

SUBSTITUTE FOR
SENATE BILL NO. 357

A bill to amend 1974 PA 300, entitled "Motor vehicle service and repair act," by amending sections 2 and 10 (MCL 257.1302 and 257.1310), section 2 as amended by 1988 PA 254 and section 10 as amended by 2000 PA 366, and by adding sections 6a and 10a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 2. As used in this act:

2 (a) "Administrator" means the secretary of state or any ~~person~~
3 **INDIVIDUAL** designated by ~~him or her~~ **THE SECRETARY OF STATE** to act
4 in his or her place.

5 **(B) "BAIID MECHANIC" MEANS A SPECIALTY MECHANIC WHO HOLDS A**
6 **CERTIFICATION FROM THE DEPARTMENT UNDER SECTION 10 TO PERFORM BAIID**
7 **SERVICE.**

1 (C) "BAIID SERVICE" MEANS THE INSTALLATION, REMOVAL, REPAIR,
2 OR OTHER SERVICING OF BREATH ALCOHOL IGNITION INTERLOCK DEVICES.

3 (D) "BREATH ALCOHOL IGNITION INTERLOCK DEVICE" OR "BAIID"
4 MEANS THAT TERM AS DEFINED IN SECTION 20D OF THE MICHIGAN VEHICLE
5 CODE, 1949 PA 300, MCL 257.20D.

6 (E) ~~(b)~~-"Department" means the department of state.

7 (F) ~~(e)~~-"Master mechanic" means a motor vehicle mechanic or
8 specialty mechanic who is certified by the department ~~pursuant to~~
9 **UNDER** this act in all of the specific repair **OR SERVICE** categories
10 **DESCRIBED IN SECTION 10(1)**.

11 (G) ~~(d)~~-"Motor vehicle" means a vehicle ~~which~~**THAT** is self-
12 propelled, a vehicle ~~which~~**THAT** is propelled by electric power, a
13 motorcycle, or a trailer, as those terms are defined in the
14 Michigan vehicle code, ~~Act No. 300 of the Public Acts of 1949, as~~
15 ~~amended, being sections 257.1 to 257.923 of the Michigan Compiled~~
16 ~~Laws. 1949 PA 300, MCL 257.1 TO 257.923.~~ For the purposes of this
17 act, a motor vehicle does not include the dwelling or sleeping
18 portions of a motor home, trailer, or any recreational vehicle
19 ~~having~~**THAT HAS** similar facilities ~~which~~**THAT** are not directly
20 connected with the drive mechanism of the vehicle or other areas of
21 repair ~~which~~**THAT** would require certification of motor vehicle
22 mechanics as specified in this act or rules promulgated ~~pursuant to~~
23 **UNDER** this act.

24 (H) ~~(e)~~-"Motor vehicle mechanic" means a technician ~~,~~**OR OTHER**
25 individual ~~,~~~~or other person~~ who, for compensation, repairs motor
26 vehicles, including the reconditioning, replacement, adjustment, or
27 alteration of the operating condition, of any component or

1 subassembly of a motor vehicle.

2 (I) ~~(f)~~-"Mechanic trainee" means ~~a person~~ **AN INDIVIDUAL** who
3 desires to become a motor vehicle mechanic, a specialty mechanic,
4 or a master mechanic and receives a permit from the administrator
5 ~~pursuant to~~ **UNDER** this act.

6 (J) ~~(g)~~-"Motor vehicle repair facility" means a place of
7 business ~~which engages~~ **THAT, FOR COMPENSATION, IS ENGAGED** in the
8 business of performing, or ~~employing persons~~ **EMPLOYS INDIVIDUALS**
9 who perform, maintenance, diagnosis, vehicle body work, ~~or~~ repair
10 service, **OR, BEGINNING JULY 1, 2016, BAIID SERVICE**, on a motor
11 vehicle for compensation. ~~, but excluding all~~ **THE TERM DOES NOT**
12 **INCLUDE ANY** of the following:

13 (i) ~~A person~~ **AN INDIVIDUAL** who engages only in the business of
14 repairing the motor vehicles of a single commercial or industrial
15 establishment or governmental agency.

16 (ii) ~~A person~~ **AN INDIVIDUAL WHO IS** repairing his or her own or
17 a family member's car.

18 (iii) A business that does not diagnose the operation of a
19 motor vehicle, does not remove parts from a motor vehicle to be
20 remachined, and does not install finished machined or remachined
21 parts on a motor vehicle, not including a motor vehicle repair
22 facility that engages in the business of performing or employing
23 persons who perform vehicle body work.

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

26 (K) ~~(h)~~-"Specialty mechanic" means a motor vehicle mechanic
27 who is certified by the department for a specific repair **OR SERVICE**

1 category or categories ~~pursuant to this act~~. DESCRIBED IN SECTION
2 10(1).

3 SEC. 6A. (1) A MOTOR VEHICLE REPAIR FACILITY SHALL NOT PROVIDE
4 BAIID SERVICE WITHOUT THE APPROVAL OF THE DEPARTMENT UNDER THIS
5 SECTION AND UNDER SECTION 625K OF THE MICHIGAN VEHICLE CODE, 1949
6 PA 300, MCL 257.625K.

7 (2) THE DEPARTMENT MAY APPROVE A MOTOR VEHICLE REPAIR FACILITY
8 AS A FACILITY THAT IS AUTHORIZED TO PERFORM BAIID SERVICE, OR RENEW
9 AN APPROVAL UNDER THIS SECTION, IF ALL OF THE FOLLOWING
10 REQUIREMENTS ARE MET:

11 (A) THE FACILITY OPERATES AT A FIXED LOCATION IN THIS STATE.

12 (B) THE FACILITY EMPLOYS AT LEAST 1 MECHANIC WHO HOLDS A
13 SPECIALTY CERTIFICATION IN BAIID SERVICE UNDER SECTION 10(1) AND
14 WHO IS PROPERLY TRAINED AS A BAIID TECHNICIAN BY THE BAIID
15 MANUFACTURER FOR WHICH THE FACILITY IS A VENDOR.

16 (C) THE FACILITY MAINTAINS AND MAKES AVAILABLE FOR INSPECTION
17 RECORDS THAT PROVE THAT EACH MECHANIC WHO HOLDS A SPECIALTY
18 CERTIFICATION IN BAIID SERVICE UNDER SECTION 10(1) AND IS EMPLOYED
19 BY THE FACILITY IS PROPERLY TRAINED BY THE BAIID MANUFACTURER TO
20 SERVICE THE BAIID FOR WHICH THE FACILITY IS A VENDOR.

21 (D) THE FACILITY PROVIDES A DESIGNATED WAITING AREA FOR
22 CUSTOMERS THAT IS SEPARATE FROM THE AREA IN WHICH BAIID SERVICE IS
23 PERFORMED.

24 (E) ONLY A MECHANIC WHO HOLDS A SPECIALTY CERTIFICATION IN
25 BAIID SERVICE UNDER SECTION 10(1), A REPRESENTATIVE OF THE
26 MANUFACTURER, OR A REPRESENTATIVE OF THE DEPARTMENT IS ALLOWED TO
27 OBSERVE THE INSTALLATION OR REMOVAL OF A BAIID.

Senate Bill No. 357 as amended February 17, 2016

1 (F) THE FACILITY TAKES ADEQUATE SECURITY MEASURES TO ENSURE
 2 THAT UNAUTHORIZED PERSONNEL CANNOT GAIN ACCESS TO PROPRIETARY
 3 MATERIALS OR FILES OF ANY BAIID MANUFACTURER FOR WHICH THE FACILITY
 4 IS A VENDOR.

5 (G) THE FACILITY INFORMS THE DEPARTMENT OF ANY CHANGE IN ITS
 6 BUSINESS ADDRESS AT LEAST 15 DAYS BEFORE THE DATE OF ANY
 7 RELOCATION.

8 (H) AN APPLICATION FOR APPROVAL IS FOR A SINGLE LOCATION. A
 9 SEPARATE APPLICATION FOR APPROVAL IS REQUIRED FOR EACH LOCATION AT
 10 WHICH THE FACILITY WILL PROVIDE BAIID SERVICE.

11 (I) IF REQUESTED BY THE DEPARTMENT, THE FACILITY ALLOWS THE
 12 DEPARTMENT TO CONDUCT AN ON-SITE EVALUATION TO ENSURE COMPLIANCE
 13 WITH THE REQUIREMENTS IN THIS ACT.

14 (3) THE TERM OF AN ORIGINAL OR RENEWAL APPROVAL OF A MOTOR
 15 VEHICLE REPAIR FACILITY UNDER THIS SECTION IS 1 YEAR.

16 (4) THE DEPARTMENT MAY CONDUCT AN INSPECTION OF A MOTOR
 17 VEHICLE REPAIR FACILITY THAT PROVIDES BAIID SERVICE TO ENSURE
 18 COMPLIANCE WITH THIS ACT AND SECTION 625K OF THE MICHIGAN VEHICLE
 19 CODE, 1949 PA 300, MCL 257.625K, AND RULES PROMULGATED TO IMPLEMENT
 20 THIS ACT AND THAT SECTION. THE MOTOR VEHICLE REPAIR FACILITY SHALL
 21 PAY FOR THE ACTUAL COSTS TO THE DEPARTMENT IN CONDUCTING AN
 22 INSPECTION UNDER THIS SUBSECTION.

23 Sec. 10. (1) ~~A person~~ [SUBJECT TO SUBSECTION (3), AN] INDIVIDUAL
 may become certified as a
 24 specialty mechanic if ~~that person has passed~~ HE OR SHE PASSES an
 25 examination, developed by the administrator or developed by a
 26 private entity and adopted by the administrator, that the
 27 administrator determines is an adequate test of a ~~person's~~ AN

Senate Bill No. 357 as amended February 17, 2016

1 **INDIVIDUAL'S** ability to perform certain types of motor vehicle
 2 repair. The repair **OR SERVICE** categories for which certification is
 3 required include the following and ~~others that may be specified~~ **ANY**
 4 **OTHERS SPECIFIED BY THE ADMINISTRATOR** by rule:

5 (a) Engine repair.

6 (b) Automatic transmission **REPAIR**.

7 (c) Manual transmission and rear axle **REPAIR**.

8 (d) Front end **REPAIR**.

9 (e) ~~Brakes~~ **REPAIR OF BRAKES**.

10 (f) Electrical systems **REPAIR**.

11 (g) Heating and air conditioning **REPAIR**.

12 (h) Engine tune-up.

13 (i) Pre-1973 motor vehicle ~~, subject to subsection (3)~~ **REPAIR**.

14 **[(J) BAIID SERVICE.]**

15 (2) ~~A person~~ **AN INDIVIDUAL** may apply for a specialty
 16 mechanic's certificate in any or all repair categories but ~~shall be~~
 17 **HE OR SHE IS** required to pay only 1 certification fee if ~~the person~~
 18 **HE OR SHE** makes the applications for more than 1 category at 1
 19 time.

**[(3) ON APPLICATION, THE DEPARTMENT SHALL ISSUE AN INITIAL
 SPECIALTY MECHANIC'S CERTIFICATE IN BAIID SERVICE, WITHOUT EXAMINATION,
 TO AN INDIVIDUAL WHO HOLDS A VALID SPECIALTY MECHANIC'S CERTIFICATE IN
 ELECTRICAL SYSTEMS REPAIR ON THE EFFECTIVE DATE OF THE AMENDATORY ACT
 THAT ADDED THIS SUBSECTION.]**

20 **(4)]** Within ~~90~~ **120** days after the effective date of the
 21 amendatory act that added ~~this subsection~~, **SECTION 10A**, the
 22 administrator shall develop or adopt an examination for specialty
 23 mechanic certification in the repair **OR SERVICE** category described
 24 in subsection ~~(1)(i)~~ **(1)(J)** for an individual **WHO IS** engaged, for
 25 compensation, in ~~the repair of a motor vehicle manufactured before~~
 26 ~~1973 or the reconditioning, replacement, adjustment, or alteration~~
 27 ~~of the operating condition of any component or subassembly of a~~

Senate Bill No. 357 as amended February 17, 2016

1 ~~motor vehicle manufactured before 1973.~~BAIID SERVICE.

2 [(5)] A ~~person~~AN INDIVIDUAL may apply for and receive a master
3 mechanic's certificate if ~~that person~~HE OR SHE is qualified as a
4 specialty mechanic in all categories of motor vehicle repair
5 DESCRIBED IN SUBSECTION (1), except that ~~the~~QUALIFICATION IN A
6 specialty category described in subsection (1)(i) OR (J) is not
7 necessary for a master mechanic's certificate.

8 SEC. 10A. (1) BEGINNING JULY 1, 2016, AN INDIVIDUAL SHALL NOT
9 PERFORM BAIID SERVICE IN THIS STATE UNLESS HE OR SHE HAS A
10 SPECIALTY MECHANIC'S CERTIFICATE IN BAIID SERVICE FROM THE
11 DEPARTMENT UNDER SECTION 10 AND CERTIFICATION AS A BAIID INSTALLER
12 UNDER SECTION 625K OF THE MICHIGAN VEHICLE CODE, 1949 PA 300, MCL
13 257.625K.

14 (2) A BAIID MECHANIC SHALL PERFORM BAIID SERVICE IN A
15 WORKMANLIKE MANNER AND, IN PERFORMING BAIID SERVICE, SHALL COMPLY
16 WITH THE REQUIREMENTS OF THIS SECTION, THE STANDARDS DESCRIBED IN
17 SECTION 625K OF THE MICHIGAN VEHICLE CODE, 1949 PA 300, MCL
18 257.625K, AND THE REQUIREMENTS OF THE BAIID MANUFACTURER.

19 (3) A MOTOR VEHICLE REPAIR FACILITY AND BAIID MECHANIC SHALL
20 ENSURE THAT A BAIID THAT IS INSTALLED IS IN WORKING ORDER; THAT IT
21 PERFORMS IN A MANNER THAT MEETS THE REQUIREMENTS OF THIS SECTION
22 AND THE STANDARDS DESCRIBED IN SECTION 625K OF THE MICHIGAN VEHICLE
23 CODE, 1949 PA 300, MCL 257.625K; AND THAT ALL CONNECTIONS ARE
24 SOLDERED AND COVERED WITH A TAMPER SEAL.

25 (4) WHEN HE OR SHE COMPLETES THE INSTALLATION OF A BAIID, A
26 BAIID MECHANIC SHALL PROVIDE THE CUSTOMER WITH WRITTEN INSTALLATION
27 VERIFICATION. THE DEPARTMENT SHALL ESTABLISH THE FORM AND FORMAT OF

1 **THIS VERIFICATION.**

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

4 Enacting section 2. This amendatory act does not take effect
5 unless Senate Bill No. 176 of the 98th Legislature is enacted into
6 law.