHES
11 HIGH BY 24 INCHES WIDE.

12 (B) IT SHALL BE CONSTRUCTED OF DURABLE MATERIAL.

13 (C) THE BACKGROUND OF THE SIGN SHALL BE WHITE.

14 (D) PRINT AND OTHER MARKINGS ON THE SIGN SHALL BE BLACK.

15 (E) THE WORDING OF THE SIGN SHALL BE PRINTED IN BOLD, BLOCK,
16 CAPITAL LETTERS THAT ARE 1-INCH HIGH AND 1/2-INCH WIDE IN LINES 1,
17 2, 8, 9, 10, AND 12; 3/4-INCH HIGH AND 1/2-INCH WIDE IN LINE 11;
18 AND 1/2-INCH HIGH AND 3/8-INCH WIDE IN LINES 3 TO 7.

19 (F) THE SIGN SHALL BE LAID OUT IN A CLEARLY LEGIBLE FASHION,
20 WITH THE LETTERING ARRANGED SO THAT THERE IS AT LEAST A 1/8-INCH
21 SPACE BETWEEN ANY 2 LETTERS WITHIN A LINE AND AT LEAST A 1/2-INCH
22 SPACE BETWEEN ANY 2 LINES.

23 (G) THE SIGN SHALL INCLUDE THE ADDRESS, TELEPHONE NUMBERS, AND
24 INTERNET WEBSITE ADDRESS OF THE DEPARTMENT IN LINES 9, 10, AND 12,
25 AS PROVIDED BY THE ADMINISTRATOR.

26 (3) ALL OF THE FOLLOWING APPLY TO THE DISPLAY OF A SIGN
27 REQUIRED UNDER SUBSECTION (1) BY A MOTOR VEHICLE REPAIR FACILITY:

1 (A) THE FACILITY SHALL DISPLAY THE SIGN AT EACH ENTRANCE TO
2 THE FACILITY AND AT EACH CASHIER STATION. AS USED IN THIS
3 SUBSECTION, "ENTRANCE TO THE FACILITY" MEANS EACH LOCATION IN OR
4 ABOUT THE FACILITY WHERE CUSTOMER REPAIR SERVICE ORDERS ARE
5 INITIALLY EXECUTED.

6 (B) THE FACILITY SHALL ENSURE THAT THE SIGN IS UNOBSTRUCTED
7 AND CLEARLY AND READILY VISIBLE TO CUSTOMERS.

8 (C) IF THE FACILITY IS NOT ENCLOSED OR IS A MOBILE FACILITY,
9 THE FACILITY SHALL ENSURE THAT IT IS PLACED IN AN AREA WHERE IT IS
10 EASILY NOTICEABLE TO CUSTOMERS WHO ARE TRANSACTING BUSINESS WITH
11 THE FACILITY.

12 (4) THE ADMINISTRATOR MAY REQUIRE THAT A FACILITY REPLACE ANY
13 SIGN THAT DOES NOT MEET ALL OF THE REQUIREMENTS OF THIS SECTION OR
14 IS NO LONGER READILY LEGIBLE, OR THAT THE FACILITY REPOSITION ANY
15 SIGN THAT IS IMPROPERLY DISPLAYED.

16 Sec. 33. (1) ~~The administrator shall determine by rule the~~
17 ~~time and manner in which the~~ A motor vehicle repair facility shall
18 return replaced parts to the customer at the time ~~of the completion~~
19 ~~of the work. This requirement does not apply to parts exempted~~ THE
20 REPAIR WORK IS COMPLETED. ALL OF THE FOLLOWING APPLY TO THE
21 OBLIGATION TO RETURN REPLACED PARTS UNDER THIS SUBSECTION:

22 (A) A FACILITY IS NOT REQUIRED TO RETURN ANY OF THE FOLLOWING
23 REPLACED PARTS TO THE CUSTOMER:

24 (i) PARTS THAT ARE EXEMPTED FROM THE RETURN REQUIREMENT by the
25 administrator because of size, weight, or similar factors. ~~from~~
26 ~~this requirement, and except for parts~~ HOWEVER, A FACILITY SHALL
27 NOT PREVENT A CUSTOMER FROM REMOVING ANY HEAVY OR LARGE PART, BY

1 THE CUSTOMER'S OWN MEANS AND AT HIS OR HER EXPENSE.

2 (ii) SUBJECT TO SUBSECTION (3), PARTS that the motor vehicle
3 repair facility or mechanic is required to return to the
4 manufacturer or distributor under a warranty or exchange
5 arrangement. ~~If the parts must be returned to the manufacturer or~~
6 ~~distributor, the facility or mechanic shall offer to show and upon~~
7 ~~acceptance of the offer or upon request shall show the parts to the~~
8 ~~customer upon completion of the work, except the facility shall not~~
9 ~~be required to show a replacement part when a charge is not being~~
10 ~~made for the replacement thereof.~~

11 (iii) FOR REASONS OF SAFETY, A GASOLINE TANK OR ANY OTHER
12 CONTAINER-TYPE PART THAT WAS FILLED WITH OR WAS OTHERWISE IN
13 APPRECIABLE CONTACT WITH FLAMMABLE FUELS, UNLESS THAT PART IS
14 RENDERED NONFLAMMABLE.

15 (B) IF ANY RETURNED PART PRESENTS AN ACTUAL DANGER OF
16 FLAMMABILITY OR EXPLOSIVENESS, THE FACILITY SHALL CLEARLY INFORM
17 THE CUSTOMER OF THAT DANGER.

18 (C) WHEN THE REPAIR WORK IS COMPLETED, IF REQUESTED BY THE
19 CUSTOMER, THE FACILITY SHALL REASONABLY CLEAN THE REPLACED PARTS
20 THAT ARE TO BE RETURNED OR INSPECTED BY THE CUSTOMER. THE FACILITY
21 SHALL PLACE PORTABLE PARTS IN A SUITABLE CONTAINER. THE FACILITY
22 SHALL STORE ANY PARTS THAT IT IDENTIFIES AS NOT PORTABLE IN A
23 SUITABLE PLACE IN THE FACILITY FOR THE CUSTOMER'S INSPECTION.

24 (D) IF A FACILITY CHARGES A FEE TO A CUSTOMER IN CONNECTION
25 WITH THE RETURN OF REPLACED PARTS, THE FACILITY MUST DISCLOSE THAT
26 FEE TO THE CUSTOMER IN WRITING BEFORE THE CUSTOMER ENGAGES THE
27 FACILITY TO REPLACE THE PART.

1 (2) A customer shall be informed of his right to receive or
2 ~~see~~ **INSPECT** replaced parts as provided in this section ~~prior to the~~
3 ~~customer executing any document or engaging~~ **BEFORE THE CUSTOMER**
4 **EXECUTES ANY DOCUMENT OR ENGAGES** the facility or mechanic for the
5 work. ~~The information shall be given~~ **SUBJECT TO SUBSECTION (5), THE**
6 **FACILITY SHALL PROVIDE THIS INFORMATION** to the customer **BY**
7 **PROVIDING THE FOLLOWING NOTICE TO THE CUSTOMER, PRINTED OR**
8 **DISPLAYED** on the face of any contract, work order form, ~~or sign, or~~
9 other document ~~evidencing~~ **THAT EVIDENCES** the engagement of the
10 facility or mechanic ~~or by separate written document,~~ in at least
11 ~~12-point boldface type~~ **12-POINT BOLDFACED LETTERS THAT ARE AT LEAST**
12 **4 POINTS LARGER THAT THE PRINCIPAL SIZE OF THE LETTERS IN THAT**
13 **DOCUMENT, OR PROVIDING THE NOTICE IN A SEPARATE WRITTEN DOCUMENT IN**
14 **AT LEAST 12-POINT, BOLDFACED, CAPITAL LETTERS,** as follows:

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

20 (3) **IF A FACILITY IS OBLIGATED TO RETURN A REPLACED PART TO**
21 **THE MANUFACTURER OR A DISTRIBUTOR UNDER A WARRANTY AGREEMENT, OR,**
22 **SUBJECT TO SUBSECTION (4), UNDER AN EXCHANGE AGREEMENT, THE**
23 **FACILITY IS NOT REQUIRED TO RETURN THAT PART TO THE CUSTOMER.**
24 **HOWEVER, THE FACILITY OR MECHANIC SHALL OFFER THE CUSTOMER AN**
25 **OPPORTUNITY TO INSPECT THE REPLACED PART. IF THE CUSTOMER ACCEPTS**
26 **THE OFFER TO INSPECT THE PART, OR OTHERWISE REQUESTS TO INSPECT THE**
27 **PART, THE FACILITY OR MECHANIC SHALL ALLOW THE CUSTOMER TO INSPECT**

1 THE PART WHEN THE REPAIR WORK IS COMPLETED. A FACILITY IS NOT
2 REQUIRED TO SHOW A REPLACEMENT PART TO A CUSTOMER IF THE
3 REPLACEMENT IS MADE WITHOUT CHARGE TO THE CUSTOMER.

4 (4) IF REPLACEMENT OF A PART IS CONTINGENT ON THE FACILITY
5 KEEPING THE PART UNDER AN EXCHANGE AGREEMENT, THE FACILITY SHALL
6 EXPLAIN, IN A MANNER UNDERSTANDABLE TO THE CUSTOMER, THE PRECISE
7 TERMS OF THE EXCHANGE AGREEMENT, INCLUDING IF APPLICABLE A
8 DISCLOSURE OF THE PRICE TO THE CUSTOMER IF HE OR SHE WISHES TO
9 RECLAIM THE PART. IF A CUSTOMER RAISES A QUESTION OR DISPUTE WITH
10 THE FACILITY WITHIN 2 BUSINESS DAYS AFTER THE DELIVERY OF THE
11 REPAIRED VEHICLE TO THE CUSTOMER AND THE DISPUTE INVOLVES AN
12 EXCHANGE PART FOR WHICH THE FACILITY REQUIRED THE CUSTOMER PAY A
13 DEPOSIT IN THE AMOUNT OF THE FACILITY'S OBLIGATION, THE FACILITY
14 SHALL REFUND THE DEPOSIT TO THE CUSTOMER IF HE OR SHE RETURNS THE
15 PART TO THE FACILITY.

16 (5) A FACILITY THAT DISPLAYS THE NOTICE DESCRIBED IN
17 SUBSECTION (2) ON A CLEARLY LEGIBLE SIGN WITH LETTERING AT LEAST 1
18 INCH HIGH, CONSPICUOUSLY DISPLAYED IN THE PART OF THE FACILITY
19 WHERE CUSTOMERS ROUTINELY CONTRACT FOR REPAIRS, IS NOT REQUIRED TO
20 PROVIDE THE NOTICE TO A CUSTOMER IN THE FORM OF A DOCUMENT
21 DESCRIBED IN SUBSECTION (2).

22 (6) ALL OF THE FOLLOWING APPLY TO THE DISPOSITION OF REPLACED
23 PARTS THAT ARE NOT RETURNED TO THE CUSTOMER:

24 (A) UNLESS SUBDIVISION (B) APPLIES, THE FACILITY SHALL NOT
25 DISPOSE OF THE PARTS FOR AT LEAST 2 BUSINESS DAYS AFTER THE
26 CUSTOMER TAKES POSSESSION OF THE REPAIRED VEHICLE, UNLESS THE
27 CUSTOMER HAS SPECIFICALLY AUTHORIZED IMMEDIATE DISPOSITION OF THE

1 PARTS.

2 (B) IF A CUSTOMER QUESTIONS OR DISPUTES REPAIRS PERFORMED BY A
 3 FACILITY OR THE CHARGES FOR THOSE REPAIRS WITHIN 2 DAYS AFTER THE
 4 CUSTOMER TAKES POSSESSION OF THE REPAIRED VEHICLE, THE FACILITY
 5 SHALL NOT DISPOSE OF THE REPLACED PARTS UNTIL THE QUESTION OR
 6 DISPUTE IS RESOLVED. IF THE DISPUTE INVOLVES THE REPLACED PART, THE
 7 FACILITY SHALL, IN THE PRESENCE OF THE CUSTOMER, IMMEDIATELY AFFIX
 8 TO THE PART A PERMANENT MARK SUFFICIENT TO IDENTIFY THE PART.

9 (7) IF REQUESTED BY A CUSTOMER, A FACILITY SHALL EXPLAIN
 10 EXACTLY WHY A REPLACED PART IS DEFECTIVE OR NONFUNCTIONAL, OR
 11 OTHERWISE WHY IT WAS REPLACED.

12 (8) ~~(3)~~The motor vehicle repair facility shall display a
 13 clearly legible sign in a conspicuous place at the entrance of the
 14 facility ~~indicating~~**THAT INDICATES** that **CUSTOMERS MAY MAKE**
 15 inquiries concerning repair service or complaints ~~may be made to~~
 16 the administrator and ~~shall contain~~**STATES** the address and
 17 telephone number of the department.

18 Sec. 34a. Unless otherwise requested by the customer, the
 19 requirement to furnish a written estimate ~~shall~~**UNDER SECTION 32**
 20 **DOES** not apply to repair work performed by a motor vehicle repair
 21 facility ~~when~~**IF** the total cost for services and parts is less than
 22 \$20.00. ~~Nothing in this, or any other~~**\$50.00. THIS** section, ~~shall~~
 23 ~~cause any repair facility to fail~~**DOES NOT APPLY TO OR LIMIT A**
 24 **FACILITY'S OBLIGATION** to furnish to the customer a ~~final invoice~~
 25 ~~for the repairs performed and the parts supplied.~~**WRITTEN STATEMENT**
 26 **UNDER SECTION 34 THAT INCLUDES THE ACTUAL COST OF REPAIRS.**

27 Sec. 36. A facility that violates this act ~~or who, in a course~~

1 ~~of dealing as set forth in this act or rules, engages in an unfair~~
2 ~~or deceptive method, act, or practice,~~ is liable as provided in
3 this act, to a person ~~who~~ **THAT** suffers damage or injury as a result
4 ~~thereof~~ **OF THAT VIOLATION**, in an amount equal to the damages plus
5 reasonable attorney fees and costs. If the damage or injury to the
6 person occurs as the result of a ~~wilful~~ **WILLFUL** and flagrant
7 violation of this act, the person shall recover double the damages
8 plus reasonable attorney fees and costs **FROM THE FACILITY**.

9 Sec. 39. ~~The department shall promulgate the rules to~~
10 ~~implement this act within 6 months after the effective date of this~~
11 ~~act. The remaining portions of this act, except as provided in~~
12 ~~section 5, shall become effective 6 months after the rules are~~
13 ~~promulgated.~~ **R 257.101 TO 257.173 OF THE MICHIGAN ADMINISTRATIVE**
14 **CODE ARE RESCINDED.**

15 Enacting section 1. This amendatory act takes effect 90 days
16 after the date it is enacted into law.