

HOUSE BILL No. 5880

June 1, 1992, Introduced by Reps. Bennane, Baade, Gire, Berman, Bartnik, DeMars, Anthony, Olshove, Yokich and Bodem and referred to the Committee on Social Services and Youth.

A bill to amend section 22 of Act No. 300 of the Public Acts of 1974, entitled "Motor vehicle service and repair act," as amended by Act No. 254 of the Public Acts of 1988, being section 257.1322 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 22 of Act No. 300 of the Public Acts of
2 1974, as amended by Act No. 254 of the Public Acts of 1988, being
3 section 257.1322 of the Michigan Compiled Laws, is amended to
4 read as follows:

5 Sec. 22. (1) The administrator may deny, suspend, or revoke
6 a registration, certificate, or mechanic trainee permit after
7 notice and opportunity for a hearing if the administrator
8 determines that the facility, MOTOR VEHICLE mechanic, or MECHANIC
9 trainee did 1 or more of the following:

1 (a) Engaged in a method, act, or practice that is unfair or
2 deceptive or made an untrue statement of a material fact.

3 (b) Violated this act or a rule promulgated under this act.

4 (c) Violated a condition of probation IMPOSED UNDER THIS
5 ACT.

6 (d) Made unnecessary repairs or repairs not authorized by
7 the customer.

8 (e) Refused to honor warranties made by a facility.

9 (f) Caused or allowed a customer to sign a document in blank
10 relating to the repair of a motor vehicle.

11 (g) Was enjoined by a court of competent jurisdiction from
12 engaging in the trade or business of repairing motor vehicles or
13 from a violation of this act or a rule promulgated under this
14 act.

15 (h) If the applicant is a corporation or partnership, a
16 stockholder, officer, director, or partner of the applicant was
17 guilty of an act or omission that would be a cause for refusing,
18 revoking, or suspending a license issued to the officer, direc-
19 tor, or partner as an individual.

20 (i) Failed to comply with the terms of a final cease and
21 desist order.

22 (j) Was convicted of a violation of this act.

23 (k) Used the waiver of liability provision in an attempt to
24 evade this act.

25 (l) Was convicted of a violation of Act No. 119 of the
26 Public Acts of 1986, being sections 257.1351 to 257.1355 of the
27 Michigan Compiled Laws.

1 (m) Was convicted under section 413, 415, 535, 535a, or 536a
2 of the Michigan penal code, Act No. 328 of the Public Acts of
3 1931, being sections 750.413, 750.415, 750.535, 750.535a, and
4 750.536a of the Michigan Compiled Laws, or has been convicted in
5 another state of a violation of a law substantially corresponding
6 to sections 413, 415, 535, 535a, ~~536,~~ and 536a of ~~the Michigan~~
7 ~~penal code,~~ Act No. 328 of the Public Acts of 1931.

8 (2) SUBJECT TO SUBSECTION (3), UPON RECEIPT OF A NOTICE FROM
9 THE OFFICE OF THE FRIEND OF THE COURT STATING THAT AN INDIVIDUAL
10 REGULATED BY THIS ACT IS AT LEAST 3 MONTHS IN ARREARS OF SUPPORT,
11 THE ADMINISTRATOR SHALL SUSPEND THE LICENSE, REGISTRATION, OR
12 TRAINEE PERMIT OF AN INDIVIDUAL AFTER ALL OF THE FOLLOWING
13 OCCUR:

14 (A) THE ADMINISTRATOR SENDS A NOTICE FOR A HEARING TO BE
15 SCHEDULED NOT LESS THAN 30 DAYS AFTER THE DATE THE NOTICE IS SENT
16 TO THE INDIVIDUAL'S ADDRESS INDICATED IN THE ADMINISTRATOR'S
17 RECORDS.

18 (B) THE INDIVIDUAL FAILS TO PRESENT PROOF ACCEPTABLE TO THE
19 ADMINISTRATOR THAT THE ARREARAGE HAS BEEN PAID.

20 (3) IF AT THE HEARING THE ADMINISTRATOR DETERMINES THAT
21 EXTREME HARDSHIP TO THE INDIVIDUAL OR PERSONS THE INDIVIDUAL
22 SERVES WOULD BE CREATED BY THE SUSPENSION, THE ADMINISTRATOR
23 SHALL NOT SUSPEND THE LICENSE, REGISTRATION, OR TRAINEE PERMIT
24 AND SHALL CONDITION THE HOLDING OF THE LICENSE, REGISTRATION, OR
25 TRAINEE PERMIT UPON COMPLIANCE WITH THE SUPPORT ORDER.

26 (4) THE ONLY ISSUES TO BE CONSIDERED BY THE ADMINISTRATOR
27 ARE WHETHER THE INDIVIDUAL IS THE HOLDER OF A LICENSE,

1 REGISTRATION, OR TRAINEE PERMIT AND WHETHER THE INDIVIDUAL HAS
2 PRESENTED PROOF ACCEPTABLE TO THE ADMINISTRATOR THAT ARREARAGE
3 HAS BEEN PAID.