



HOUSE BILL No. 5595

May 31 1994 Introduced by Reps Olshove Anthony Freeman Harder Pitoniak Dobronski Willard Barns Varga Gire and Jaye and referred to the Committee on Transportation

A bill to amend sections 2 3 22 and 33 of Act No 300 of the Public Acts of 1974, entitled
Motor vehicle service and repair act,
sections 2 and 22 as amended by Act No 254 of the Public Acts of 1988, being sections 257 1302, 257 1303, 257 1322, and 257 1333 of the Michigan Compiled Laws

THE PEOPLE OF THE STATE OF MICHIGAN ENACT

1 Section 1 Sections 2, 3 22 and 33 of Act No 300 of the
2 Public Acts of 1974 sections 2 and 22 as amended by Act No 254
3 of the Public Acts of 1988, being sections 257 1302, 257 1303,
4 257 1322 and 257 1333 of the Michigan Compiled Laws are amended
5 to read as follows

6 Sec 2 As used in this act

7 (a) 'Administrator' means the secretary of state or any
8 person designated by him or her to act in his or her place

1 (b) Department means the department of state

2 (c) Master mechanic means a motor vehicle mechanic or spe-
3 cialty mechanic who is certified by the department pursuant to
4 this act in all of the specific repair categories

5 (d) Motor vehicle" means a vehicle which is self-propelled
6 a vehicle which is propelled by electric power a motorcycle
7 ~~or~~ a trailer OR A SEMITRAILER as those terms are defined in
8 the Michigan vehicle code, Act No 300 of the Public Acts of
9 1949 as amended being sections 257 1 to 257 923 of the Michigan
10 Compiled Laws For the purposes of this act, a motor vehicle
11 does not include the dwelling or sleeping portions of a motor
12 home trailer or any recreational vehicle having similar
13 ~~facilities~~ FEATURES which are not directly connected with the
14 drive mechanism of the vehicle or other areas of repair which
15 would require certification of motor vehicle mechanics as speci-
16 fied in this act or rules promulgated pursuant to this act

17 (e) Motor vehicle mechanic" means a technician individual
18 or other person who, for compensation repairs motor vehicles
19 including the reconditioning replacement adjustment or alter-
20 ation of the operating condition ~~of~~ of any component or subas-
21 sembly of a motor vehicle

22 (f) 'Mechanic trainee' means a person who desires to become
23 a motor vehicle mechanic a specialty mechanic or a master
24 mechanic and receives a permit from the administrator pursuant to
25 this act

26 (g) Motor vehicle repair facility means a place of
27 business ~~which engages in the business of performing or~~

1 ~~employing~~ THAT PERFORMS OR EMPLOYS persons who perform
 2 maintenance, diagnosis, vehicle body work, or repair service on a
 3 motor vehicle for compensation ~~, but excluding~~ INCLUDING A
 4 PLACE OF BUSINESS THAT PERFORMS OR EMPLOYS PERSONS WHO PERFORM
 5 OIL CHANGES OR LUBRICATION SERVICES ON MOTOR VEHICLES MOTOR
 6 VEHICLE REPAIR FACILITY DOES NOT INCLUDE all of the following

7 (i) A person who engages only in the business of repairing
 8 the motor vehicles of a single commercial or industrial estab-
 9 lishment or governmental agency

10 (ii) A person repairing his or her own or a family member's
 11 ~~car~~ 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 ~~, not including a motor vehicle~~
 16 ~~repair facility that engages in the business of performing or~~
 17 ~~employing persons who perform vehicle body work~~

18 (iv) A GASOLINE SERVICE STATION EXCLUSIVELY ENGAGED IN THE
 19 BUSINESS OF SELLING MOTOR FUEL AND LUBRICANTS

20 (h) 'Specialty mechanic means a motor vehicle mechanic who
 21 is certified by the department for a specific repair category or
 22 categories pursuant to this act

23 Sec 3 ~~Unless the means of doing or engaging in a motor~~
 24 ~~vehicle repair business including the operating of a motor vehi-~~
 25 ~~cle repair facility is adopted for the purposes of evading this~~
 26 ~~act, and except as otherwise provided in this act this act shall~~
 27 ~~not apply to gasoline service stations exclusively engaged in the~~

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

12 Sec 22 The administrator may deny suspend or revoke a
 13 registration certificate or mechanic trainee permit after
 14 notice and opportunity for a hearing if the administrator deter-
 15 mines that the facility MOTOR VEHICLE mechanic or MECHANIC
 16 trainee did 1 or more of the following

17 (a) Engaged in a method act or practice that is unfair or
 18 deceptive or made an untrue statement of a material fact

19 (b) Violated this act or a rule promulgated under this act

20 (c) Violated a condition of probation IMPOSED UNDER THIS
 21 ACT

22 (d) Made unnecessary repairs or repairs not authorized by
 23 the customer

24 (e) Refused to honor warranties made by a facility

25 (f) Caused or allowed a customer to sign a document in blank
 26 relating to the repair of a motor vehicle

1 (g) Was enjoined by a court of competent jurisdiction from
2 engaging in the trade or business of repairing motor vehicles or
3 from a violation of this act or a rule promulgated under this
4 act

5 (h) If ~~the~~ AN applicant is a corporation or partnership
6 ~~a stockholder,~~ AN OWNER OF 10% OR MORE OF THE APPLICANT OR AN
7 officer, director, or partner of the applicant was guilty of an
8 act or omission that would be a cause for refusing, revoking, or
9 suspending a license issued to the OWNER, officer, director, or
10 partner as an individual

11 (i) Failed to comply with the terms of a final cease and
12 desist order

13 (j) Was convicted of a violation of this act

14 (k) Used the waiver of liability provision in an attempt to
15 evade this act

16 (l) Was convicted of a violation of Act No 119 of the
17 Public Acts of 1986 being sections 257 1351 to 257 1355 of the
18 Michigan Compiled Laws

19 (m) Was convicted under section 413 415 535 535a or 536a
20 of the Michigan penal code Act No 328 of the Public Acts of
21 1931, being sections 750 413 750 415 750 535, 750 535a and
22 750 536a of the Michigan Compiled Laws, or has been convicted in
23 another state of a violation of a law substantially corresponding
24 to sections 413, 415, 535, 535a ~~536,~~ and 536a of ~~the Michigan~~
25 ~~penal code,~~ Act No 328 of the Public Acts of 1931

26 Sec 33 (1) The administrator shall determine by rule the
27 time and manner in which the motor vehicle repair facility shall

1 return replaced parts to the customer ~~at the time of~~ UPON OR
2 AFTER the completion of the work This requirement does not
3 apply to parts exempted by the administrator because of size
4 weight, or similar factors ~~from this requirement and except for~~
5 ~~parts that the motor vehicle repair facility or mechanic is~~ OR
6 PARTS required to ~~return~~ BE RETURNED BY THE MOTOR VEHICLE
7 REPAIR FACILITY OR MECHANIC to the manufacturer or distributor
8 under a warranty or exchange arrangement If the parts must be
9 returned to the manufacturer or distributor, the MOTOR VEHICLE
10 REPAIR facility or mechanic shall offer to show and upon accep-
11 tance of the offer or upon request shall show the parts to the
12 customer upon completion of the work ~~, except the facility~~
13 ~~shall not be~~ A MOTOR VEHICLE REPAIR FACILITY IS NOT required to
14 show a replacement part when a charge is not being made for ~~the~~
15 ITS replacement ~~thereof~~

16 (2) A MOTOR VEHICLE REPAIR FACILITY OR MECHANIC SHALL INFORM
17 A customer ~~shall be informed~~ of his OR HER right to receive or
18 see replaced parts as provided in ~~this section prior to~~
19 SUBSECTION (1) BEFORE the customer ~~executing~~ EXECUTES any docu-
20 ment or ~~engaging~~ ENGAGES the MOTOR VEHICLE REPAIR facility or
21 mechanic for the work The information shall be ~~given~~ PROVIDED
22 to the customer BY A SEPARATE WRITTEN DOCUMENT OR on the face of
23 any contract, work order form ~~or~~ sign, or other document evi-
24 dencing the engagement of the MOTOR VEHICLE REPAIR facility or
25 mechanic ~~or by separate written document,~~ THE NOTICE SHALL BE
26 in at least 12-point boldface type AND READ as follows

1 YOU ARE ENTITLED BY LAW TO THE RETURN OF ALL PARTS REPLACED
2 EXCEPT THOSE WHICH ARE TOO HEAVY OR LARGE AND THOSE REQUIRED TO BE
3 SENT BACK TO THE MANUFACTURER OR DISTRIBUTOR BECAUSE OF WARRANTY
4 WORK OR AN EXCHANGE AGREEMENT YOU ARE ENTITLED TO INSPECT THE
5 PARTS WHICH CANNOT BE RETURNED TO YOU

6 (3) ~~The~~ A motor vehicle repair facility shall display a
7 clearly legible sign in a conspicuous place at the entrance of
8 the facility indicating that inquiries concerning repair service
9 or complaints may be made to the administrator and shall contain
10 the address and telephone number of the department

11 (4) IN ADDITION TO THE DISPLAY OF THE SIGN REQUIRED UNDER
12 SUBSECTION (3), A MOTOR VEHICLE REPAIR FACILITY THAT OFFERS OIL
13 CHANGES SHALL DISPLAY A CLEARLY LEGIBLE SIGN IN A CONSPICUOUS
14 PLACE AT THE ENTRANCE OF THE FACILITY INDICATING THE GRADE AND
15 WEIGHT OF OIL AVAILABLE AND ANY ADDITIONAL CHARGE FOR A CHASSIS
16 LUBRICATION OR OTHER SERVICES IF THE CHASSIS LUBRICATION OR
17 OTHER SERVICES ARE NOT INCLUDED IN THE PRICE OF THE OIL CHANGE