

# HOUSE BILL No. 4344

March 12, 2015, Introduced by Reps. Pettalia, Santana, Byrd, Robinson, Leutheuser and Kosowski 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, and 36 (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, and 257.1336), sections 2, 18, 22, and 30 as amended and section 2a as added by 1988 PA 254, section 10 as amended by 2000 PA 366, and section 17 as amended by 2002 PA 464, and by adding sections 7a, 7b, 7c, 7d, 7e, 7f, 10a, 13a, 13b, and 32a; and to repeal acts and parts of acts.

**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

1 ~~person~~ INDIVIDUAL designated by him or her to act in his or her  
2 place.

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

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

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

13 (E) "CONTRACT" MEANS A WRITTEN OR ORAL AGREEMENT, OR A  
14 SIMILAR UNDERSTANDING OR ARRANGEMENT, IN WHICH A PERSON AGREES  
15 THAT ANOTHER PERSON WILL PERFORM WORK, LABOR, DIAGNOSIS, REPAIR,  
16 RECONDITIONING, REPLACEMENT, ADJUSTMENT, OR ALTERATION, DIRECTLY  
17 OR INDIRECTLY, ON A MOTOR VEHICLE.

18 (F) "CUSTOMER" MEANS THE OWNER OR OPERATOR OF A MOTOR  
19 VEHICLE.

20 (G) ~~(b)~~ "Department" means the department of state.

21 ~~(c) "Master mechanic" means a motor vehicle mechanic or~~  
22 ~~specialty mechanic who is certified by the department pursuant to~~  
23 ~~this act in all of the specific repair categories.~~

24 ~~(d) "Motor vehicle" means a vehicle which is self propelled,~~  
25 ~~a vehicle which is propelled by electric power, a motorcycle, or~~  
26 ~~a trailer as those terms are defined in the Michigan vehicle~~  
27 ~~code, Act No. 300 of the Public Acts of 1949, as amended, being~~

1 ~~sections 257.1 to 257.923 of the Michigan Compiled Laws. For the~~  
2 ~~purposes of this act, a motor vehicle does not include the~~  
3 ~~dwelling or sleeping portions of a motor home, trailer, or any~~  
4 ~~recreational vehicle having similar facilities which are not~~  
5 ~~directly connected with the drive mechanism of the vehicle or~~  
6 ~~other areas of repair which would require certification of motor~~  
7 ~~vehicle mechanics as specified in this act or rules promulgated~~  
8 ~~pursuant to this act.~~

9 ~~—— (e) "Motor vehicle mechanic" means a technician, individual,~~  
10 ~~or other person who, for compensation, repairs motor vehicles,~~  
11 ~~including the reconditioning, replacement, adjustment, or~~  
12 ~~alteration of the operating condition, of any component or~~  
13 ~~subassembly of a motor vehicle.~~

14 ~~—— (f) "Mechanic trainee" means a person who desires to become~~  
15 ~~a motor vehicle mechanic, a specialty mechanic, or a master~~  
16 ~~mechanic and receives a permit from the administrator pursuant to~~  
17 ~~this act.~~

18 ~~—— (g) "Motor vehicle repair facility" means a place of~~  
19 ~~business which engages in the business of performing or employing~~  
20 ~~persons who perform maintenance, diagnosis, vehicle body work, or~~  
21 ~~repair service on a motor vehicle for compensation, but excluding~~  
22 ~~all of the following:~~

23 ~~—— (i) A person who engages only in the business of repairing~~  
24 ~~the motor vehicles of a single commercial or industrial~~  
25 ~~establishment or governmental agency.~~

26 ~~—— (ii) A person repairing his or her own or a family member's~~  
27 ~~car.~~

1 ~~—— (iii) A business that does not diagnose the operation of a~~  
2 ~~motor vehicle, does not remove parts from a motor vehicle to be~~  
3 ~~remachined, and does not install finished machined or remachined~~  
4 ~~parts on a motor vehicle, not including a motor vehicle repair~~  
5 ~~facility that engages in the business of performing or employing~~  
6 ~~persons who perform vehicle body work.~~

7 ~~—— (h) "Specialty mechanic" means a motor vehicle mechanic who~~  
8 ~~is certified by the department for a specific repair category or~~  
9 ~~categories pursuant to this act.~~

10 (H) "DISTRESSED VEHICLE" MEANS THAT TERM AS DEFINED IN  
11 SECTION 12A OF THE MICHIGAN VEHICLE CODE, 1949 PA 300, MCL  
12 257.12A.

13 (I) "ESTIMATE" MEANS A WRITTEN STATEMENT THAT ITEMIZES AS  
14 CLOSELY AS POSSIBLE THE PRICE FOR LABOR, BY SHOWING THE LABOR  
15 PRICE PER HOUR, THE NUMBER OF HOURS REQUIRED TO PERFORM THE WORK,  
16 AND THE PRICE OF PARTS NECESSARY FOR A SPECIFIC REPAIR.

17 (J) "FACILITY" OR "MOTOR VEHICLE REPAIR FACILITY" MEANS A  
18 PLACE OF BUSINESS THAT IS REQUIRED TO REGISTER UNDER THIS ACT AND  
19 ENGAGES IN THE BUSINESS OF PERFORMING, OR EMPLOYING INDIVIDUALS  
20 WHO PERFORM, MAINTENANCE, DIAGNOSIS, VEHICLE BODY WORK, OR REPAIR  
21 SERVICE ON A MOTOR VEHICLE FOR COMPENSATION. THE TERM DOES NOT  
22 INCLUDE ANY OF THE FOLLOWING:

23 (i) A PERSON THAT ENGAGES ONLY IN THE BUSINESS OF REPAIRING  
24 THE MOTOR VEHICLES OF A SINGLE COMMERCIAL OR INDUSTRIAL  
25 ESTABLISHMENT OR GOVERNMENTAL AGENCY.

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

1           (iii) A BUSINESS THAT DOES NOT DIAGNOSE THE OPERATION OF A  
2 MOTOR VEHICLE, DOES NOT REMOVE PARTS FROM A MOTOR VEHICLE TO BE  
3 REMACHINED, AND DOES NOT INSTALL FINISHED MACHINED OR REMACHINED  
4 PARTS ON A MOTOR VEHICLE. THIS SUBPARAGRAPH DOES NOT APPLY TO A  
5 MOTOR VEHICLE REPAIR FACILITY THAT ENGAGES IN THE BUSINESS OF  
6 PERFORMING, OR EMPLOYING INDIVIDUALS WHO PERFORM, VEHICLE BODY  
7 WORK.

8           (K) "HEAVY-DUTY TRUCK" MEANS A MOTOR VEHICLE THAT HAS A  
9 GROSS VEHICLE WEIGHT OF 10,000 POUNDS OR MORE AND INCLUDES BOTH  
10 SINGLE-UNIT AND COMBINATION TRACTOR TRAILER OR TRACTOR  
11 SEMITRAILER VEHICLES.

12           (l) "LATE MODEL VEHICLE" MEANS THAT TERM AS DEFINED IN  
13 SECTION 24B OF THE MICHIGAN VEHICLE CODE, 1949 PA 300, MCL  
14 257.24B.

15           (M) "LIEN" MEANS A SECURITY INTEREST IN OR OTHER ENCUMBRANCE  
16 ON A MOTOR VEHICLE. THE TERM INCLUDES A SECURITY INTEREST CREATED  
17 BY AGREEMENT, A JUDICIAL LIEN OBTAINED BY LEGAL OR EQUITABLE  
18 PROCESS OR PROCEEDINGS, A COMMON-LAW LIEN, OR A STATUTORY LIEN ON  
19 A VEHICLE.

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

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

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

26 ~~—— (c) "Late model vehicle" means that term as defined in~~  
27 ~~section 24b of Act No. 300 of the Public Acts of 1949, being~~

1 ~~section 257.24b of the Michigan Compiled Laws.~~

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

4 (i) The engine.

5 (ii) The transmission.

6 (iii) The right or left front fender.

7 (iv) The hood.

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

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

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

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

13 (ix) The trunk floor pan.

14 (x) The cargo box of a pickup.

15 (xi) The frame, or if the vehicle has a unitized body, the  
16 ~~supporting structure or structures that serve as the frame.~~**PARTS**  
17 **IDENTIFIED BY THE MOTOR VEHICLE MANUFACTURER AS STRUCTURAL**  
18 **COMPONENTS.**

19 (xii) The cab of a truck.

20 (xiii) The body of a passenger vehicle.

21 (xiv) **AIRBAGS AND ALL SUPPLEMENTAL RESTRAINT SYSTEM**  
22 **COMPONENTS AS IDENTIFIED BY THE MOTOR VEHICLE MANUFACTURER.**

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

24 (i) **A MOTOR VEHICLE MECHANIC OR SPECIALTY MECHANIC WHO IS**  
25 **CERTIFIED BY THE DEPARTMENT UNDER THIS ACT IN ALL OF THE SPECIFIC**  
26 **REPAIR CATEGORIES APPLICABLE TO AUTOMOBILES OR LIGHT TRUCKS**  
27 **DESCRIBED IN SECTION 10(3).**

1           (ii) A MOTOR VEHICLE MECHANIC OR SPECIALTY MECHANIC WHO IS  
2 CERTIFIED BY THE DEPARTMENT UNDER THIS ACT IN ALL OF THE SPECIFIC  
3 REPAIR CATEGORIES APPLICABLE TO HEAVY-DUTY TRUCKS DESCRIBED IN  
4 SECTION 10(4).

5           (iii) A MASTER MOTORCYCLE MECHANIC WHO IS CERTIFIED BY THE  
6 DEPARTMENT TO ENGAGE IN MOTORCYCLE REPAIR AND IS DESCRIBED IN  
7 SECTION 10A(5).

8           (iv) A RECREATIONAL TRAILER MECHANIC WHO IS CERTIFIED BY THE  
9 DEPARTMENT TO ENGAGE IN THE INSTALLATION, SERVICE, AND REPAIR OF  
10 RECREATIONAL VEHICLE EQUIPMENT AND IS DESCRIBED IN SECTION  
11 10A(6).

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

14           (D) "MECHANIC TRAINEE" MEANS AN INDIVIDUAL WHO DESIRES TO  
15 BECOME A MOTOR VEHICLE MECHANIC, A SPECIALTY MECHANIC, OR A  
16 MASTER MECHANIC AND RECEIVES A PERMIT FROM THE ADMINISTRATOR  
17 UNDER THIS ACT.

18           (E) "MINOR REPAIR SERVICES" MEANS LUBRICATION; OIL CHANGES;  
19 INSTALLING, CHANGING, OR OTHERWISE SERVICING THE ANTIFREEZE OR  
20 OTHER COOLANT; BODY REPAIRING, EXCEPT FOR UNITIZED BODY  
21 STRUCTURAL REPAIR; OR THE REPLACEMENT, ADJUSTMENT, REPAIR, OR  
22 SERVICING OF ANY OF THE FOLLOWING PARTS AND ASSEMBLIES:

23           (i) AIR CLEANER ELEMENT.

24           (ii) ACCESSORY DRIVE BELT.

25           (iii) AIR PUMP HOSE.

26           (iv) TWELVE-VOLT BATTERY.

27           (v) GROUND CABLE FOR 12-VOLT BATTERY.

- 1 (vi) HOLD-DOWN STRAP FOR 12-VOLT BATTERY.
- 2 (vii) POSITIVE CABLE FOR 12-VOLT BATTERY.
- 3 (viii) BATTERY-TO-STARTER RELAY CABLE FOR 12-VOLT BATTERY.
- 4 (ix) CRANKCASE VENT AIR CLEANER.
- 5 (x) CRANKCASE VENT AIR CLEANER HOSE.
- 6 (xi) ENGINE OIL FILTER.
- 7 (xii) EXHAUST PIPE, MUFFLER, CATALYTIC CONVERTER, OR TAIL  
8 PIPE AND ASSOCIATED ATTACHING PARTS.
- 9 (xiii) FUEL FILTER.
- 10 (xiv) FUEL LINE FLEX HOSE OR LINE.
- 11 (xv) FUEL TANK, EXCEPT FOR A TANK THAT CONTAINS A FUEL PUMP.
- 12 (xvi) FUSE.
- 13 (xvii) HEATER HOSE.
- 14 (xviii) HORN.
- 15 (xix) IDLER PULLEY, ADJUST ONLY.
- 16 (xx) IGNITION COIL OUTPUT WIRE.
- 17 (xxi) LIGHTBULB OR HEADLAMP.
- 18 (xxii) MOTOR OR TRANSMISSION MOUNT.
- 19 (xxiii) ORNAMENTAL ACCESSORIES.
- 20 (xxiv) POSITIVE CRANKCASE VENTILATION CONTROL VALVE.
- 21 (xxv) RADIATOR.
- 22 (xxvi) RADIATOR HOSE, UPPER OR LOWER.
- 23 (xxvii) RADIATOR RESERVE TANK.
- 24 (xxviii) REAR SPRING, LEAF OR COIL, EXCEPT A MACPHERSON STRUT-  
25 TYPE ASSEMBLY.
- 26 (xxix) SHOCK ABSORBER THAT IS NOT BUILT IN COMBINATION WITH  
27 OTHER PARTS OF THE SUSPENSION.



1 (xxx) ANALOG SPEEDOMETER.

2 (xxxi) VAPOR CANISTER HOSE.

3 (xxxii) WHEEL, EXCEPT ALIGNMENT.

4 (xxxiii) WINDSHIELD WASHER HOSE.

5 (xxxiv) WINDSHIELD WASHER TANK.

6 (xxxv) WIPER BLADE.

7 (F) "MOTOR VEHICLE" MEANS A VEHICLE THAT IS SELF-PROPELLED,  
8 A 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. THE TERM DOES NOT INCLUDE THE  
11 DWELLING OR SLEEPING PORTIONS OF A MOTOR HOME, TRAILER, OR ANY  
12 RECREATIONAL VEHICLE THAT HAS SIMILAR FACILITIES THAT ARE NOT  
13 DIRECTLY CONNECTED WITH THE DRIVE MECHANISM OF THE VEHICLE OR  
14 OTHER AREAS OF REPAIR THAT WOULD REQUIRE CERTIFICATION OF MOTOR  
15 VEHICLE MECHANICS UNDER THIS ACT OR RULES PROMULGATED UNDER THIS  
16 ACT.

17 (G) "MOTOR VEHICLE MECHANIC" MEANS A TECHNICIAN OR OTHER  
18 INDIVIDUAL WHO, FOR COMPENSATION, REPAIRS MOTOR VEHICLES,  
19 INCLUDING THE RECONDITIONING, REPLACEMENT, ADJUSTMENT, OR  
20 ALTERATION OF THE OPERATING CONDITION, OF ANY COMPONENT OR  
21 SUBASSEMBLY OF A MOTOR VEHICLE.

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

25 (I) "RECREATIONAL TRAILER" MEANS A TRAVEL TRAILER, CAMPER  
26 TRAILER, OR OTHER SPECIAL PURPOSE OR UTILITY TRAILER OR  
27 SEMITRAILER DESIGNED OR INTENDED TO BE DRAWN ON THE HIGHWAY BY AN

1 AUTOMOBILE OR LIGHT TRUCK THAT HAS A GROSS TOWING VEHICLE WEIGHT  
2 OF LESS THAN 10,000 POUNDS.

3 (J) "REPAIR" MEANS THE RECONDITIONING, ADJUSTMENT,  
4 ALTERATION, MAINTENANCE, OR DIAGNOSIS OF THE OPERATING CONDITION  
5 OF A MOTOR VEHICLE, WITH OR WITHOUT THE REPLACEMENT OF ANY  
6 COMPONENT OR SUBASSEMBLY OF A MOTOR VEHICLE, FOR COMPENSATION OR  
7 UNDER THE TERMS OF A WARRANTY.

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

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

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

17 (N) "SPECIALTY MECHANIC" MEANS A MOTOR VEHICLE MECHANIC WHO  
18 IS CERTIFIED BY THE DEPARTMENT FOR A SPECIFIC REPAIR CATEGORY OR  
19 CATEGORIES UNDER THIS ACT.

20 (O) ~~(f)~~—"Vehicle body work" means the business or activity  
21 of repairing physical damage to a motor vehicle by repairing,  
22 mending, straightening, or replacing a major component part,  
23 except for the engine or transmission.

24 (P) "WARRANTY" MEANS A GUARANTEE GIVEN BY A MOTOR VEHICLE  
25 REPAIR FACILITY, IN WRITING OR BY IMPLICATION, OF THE  
26 MERCHANTABILITY, OF THE INTEGRITY OF THE SUBJECT OF A CONTRACT,  
27 OR OF THE RESPONSIBILITY OF THE PERSON THAT MAKES THE WARRANTY

1 FOR THE REPLACEMENT OR REPAIR OF DEFECTIVE PARTS OR SERVICES, OR  
2 BOTH, ASSURING PERFORMANCE, PRODUCT, OR CONDITIONS AS PROMISED OR  
3 DECLARED BY THE PERSON THAT MAKES THE WARRANTY.

4 Sec. 3. Unless the means of doing or engaging in a motor  
5 vehicle repair business including the operating of a motor  
6 vehicle repair facility is adopted for the purposes of evading  
7 this act, and except as otherwise provided in this act, this act  
8 shall ~~DOES~~ not apply to gasoline service stations exclusively  
9 engaged in the business of selling motor fuel and lubricants. A  
10 ~~person or facility providing minor services, including but not~~  
11 ~~limited to: the changing or installing of light bulbs, tires,~~  
12 ~~lamp globes, batteries, air filters, oil filters, windshield~~  
13 ~~wiper blades, fan or power assist belts or lubrication or oil~~  
14 ~~changes and other minor or ornamental accessories or~~ **HOWEVER, A**  
15 **PERSON, INCLUDING A GASOLINE SERVICE STATION, THAT PROVIDES MINOR**  
16 **REPAIR SERVICES OR** activities incidental to the business of  
17 selling motor fuel and lubricants is ~~hereby declared~~ a motor  
18 vehicle repair facility and is subject to this act, except that  
19 ~~those employees performing only minor repairs need not be~~  
20 ~~certified~~ **AN EMPLOYEE OF THE PERSON MAY PERFORM MINOR REPAIR**  
21 **SERVICES WITHOUT A CERTIFICATION OR PERMIT FROM THE DEPARTMENT**  
22 under this act.

23 Sec. 7. ~~A person subject to this act shall not engage or~~  
24 ~~attempt to engage in a method, act, or practice which is unfair~~  
25 ~~or deceptive.~~ **A MOTOR VEHICLE REPAIR FACILITY THAT IS SUBJECT TO**  
26 **THIS ACT, OR A PERSON THAT IS AN OWNER OR OPERATOR OF A MOTOR**  
27 **VEHICLE REPAIR FACILITY THAT IS SUBJECT TO THIS ACT, SHALL NOT,**

1 DIRECTLY OR THROUGH AN AGENT OR EMPLOYEE, DO ANY OF THE  
2 FOLLOWING:

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

5 (B) ENTER INTO A CONTRACT THAT TAKES ADVANTAGE OF A  
6 CUSTOMER'S INABILITY TO REASONABLY PROTECT HIS OR HER INTERESTS  
7 BECAUSE OF HIS OR HER ILLITERACY OR INABILITY TO UNDERSTAND THE  
8 LANGUAGE OF AN AGREEMENT, IF THE FACILITY KNOWS OR REASONABLY  
9 SHOULD KNOW OF THE CUSTOMER'S ILLITERACY OR INABILITY TO  
10 UNDERSTAND.

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

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

16 (E) FAIL TO REVEAL A MATERIAL FACT TO A CUSTOMER THAT THE  
17 CUSTOMER COULD NOT REASONABLY KNOW IF THAT OMISSION TENDS TO  
18 MISLEAD OR DECEIVE THE CUSTOMER.

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

22 (G) ALLOW A CUSTOMER TO SIGN AN ACKNOWLEDGMENT, CERTIFICATE,  
23 OR OTHER WRITING THAT AFFIRMS ACCEPTANCE, DELIVERY, COMPLIANCE  
24 WITH A REQUIREMENT OF LAW, OR OTHER PERFORMANCE, IF THE FACILITY  
25 KNOWS OR HAS REASON TO KNOW THAT THE STATEMENT IS NOT TRUE.

26 (H) SET UP CONTRACTUAL PROVISIONS WITH A CUSTOMER, INCLUDING  
27 THE STATEMENT OF REPAIRS AND WAIVERS, THAT ARE NOT SPECIFIC IN

1 LANGUAGE, CLEARLY DESCRIBED, OR REASONABLY LEGIBLE.

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

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

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

10 (L) FAIL TO GIVE A CUSTOMER A COPY OF A DOCUMENT EVIDENCING  
11 THE ENGAGEMENT OF A FACILITY AT THE TIME THE DOCUMENT IS EXECUTED  
12 BY THE CUSTOMER.

13 (M) WHEN RETURNING A REPAIRED VEHICLE TO A CUSTOMER, FAIL TO  
14 GIVE A WRITTEN STATEMENT OF REPAIRS TO THE CUSTOMER THAT  
15 DISCLOSES ALL OF THE FOLLOWING:

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

17 (ii) THE REPAIRS REQUESTED BY THE CUSTOMER.

18 (iii) THE REPAIRS AUTHORIZED BY THE CUSTOMER.

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

20 (v) THE ACTUAL COSTS OF REPAIRS.

21 (vi) THE REPAIRS OR SERVICES PERFORMED, INCLUDING A DETAILED  
22 IDENTIFICATION OF ALL PARTS THAT WERE REPLACED AND A  
23 SPECIFICATION OF WHICH PARTS ARE NEW, USED, REBUILT, OEM SURPLUS,  
24 OR RECONDITIONED.

25 (vii) A CERTIFICATION THAT AUTHORIZED REPAIRS WERE COMPLETED  
26 PROPERLY OR A DETAILED EXPLANATION OF AN INABILITY TO COMPLETE  
27 REPAIRS PROPERLY. THE OWNER OF THE FACILITY, OR AN INDIVIDUAL

1 DESIGNATED BY THE OWNER TO REPRESENT THE FACILITY, SHALL SIGN THE  
2 CERTIFICATION STATEMENT. THE STATEMENT SHALL INCLUDE THE NAME OF  
3 THE MECHANIC WHO PERFORMED THE DIAGNOSIS AND THE REPAIR.

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

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

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

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

15 (D) PERFORM AND CHARGE FOR REPAIRS THAT ARE NOT SPECIFICALLY  
16 AUTHORIZED.

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

22 (F) REPRESENT, EITHER DIRECTLY OR INDIRECTLY, THAT A  
23 REPLACEMENT PART USED IN THE REPAIR OF A VEHICLE IS NEW OR OF A  
24 PARTICULAR MANUFACTURE WHEN IN FACT IT IS USED, REBUILT,  
25 RECONDITIONED, DETERIORATED, OR OF A DIFFERENT MANUFACTURE, OR  
26 OTHERWISE FAIL TO DISCLOSE IN WRITING, BEFORE BEGINNING A REPAIR,  
27 THE USE OF USED, REBUILT, OR RECONDITIONED PARTS.

1 (G) REPLACE A PART WITH A PART THAT DOES NOT MEET OR EXCEED  
2 STANDARDS RECOGNIZED AS OEM COMPARABLE QUALITY AS VERIFIED BY A  
3 NATIONALLY RECOGNIZED AUTOMOTIVE PARTS TESTING AGENCY.

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

9 SEC. 7B. 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  
13 FOLLOWING:

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

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

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

1 (D) FAIL TO HONOR AN EXPRESS WARRANTY.

2 (E) FAIL TO DISCLOSE IN WRITTEN LANGUAGE, THAT IS CLEAR AS  
3 TO THE NATURE OR SCOPE OF THE WARRANTY, ALL MATERIAL ASPECTS AND  
4 THE INTENT OF A WARRANTY, INCLUDING, BUT NOT LIMITED TO, WHAT IS  
5 WARRANTED, THE PERSON THAT WILL HONOR THE WARRANTY, THE DURATION  
6 OF THE WARRANTY, THE OBLIGATIONS, IF ANY, OF THE PERSON TO WHICH  
7 THE WARRANTY IS EXTENDED, AND ANY EXCEPTIONS AND EXCLUSIONS FROM  
8 THE 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  
15 THEM 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  
23 ARE UNDISCLOSED CONDITIONS, TERMS, OR LIMITATIONS ATTACHED TO THE  
24 OFFER 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  
27 OF THAT FACT TENDS TO MISLEAD OR DECEIVE THE CUSTOMER.



1 (E) THAT A CUSTOMER WILL RECEIVE A REBATE, DISCOUNT, OR  
2 OTHER BENEFIT AS AN INDUCEMENT FOR ENTERING INTO A CONTRACT, IF  
3 THE 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  
6 SERVICES USING PERSONNEL WHO ARE QUALIFIED IN SPECIFIC REPAIR  
7 SPECIALTIES, INCLUDING THOSE SPECIALTIES ENUMERATED IN SECTION 10  
8 OF THIS ACT, IF IN FACT THE FACILITY DOES NOT EMPLOY MECHANICS  
9 WHO ARE LEGALLY CERTIFIED IN THOSE SPECIALTIES.

10 (G) PRODUCTS OR SERVICES, IF THERE IS A MATERIAL  
11 CONTINGENCY, CONDITION, OR LIMITATION ON THE OFFER OF THOSE  
12 PRODUCTS OR SERVICES, UNLESS THE CONTINGENCY, CONDITION, OR  
13 LIMITATION IS STATED CONTEMPORANEOUSLY WITH THE OFFER IN A MANNER  
14 CLEARLY AND 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  
18 PRINCIPALLY 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  
21 TO GIVE THE IMPRESSION THAT ALL MECHANICS EMPLOYED BY THE  
22 FACILITY ARE 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  
25 RESULT IN THE LOSS OF OPPORTUNITY TO PROCURE THEM AT A PARTICULAR  
26 PRICE, IF IN FACT IT IS UNTRUE.

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

1 LIKELIHOOD OF CONFUSION OR MISUNDERSTANDING OF THE TERMS OR  
2 CONDITIONS OF CREDIT, OR THAT CREDIT AVAILABILITY OR THE TERMS OF  
3 CREDIT ARE "EASY", OR USING WORDS OF SIMILAR IMPORT TO DESCRIBE  
4 CREDIT 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  
7 SIMILAR IMPORT, IF IN FACT THE CUSTOMER'S DECLARATION OF  
8 DISSATISFACTION IS NOT A SUFFICIENT BASIS FOR OBTAINING A REFUND  
9 OF THE PURCHASE PRICE FOR THOSE PRODUCTS OR SERVICES.

10 (M) THE NECESSITY, DESIRABILITY, OR ADVANTAGE TO A  
11 PROSPECTIVE CUSTOMER OF DEALING WITH A FACILITY BY  
12 MISREPRESENTING THE 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  
16 CAUSES A LIKELIHOOD OF CONFUSION, OR OF MISUNDERSTANDING, WITH  
17 RESPECT TO THE AUTHORITY OF A MECHANIC, SALESPERSON,  
18 REPRESENTATIVE, OR AGENT TO NEGOTIATE THE FINAL TERMS OF THE  
19 TRANSACTION.

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

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

27 (R) A FREE OR LOW-COST INSPECTION OR DIAGNOSIS THAT REQUIRES

1 THE REMOVAL OR DISMANTLING, OR BOTH, OF A PART OR ASSEMBLY AND  
2 FAILING TO DISCLOSE BEFORE THE TRANSACTION A CHARGE FOR  
3 REPLACEMENT OR REASSEMBLY IF THE CUSTOMER DECLINES TO AUTHORIZE A  
4 RECOMMENDED REPAIR.

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

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

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

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

27 (W) THE DESIRABILITY OR ADVANTAGES OF CERTIFICATION OR

1 LICENSING BY A FEDERAL, STATE, OR LOCAL GOVERNMENTAL AGENCY, OR  
2 THAT A MOTOR VEHICLE REPAIR FACILITY OR MECHANIC IS APPROVED OR  
3 SANCTIONED BY THE ADMINISTRATOR.

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

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

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

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

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

24 SEC. 7E. A MOTOR VEHICLE REPAIR FACILITY THAT IS SUBJECT TO  
25 THIS ACT, OR A PERSON THAT IS AN OWNER OR OPERATOR OF A MOTOR  
26 VEHICLE REPAIR FACILITY THAT IS SUBJECT TO THIS ACT, SHALL NOT,  
27 DIRECTLY OR THROUGH AN AGENT OR EMPLOYEE, DO ANY OF THE

1 FOLLOWING:

2 (A) UNLESS LEGALLY WAIVED BY THE CUSTOMER, FAIL TO GIVE THE  
3 CUSTOMER A WRITTEN ESTIMATE BEFORE BEGINNING WORK ON A MOTOR  
4 VEHICLE.

5 (B) CHARGE FOR WORK DONE OR PARTS SUPPLIED IN EXCESS OF THE  
6 ESTIMATED PRICE WITHOUT THE KNOWING CONSENT, ORALLY OR IN  
7 WRITING, OF THE CUSTOMER.

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

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

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

17 (F) CHARGE A CUSTOMER STORAGE CHARGES IF THERE IS A DISPUTE  
18 CONCERNING REPAIR CHARGES. IF A DELAY IN REPAIRS IS CAUSED BY A  
19 LACK OF PARTS, A FACILITY MAY CHARGE FOR STORAGE AFTER INFORMING  
20 THE CUSTOMER OF THE APPROXIMATE LENGTH OF THE ANTICIPATED DELAY  
21 AND OF THE DAILY STORAGE CHARGE RATE AND OBTAINING THE CUSTOMER'S  
22 CONSENT TO THE DELAY AND THE STORAGE CHARGES.

23 (G) FAIL TO COMPLY WITH THE TRUTH IN LENDING ACT, 15 USC  
24 1601 TO 1667F, AND THE RETAIL INSTALLMENT SALES ACT, 1966 PA 224,  
25 MCL 445.851 TO 445.873, IF THE CUSTOMER FINANCES REPAIRS THROUGH  
26 THE FACILITY.

27 (H) FAIL IN PRACTICE TO COMPLY WITH ADVERTISED OR STATED

1 PAYMENT POLICIES.

2 (I) CONSPIRE WITH ANOTHER TO FIX PRICES.

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

5 (K) FAIL TO NOTIFY A CUSTOMER OF AN EXCHANGE AGREEMENT AND  
6 CHARGES FOR EXCHANGE PARTS IF THE CUSTOMER WISHES TO HAVE THOSE  
7 PARTS RETURNED.

8 (L) FAIL TO DISCLOSE, ON THE CUSTOMER'S REQUEST, THE METHOD  
9 USED BY A FACILITY TO COMPUTE LABOR CHARGES.

10 SEC. 7F. 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  
14 FOLLOWING:

15 (A) IMPROPERLY UTILIZE WAIVERS IN A MANNER THAT SUGGESTS OR  
16 IMPLIES, DIRECTLY OR INDIRECTLY, ORALLY OR BY ACTION, THAT  
17 SIGNING A WAIVER WILL IMPROVE OR EXPEDITE SERVICE OR REPAIRS OR  
18 WILL REDUCE THE PRICE.

19 (B) EXAGGERATE THE SERIOUSNESS OF A MALFUNCTION TO INDUCE A  
20 CUSTOMER TO AGREE TO A REPAIR.

21 (C) SUGGEST OR IMPLY, DIRECTLY OR INDIRECTLY, ORALLY OR BY  
22 ACTION, THAT SERVICE WILL BE IMPROVED OR EXPEDITED OR THAT THE  
23 PRICE WILL BE REDUCED IF THE CUSTOMER AGREES THAT THE FACILITY IS  
24 NOT REQUIRED TO RETURN FOR INSPECTION ANY PARTS THAT THE FACILITY  
25 REPLACED.

26 (D) MISREPRESENT THAT BECAUSE OF SOME DEFECT IN THE  
27 CUSTOMER'S MOTOR VEHICLE, THE HEALTH, SAFETY, AND LIVES OF THE

1 CUSTOMER OR HIS OR HER FAMILY ARE IN DANGER IF PARTS OR REPAIR  
2 SERVICES ARE NOT PURCHASED, IF IN FACT THE DEFECT DOES NOT EXIST  
3 OR THE INSTALLATION OF THE PARTS OR THE PERFORMANCE OF THE  
4 SERVICES WOULD NOT REMOVE THE DANGER.

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

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

8 (b) Register motor vehicle repair facilities **THAT ARE**  
9 subject to this act.

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

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

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

19 (f) Inform registered motor vehicle repair facilities at  
20 least annually of the rules promulgated ~~pursuant to~~ **UNDER** this  
21 act, of representative disciplinary hearings, orders, or  
22 judgments issued or obtained by the administrator, and  
23 suspensions or revocations of registrations or licenses. A motor  
24 vehicle repair facility shall inform the mechanics in its employ  
25 of these actions.

26 (g) Establish procedures for receiving complaints relating  
27 to alleged violations of this act or rules promulgated ~~pursuant~~

1 ~~to~~ UNDER this act.

2 (h) Establish and collect fees for certification  
3 examinations administered by the administrator.

4 (i) Promulgate **ANY** rules pursuant to Act No. 306 of the  
5 Public Acts of 1969, as amended, being sections 24.201 to 24.315  
6 of the Michigan Compiled Laws. **THE ADMINISTRATOR DETERMINES ARE**  
7 **NECESSARY TO IMPLEMENT THIS ACT UNDER THE ADMINISTRATIVE**  
8 **PROCEDURES ACT OF 1969, 1969 PA 306, MCL 24.201 TO 24.328.**

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

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

11 ~~— (ii) Definitions of minor repair services.~~

12 ~~— (iii) Criteria for determining the competency of specialty and~~  
13 ~~master mechanics, as a prerequisite to continued certification~~  
14 ~~under this act.~~

15 ~~— (iv) Definition of repair categories for the certification of~~  
16 ~~specialty and master mechanics.~~

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

18 (J) **ISSUE DECLARATORY RULINGS TO IMPLEMENT THIS ACT. ALL OF**  
19 **THE FOLLOWING APPLY TO A DECLARATORY RULING UNDER THIS**  
20 **SUBDIVISION:**

21 (i) **THE ADMINISTRATOR MAY ISSUE A DECLARATORY RULING**  
22 **CONCERNING THE APPLICABILITY OF THIS ACT OR RULES PROMULGATED**  
23 **UNDER THIS ACT TO AN ACTUAL STATEMENT OF FACTS IF THE**  
24 **ADMINISTRATOR RECEIVES A REQUEST FOR A DECLARATORY RULING FROM AN**  
25 **INTERESTED PERSON AND THE INTERESTED PERSON SUBMITS A CLEAR AND**  
26 **CONCISE STATEMENT OF FACTS TO THE ADMINISTRATOR. THE INTERESTED**  
27 **PERSON MAY SUBMIT TO THE ADMINISTRATOR A BRIEF OR OTHER REFERENCE**



1 TO LEGAL AUTHORITIES ON WHICH THE INTERESTED PERSON RELIES  
 2 CONCERNING THE APPLICABILITY OF THIS ACT OR RULES PROMULGATED  
 3 UNDER THIS ACT TO THE STATEMENT OF FACTS.

4 (ii) IF HE OR SHE DECIDES TO ISSUE A DECLARATORY RULING, THE  
 5 ADMINISTRATOR SHALL PROVIDE THE INTERESTED PERSON THAT REQUESTED  
 6 THE RULING A STATEMENT THAT HE OR SHE WILL ISSUE A DECLARATORY  
 7 RULING AND THE DATE BY WHICH THE ADMINISTRATOR WILL ISSUE THE  
 8 RULING.

9 (iii) A DECLARATORY RULING SHALL INCLUDE THE ACTUAL STATEMENT  
 10 OF FACTS PROVIDED BY THE INTERESTED PERSON THAT REQUESTED THE  
 11 RULING, THE LEGAL AUTHORITY ON WHICH THE ADMINISTRATOR RELIES FOR  
 12 HIS OR HER RULING, IF ANY, AND THE RULING OF THE ADMINISTRATOR.

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

17 Sec. 10. (1) ~~A person~~ SUBJECT TO SECTION 10A(3) AND (4), AN  
 18 INDIVIDUAL may become certified as a specialty mechanic IN 1 OR  
 19 MORE REPAIR CATEGORIES if that ~~person has passed an examination,~~  
 20 INDIVIDUAL TAKES 1 OR MORE EXAMINATIONS, developed OR APPROVED by  
 21 the administrator, ~~or developed by a private entity and adopted~~  
 22 ~~by the administrator, that the administrator determines is an~~  
 23 ~~adequate test of a person's ability to perform certain types of~~  
 24 ~~motor vehicle repair. The repair categories for which~~  
 25 ~~certification is required include the following and others that~~  
 26 ~~may be specified by rule.~~ AND RECEIVED SCORES, AS DETERMINED BY  
 27 THE ADMINISTRATOR, THAT INDICATE COMPETENCY TO PERFORM MOTOR

1 **VEHICLE REPAIRS IN THE REPAIR CATEGORY OR CATEGORIES.**

2 ~~—— (a) Engine repair.~~

3 ~~—— (b) Automatic transmission.~~

4 ~~—— (c) Manual transmission and rear axle.~~

5 ~~—— (d) Front end.~~

6 ~~—— (e) Brakes.~~

7 ~~—— (f) Electrical systems.~~

8 ~~—— (g) Heating and air conditioning.~~

9 ~~—— (h) Engine tune up.~~

10 ~~—— (i) Pre 1973 motor vehicle, subject to subsection (3).~~

11 (2) ~~A person~~ **AN INDIVIDUAL** may apply for a specialty  
 12 mechanic's certificate in any or all repair categories but ~~shall~~  
 13 ~~be~~ **IS ONLY** required to pay ~~only~~ 1 certification fee if the ~~person~~  
 14 ~~makes the applications~~ **INDIVIDUAL APPLIES** for more than 1  
 15 category at 1 time.

16 ~~—— (3) Within 90 days after the effective date of the~~  
 17 ~~amendatory act that added this subsection, the administrator~~  
 18 ~~shall develop or adopt an examination for specialty mechanic~~  
 19 ~~certification in the repair category described in subsection~~  
 20 ~~(1)(i) for an individual engaged, for compensation, in the repair~~  
 21 ~~of a motor vehicle manufactured before 1973 or the~~  
 22 ~~reconditioning, replacement, adjustment, or alteration of the~~  
 23 ~~operating condition of any component or subassembly of a motor~~  
 24 ~~vehicle manufactured before 1973.~~

25 (3) ~~(4) A person~~ **AN INDIVIDUAL** may apply for and receive a  
 26 **CERTIFICATE AS A** master mechanic's certificate **MECHANIC FOR**  
 27 **AUTOMOBILES OR LIGHT TRUCKS** if that ~~person~~ **INDIVIDUAL** is

1 qualified as a specialty mechanic in all REPAIR categories of  
2 ~~motor vehicle repair~~ DESCRIBED IN SECTION 10A(1), except that  
3 CERTIFICATION IN the ~~specialty~~ REPAIR category described in  
4 ~~subsection (1)(i)~~ SECTION 10A(1)(K) is not necessary for a master  
5 mechanic's certificate DESCRIBED IN THIS SUBSECTION.

6 (4) AN INDIVIDUAL MAY APPLY FOR AND RECEIVE A CERTIFICATE AS  
7 A MASTER MECHANIC FOR HEAVY-DUTY TRUCKS IF THAT INDIVIDUAL IS  
8 QUALIFIED AS A SPECIALTY MECHANIC IN ALL REPAIR CATEGORIES  
9 DESCRIBED IN SECTION 10A(2), EXCEPT THAT CERTIFICATION IN THE  
10 REPAIR CATEGORY DESCRIBED IN SECTION 10A(2)(H) IS NOT NECESSARY  
11 FOR A MASTER MECHANIC'S CERTIFICATE DESCRIBED IN THIS SUBSECTION.

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

- 16 (A) ENGINE REPAIR.  
17 (B) AUTOMATIC TRANSMISSION.  
18 (C) MANUAL TRANSMISSION, FRONT AND REAR DRIVE AXLE.  
19 (D) FRONT END, SUSPENSION, AND STEERING SYSTEMS.  
20 (E) BRAKES AND BRAKING SYSTEMS.  
21 (F) ELECTRICAL SYSTEMS.  
22 (G) HEATING AND AIR-CONDITIONING.  
23 (H) ENGINE TUNE-UP AND PERFORMANCE.  
24 (I) COLLISION-RELATED MECHANICAL REPAIR.  
25 (J) UNITIZED BODY STRUCTURAL REPAIR.  
26 (K) PRE-1973 AUTOMOBILE OR LIGHT TRUCK REPAIR. AS USED IN  
27 THIS SUBDIVISION, "PRE-1973 AUTOMOBILE OR LIGHT TRUCK REPAIR"

1 MEANS THE REPAIR OF AN AUTOMOBILE OR LIGHT TRUCK MANUFACTURED  
2 BEFORE 1973 OR THE RECONDITIONING, REPLACEMENT, ADJUSTMENT, OR  
3 ALTERATION OF THE OPERATING CONDITION OF ANY COMPONENT OR  
4 SUBASSEMBLY OF AN AUTOMOBILE OR LIGHT TRUCK MANUFACTURED BEFORE  
5 1973.

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

9 (A) ENGINE REPAIR, GASOLINE.

10 (B) ENGINE REPAIR, DIESEL.

11 (C) DRIVETRAINS.

12 (D) BRAKES AND BRAKING SYSTEMS.

13 (E) SUSPENSION AND STEERING SYSTEMS.

14 (F) ELECTRICAL SYSTEMS.

15 (G) COLLISION-RELATED MECHANICAL REPAIR.

16 (H) PRE-1973 HEAVY-DUTY TRUCK REPAIR. AS USED IN THIS  
17 SUBDIVISION, "PRE-1973 HEAVY-DUTY TRUCK REPAIR" MEANS THE REPAIR  
18 OF A HEAVY-DUTY TRUCK MANUFACTURED BEFORE 1973 OR THE  
19 RECONDITIONING, REPLACEMENT, ADJUSTMENT, OR ALTERATION OF THE  
20 OPERATING CONDITION OF ANY COMPONENT OR SUBASSEMBLY OF A HEAVY-  
21 DUTY TRUCK MANUFACTURED BEFORE 1973.

22 (3) AN INDIVIDUAL WHO IS APPLYING FOR CERTIFICATION AS A  
23 SPECIALTY AUTOMOBILE OR LIGHT TRUCK MECHANIC IS ELIGIBLE FOR THAT  
24 CERTIFICATION IF HE OR SHE PASSES AN EXAMINATION IN THE REPAIR  
25 CATEGORY THAT RELATES TO THAT SPECIALTY. AN INDIVIDUAL WHO IS  
26 APPLYING FOR CERTIFICATION AS A MASTER AUTOMOBILE OR LIGHT TRUCK  
27 MECHANIC IS ELIGIBLE FOR THAT CERTIFICATION IF HE OR SHE PASSES

1 THE EXAMINATIONS IN ALL REPAIR CATEGORIES LISTED IN SUBSECTION  
2 (1) (A) TO (H) .

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

11 (5) AN INDIVIDUAL WHO IS APPLYING FOR CERTIFICATION AS A  
12 MASTER MOTORCYCLE MECHANIC IS ELIGIBLE FOR THAT CERTIFICATION IF  
13 HE OR SHE PASSES AN EXAMINATION PERTAINING TO ALL MECHANICAL  
14 ASPECTS OF MOTORCYCLE REPAIR.

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

25 Sec. 11. (1) ~~Before a person offers to engage in or engages~~  
26 AN INDIVIDUAL SHALL NOT ENGAGE OR OFFER TO ENGAGE in employment  
27 as a specialty or master mechanic ~~, that person shall apply for~~

1 ~~and receive~~ **IF HE OR SHE HAS NOT APPLIED FOR AND RECEIVED** a  
2 certificate for that employment from the department. ~~Application~~  
3 **AN APPLICANT** for a specialty or master mechanic's certificate  
4 shall ~~be made~~ **SUBMIT TO THE ADMINISTRATOR**, on a form provided by  
5 the department, ~~and shall include~~ **ALL OF THE FOLLOWING**  
6 **INFORMATION AND THE RESULTS OF THE REQUIRED EXAMINATIONS:**

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

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

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

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

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

20 (f) Other relevant information ~~as~~ **REQUIRED BY** the  
21 administrator. ~~shall require.~~

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

27 **(3) THE TERM OF A SPECIALTY CERTIFICATE IS 1 YEAR. THE**

1 ADMINISTRATOR MAY ONLY RENEW A SPECIALTY CERTIFICATE IF THE  
2 INDIVIDUAL WHO IS APPLYING FOR RENEWAL PROVIDES ALL OF THE  
3 INFORMATION DESCRIBED IN SUBSECTION (1) (A) TO (F), ON A FORM  
4 PROVIDED BY THE ADMINISTRATOR, PAYS THE RENEWAL FEE DESCRIBED IN  
5 SECTION 30, AND, IF APPLICABLE, MEETS 1 OF THE FOLLOWING:

6 (A) IF HE OR SHE IS SEEKING TO RENEW A CERTIFICATION AS A  
7 MECHANIC IN THE AREA OF AUTOMOBILE AND LIGHT TRUCK ENGINE TUNE-UP  
8 AND PERFORMANCE, IN THE 1998 CALENDAR YEAR OR IN ANY FIFTH  
9 CALENDAR YEAR AFTER 1998, DOES 1 OF THE FOLLOWING:

10 (i) TAKES AND PASSES A TEST GIVEN OR APPROVED BY THE  
11 ADMINISTRATOR.

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

17 (iii) PRESENTS A VALID, CURRENT CERTIFICATION IN AUTOMOBILE  
18 AND LIGHT TRUCK ENGINE TUNE-UP AND PERFORMANCE, OR A COMPARABLE  
19 CATEGORY, FROM THE NATIONAL INSTITUTE FOR AUTOMOTIVE SERVICE  
20 EXCELLENCE OR ANOTHER MECHANIC CERTIFICATION ORGANIZATION  
21 APPROVED BY THE ADMINISTRATOR.

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

26 (i) TAKES AND PASSES A TEST GIVEN OR APPROVED BY THE  
27 ADMINISTRATOR.

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

5           (iii) PRESENTS A VALID, CURRENT CERTIFICATION IN AUTOMOBILE  
6 AND LIGHT TRUCK ENGINE ELECTRICAL SYSTEMS, OR A COMPARABLE  
7 CATEGORY, FROM THE NATIONAL INSTITUTE FOR AUTOMOTIVE SERVICE  
8 EXCELLENCE OR ANOTHER MECHANIC CERTIFICATION ORGANIZATION  
9 APPROVED BY THE ADMINISTRATOR.

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

14           (i) TAKES AND PASSES A TEST GIVEN OR APPROVED BY THE  
15 ADMINISTRATOR.

16           (ii) PRESENTS PROOF THAT HE OR SHE HAS SUCCESSFULLY COMPLETED  
17 AN ACCEPTABLE COURSE OF TRAINING IN AUTOMOBILE AND LIGHT TRUCK  
18 ENGINE BRAKES AND BRAKING SYSTEMS PROVIDED BY AN APPROVED  
19 EDUCATIONAL INSTITUTION, MOTOR VEHICLE MANUFACTURER, OR  
20 DISTRIBUTOR.

21           (iii) PRESENTS A VALID, CURRENT CERTIFICATION IN AUTOMOBILE  
22 AND LIGHT TRUCK BRAKES AND BRAKING SYSTEMS, OR A COMPARABLE  
23 CATEGORY, FROM THE NATIONAL INSTITUTE FOR AUTOMOTIVE SERVICE  
24 EXCELLENCE OR ANOTHER MECHANIC CERTIFICATION ORGANIZATION  
25 APPROVED BY THE ADMINISTRATOR.

26           Sec. 12. ~~An applicant shall be required to have passed an~~  
27 ~~examination which is designed to test the competency to correctly~~



1 ~~diagnose and repair motor vehicles in the specific category for~~  
2 ~~which the applicant is applying. The examination shall be written~~  
3 ~~or oral or practical.~~ ALL OF THE FOLLOWING APPLY TO A

4 **CERTIFICATION EXAMINATION UNDER THIS ACT:**

5 (A) AN EXAMINATION SHALL BE WRITTEN, EXCEPT THAT THE  
6 ADMINISTRATOR MAY ALLOW AN INDIVIDUAL TO TAKE AN ORAL OR  
7 PRACTICAL EXAMINATION IF THE ADMINISTRATOR DETERMINES THAT THE  
8 INDIVIDUAL MEETS 1 OF THE FOLLOWING:

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

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

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

21 (C) AN EXAMINATION SHALL BE GIVEN AT PLACES AND TIMES  
22 DETERMINED BY THE ADMINISTRATOR.

23 (D) THE RESULTS OF AN EXAMINATION ARE NOT FINAL UNTIL  
24 APPROVED BY THE ADMINISTRATOR. THE ADMINISTRATOR SHALL FORWARD  
25 THE RESULTS OF AN EXAMINATION TO THE APPLICANT OR TO THE  
26 APPLICANT'S AUTHORIZED REPRESENTATIVE.

27 Sec. 13. (1) If a ~~person~~ **AN INDIVIDUAL** is unable to obtain a

1 certificate as a specialty or master mechanic ~~as provided in~~  
2 **UNDER** this act, and that ~~person~~-**INDIVIDUAL** desires to become a  
3 specialty or master mechanic, he **OR SHE** may ~~make application~~  
4 **APPLY** for a mechanic trainee permit on ~~the~~-**A** form prescribed or  
5 approved by the administrator. ~~The administrator shall issue or~~  
6 ~~approve a mechanic trainee permit to an applicant who qualifies~~  
7 ~~under the rules promulgated for that purpose. A person~~

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

20           **(3) ALL OF THE FOLLOWING APPLY TO A MECHANIC TRAINEE**  
21 **DESCRIBED IN THIS SECTION:**

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

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

1           (C) The administrator shall ~~by rule establish and operate a~~  
2 ~~mechanic trainee training program designed to provide the~~  
3 ~~training necessary to become certified under this act. Instead of~~  
4 ~~establishing and operating the program, the administrator may~~  
5 ~~appoint schools, academies, or other similar establishments~~  
6 **SELECT 1 OR MORE APPROVED EDUCATIONAL INSTITUTIONS** to engage in  
7 mechanic trainee training. ~~if these establishments, schools, or~~  
8 ~~academies meet the criteria established by the administrator,~~  
9 ~~after consultation with the department of education and the~~  
10 ~~United States department of labor, bureau of apprenticeship and~~  
11 ~~training. The establishments may be designated by the~~  
12 ~~administrator to engage in a continuing education and training~~  
13 ~~program for specialty and master mechanics.~~

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

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

21           **(A) AN ESTABLISHMENT SEEKING APPROVAL SHALL SUBMIT AN**  
22 **APPLICATION FOR APPROVAL TO THE ADMINISTRATOR. THE ADMINISTRATOR**  
23 **SHALL DETERMINE THE FORM AND CONTENT OF THE APPLICATION. THE**  
24 **APPLICATION SHALL INCLUDE SUPPORTING MATERIALS REQUIRED BY THE**  
25 **ADMINISTRATOR.**

26           **(B) THE ADMINISTRATOR SHALL REVIEW AN APPLICATION AND**  
27 **SUPPORTING MATERIALS SUBMITTED UNDER SUBDIVISION (A) AND SHALL**

1 APPROVE, DENY APPROVAL OF, OR WITHDRAW APPROVAL FROM THE TRAINING  
2 PROGRAM OFFERED TO MECHANICS AND MECHANIC TRAINEES BY THE  
3 ESTABLISHMENT.

4 (C) IN EVALUATING AN ESTABLISHMENT FOR APPROVAL, THE  
5 ADMINISTRATOR SHALL CONSIDER ALL OF THE FOLLOWING FACTORS:

6 (i) ACCREDITATION OR LACK OF ACCREDITATION BY A RECOGNIZED  
7 ACCREDITATION AGENCY.

8 (ii) QUANTITY AND QUALITY OF CLASSROOM TRAINING PROVIDED.

9 (iii) COURSE OBJECTIVES.

10 (iv) NUMBER, QUALITY, AND AGE OF TOOLS, EQUIPMENT, AND  
11 MATERIALS MADE AVAILABLE TO STUDENTS.

12 (v) PERCENTAGE OF CLASS TIME SPENT IN HANDS-ON TRAINING.

13 (vi) QUALIFICATIONS OF INSTRUCTORS AND OTHER STAFF.

14 (vii) QUALITY, QUANTITY, AND ACCESSIBILITY OF RECORDS  
15 MAINTAINED BY THE ESTABLISHMENT.

16 (viii) CLASS SIZE AND LOCATION.

17 (ix) QUALITY OF TESTING ADMINISTERED.

18 (x) OTHER RELATED FACTORS THE ADMINISTRATOR CONSIDERS  
19 RELEVANT.

20 (3) THE ADMINISTRATOR MAY CONTRACT WITH APPROVED EDUCATIONAL  
21 INSTITUTIONS TO PROVIDE TRAINING OR TESTING REQUIRED UNDER THIS  
22 ACT.

23 SEC. 13B. (1) A CERTIFIED SPECIALTY OR MASTER MECHANIC SHALL  
24 DISPLAY, IN A CONSPICUOUS LOCATION IN THE PLACE OF BUSINESS WHERE  
25 HE OR SHE IS EMPLOYED OR ENGAGED TO PERFORM REPAIRS, A CURRENT  
26 AND VALID CERTIFICATE ISSUED BY THE ADMINISTRATOR.

27 (2) IF A CERTIFIED MECHANIC WORKS ON, INSPECTS AND APPROVES,

1 OR SUPERVISES A REPAIR, HE OR SHE SHALL AFFIX HIS OR HER NAME AND  
2 CERTIFICATION NUMBER, AS ASSIGNED BY THE ADMINISTRATOR, TO THE  
3 WRITTEN STATEMENT OF REPAIRS GIVEN THE CUSTOMER UNDER SECTION 34.

4 (3) A CERTIFIED SPECIALTY OR MASTER MECHANIC OR MECHANIC  
5 TRAINEE SHALL NOT DEPART FROM, OR DISREGARD IN ANY MATERIAL  
6 RESPECT, ACCEPTED MOTOR VEHICLE REPAIR INDUSTRY STANDARDS.  
7 COMPLIANCE WITH PUBLISHED VEHICLE MANUFACTURER, PARTS  
8 MANUFACTURER, EQUIPMENT MANUFACTURER, OR RECOGNIZED AFTERMARKET  
9 REPAIR MANUAL SPECIFICATIONS CREATES A PRESUMPTION THAT THE  
10 MECHANIC OR MECHANIC TRAINEE HAS FOLLOWED ACCEPTED MOTOR VEHICLE  
11 REPAIR INDUSTRY STANDARDS.

12 (4) IF THE ADMINISTRATOR, AFTER NOTICE AND A HEARING,  
13 DETERMINES THAT A SPECIALTY OR MASTER MECHANIC OR MECHANIC  
14 TRAINEE HAS VIOLATED SUBSECTION (3), THE ADMINISTRATOR MAY, UNDER  
15 SECTION 21, REQUIRE THAT THE SPECIALTY OR MASTER MECHANIC OR  
16 MECHANIC TRAINEE DO BOTH OF THE FOLLOWING:

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

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

22 Sec. 14. (1) ~~A THE OWNER OF A~~ motor vehicle repair facility  
23 shall ~~be registered by the owner~~ REGISTER THE FACILITY BY  
24 PROVIDING ALL OF THE FOLLOWING INFORMATION TO THE ADMINISTRATOR,  
25 on a registration form provided by the administrator, ~~which shall~~  
26 ~~disclose the following information:~~ ACCOMPANIED BY A REGISTRATION  
27 FEE IN AN AMOUNT DETERMINED UNDER SECTION 30:

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

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

7 (c) The principal occupation **OR BUSINESS** for the past 5  
 8 years of ~~every officer, director, and partner, and each owner of~~  
 9 ~~10% or more of the facility, and any person occupying a similar~~  
 10 ~~status or performing similar functions.~~ **ALL OF THE FOLLOWING, AS**  
 11 **APPLICABLE:**

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

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

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

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

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

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

22 (iv) **THE NUMBER OF MECHANICS THE FACILITY EMPLOYS WHO PERFORM**  
 23 **REPAIRS.**

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

1           (vi) MEASURED IN SQUARE FEET, THE SIZE OF THAT PART OF THE  
2 FACILITY UTILIZED FOR PERFORMING REPAIRS.

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

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

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

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

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

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

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

19           (2) SUBJECT TO SUBSECTION (3), A PERSON THAT IS APPLYING FOR  
20 REGISTRATION OF A MOTOR VEHICLE REPAIR FACILITY SHALL INCLUDE A  
21 PROPERLY EXECUTED BOND, OR A CERTIFICATE OF RENEWAL OF A SURETY  
22 BOND, WITH THE REGISTRATION FORM. ALL OF THE FOLLOWING APPLY TO A  
23 SURETY BOND OR RENEWAL CERTIFICATE UNDER THIS SUBSECTION:

24           (A) IF A CERTIFICATE OF RENEWAL OF A SURETY BOND IS  
25 PROVIDED, THE BOND IS CONSIDERED RENEWED FOR THE NEXT SUCCEEDING  
26 YEAR IN THE SAME AMOUNT AND WITH THE SAME EFFECT AS AN ORIGINAL  
27 BOND.

1 (B) THE PRINCIPAL AMOUNT OF THE BOND SHALL BE \$50,000.00,  
2 ISSUED BY A SURETY APPROVED BY THE ADMINISTRATOR.

3 (C) THE BOND SHALL INDEMNIFY OR REIMBURSE A CUSTOMER OR  
4 OTHER PERSON, OR A GOVERNMENTAL AGENCY, FOR MONETARY LOSS CAUSED  
5 BY FRAUD OR MISREPRESENTATION IN THE CONDUCT OF THE MOTOR VEHICLE  
6 REPAIR BUSINESS, WHETHER THE FRAUD OR MISREPRESENTATION WAS MADE  
7 BY THE OWNER OF THE FACILITY OR BY AN EMPLOYEE, AGENT, OR  
8 SALESPERSON OF THE FACILITY.

9 (D) A SURETY SHALL MAKE INDEMNIFICATION OR REIMBURSEMENT FOR  
10 A MONETARY LOSS ONLY AFTER A FINAL JUDGMENT BASED ON FRAUD OR  
11 MISREPRESENTATION IS ENTERED IN A COURT OF RECORD OR ADJUDICATED  
12 BY DEPARTMENTAL ADMINISTRATIVE HEARING AGAINST THE FACILITY.

13 (E) THE BOND SHALL ALSO INDEMNIFY OR REIMBURSE THIS STATE  
14 FOR ANY SALES TAX DEFICIENCY AS PROVIDED IN THE GENERAL SALES TAX  
15 ACT, 1933 PA 167, MCL 205.51 TO 205.78, OR USE TAX DEFICIENCY AS  
16 PROVIDED IN THE USE TAX ACT, 1937 PA 94, MCL 205.91 TO 205.111,  
17 FOR THE YEAR IN WHICH THE BOND IS IN FORCE. THE SURETY SHALL MAKE  
18 INDEMNIFICATION OR REIMBURSEMENT UNDER THIS SUBDIVISION ONLY  
19 AFTER FINAL JUDGMENT HAS BEEN ENTERED IN A COURT OF RECORD OR  
20 ADJUDICATED BY DEPARTMENTAL ADMINISTRATIVE HEARING AGAINST THE  
21 LICENSEE.

22 (F) THE AGGREGATE LIABILITY OF A SURETY SHALL NOT EXCEED THE  
23 PRINCIPAL AMOUNT OF THE BOND.

24 (G) THE SURETY MAY CANCEL A BOND BY GIVING WRITTEN NOTICE TO  
25 THE ADMINISTRATOR AT LEAST 30 DAYS BEFORE THE EFFECTIVE DATE OF  
26 THE CANCELLATION. A SURETY THAT MEETS THE NOTICE REQUIREMENT  
27 UNDER THIS SUBDIVISION IS NOT RESPONSIBLE FOR A BREACH OF



1   CONDITION THAT OCCURS AFTER THE EFFECTIVE DATE OF THE  
2   CANCELLATION.

3           (3) AN OWNER OF A FACILITY OR OTHER APPLICANT FOR  
4   REGISTRATION THAT HAS FURNISHED SATISFACTORY PROOF THAT A BOND  
5   SIMILAR TO THE BOND REQUIRED UNDER SUBSECTION (2) IS EXECUTED AND  
6   IN FORCE IS EXEMPT FROM THE REQUIREMENTS OF SUBSECTION (2).

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

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

27           (3) A ~~business maintaining~~ PERSON THAT OWNS more than 1

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

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

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

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

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

10           (2) A person ~~who hinders, obstructs, or otherwise prevents~~  
 11 ~~an inspection is in violation of this act.~~ **SHALL NOT HINDER,**  
 12 **OBSTRUCT, OR OTHERWISE PREVENT AN INSPECTION UNDER THIS SECTION**  
 13 **OR SECTION 18 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~~  
 18 ~~rules promulgated to carry out this act. The records shall be~~ **FOR**  
 19 **THE FACILITY AND ENSURE THAT THOSE RECORDS ARE** open for  
 20 reasonable inspection by the administrator or other law  
 21 enforcement officials. ~~and shall be maintained by the facility~~  
 22 ~~for not less than 5 years.~~ **AS USED IN THIS SUBSECTION, "REASONABLE**  
 23 **BUSINESS RECORDS" INCLUDES THOSE DOCUMENTS AND RECORDS DESCRIBED**  
 24 **IN SUBSECTION (2) (A) TO (C).**

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

1           (A) THE OWNER SHALL RETAIN COPIES OF EACH INSTRUMENT, FORM,  
2 CONTRACT, OR OTHER DOCUMENT USED IN CONNECTION WITH A REPAIR  
3 TRANSACTION, INCLUDING, BUT NOT LIMITED TO, ALL OF THE FOLLOWING  
4 FOR AT LEAST 1 YEAR AFTER COMPLETION OF THE REPAIR TRANSACTION:

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

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

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

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

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

15          (B) IF A FACILITY IS ADVISED BY THE ADMINISTRATOR THAT HE OR  
16 SHE HAS RECEIVED A COMPLAINT ABOUT A REPAIR TRANSACTION PERFORMED  
17 BY THE FACILITY, AND THE FACILITY IS UNDER INVESTIGATION BY THE  
18 ADMINISTRATOR, THE OWNER SHALL RETAIN RECORDS RELATING TO THE  
19 TRANSACTION OR OTHERWISE RELEVANT TO THE COMPLAINT UNTIL THE DATE  
20 THE ADMINISTRATOR ADVISES THE FACILITY IN WRITING THAT THE  
21 COMPLAINT IS CLOSED, OR FOR 1 YEAR AFTER THE COMPLETION OF THE  
22 REPAIR TRANSACTION, WHICHEVER IS LATER.

23          (C) IF A REPAIR TRANSACTION INVOLVES THE ASSUMPTION BY THE  
24 FACILITY OF AN OBLIGATION EXTENDING BEYOND 1 YEAR, THE OWNER  
25 SHALL RETAIN RECORDS OR DOCUMENTS RELATING TO THAT OBLIGATION FOR  
26 AT LEAST THE TERM OF THE OBLIGATION.

27          (D) FOR ANY OTHER DOCUMENT OR RECORD THAN THOSE DESCRIBED IN

1 SUBDIVISION (A), (B), OR (C), THE OWNER SHALL RETAIN THAT  
2 DOCUMENT OR RECORD FOR AT LEAST 5 YEARS.

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

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

1 ~~be made~~ **IMMEDIATELY** available for inspection by the administrator  
 2 and other law enforcement officials ~~after~~ **IF** a request for  
 3 inspection is made.

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

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

16 (A) **THE NAME AND ADDRESS OF THE APPLICANT.**

17 (B) **AN EXPLANATION OF THE LOSS, DESTRUCTION, OR MUTILATION**  
 18 **OF THE ORIGINAL REGISTRATION, CERTIFICATE, OR PERMIT.**

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

1           (2) A MECHANIC MAY CONTINUE TO FUNCTION AS A CERTIFIED  
2 MECHANIC AFTER THE EXPIRATION DATE OF HIS OR HER THEN-CURRENT  
3 CERTIFICATION, PENDING APPROVAL OF THE RENEWAL APPLICATION BY THE  
4 ADMINISTRATOR, IF THE RENEWAL APPLICATION AND RENEWAL FEE ARE  
5 RECEIVED BY THE ADMINISTRATOR ON OR BEFORE THE EXPIRATION DATE.  
6 IF A RENEWAL APPLICATION AND RENEWAL FEE ARE FILED AFTER THE  
7 EXPIRATION DATE, THE MECHANIC MAY TEMPORARILY ENGAGE IN REPAIRS  
8 WITHOUT A CERTIFICATE FROM THE DAY ON WHICH THE APPLICATION AND  
9 APPROPRIATE FEE ARE RECEIVED BY THE ADMINISTRATOR, PENDING  
10 APPROVAL OF THE RENEWAL APPLICATION. THE ADMINISTRATOR SHALL  
11 CHARGE A FEE OF 1-1/2 TIMES THE NORMAL RENEWAL FEE IF THE RENEWAL  
12 APPLICATION IS RECEIVED BY THE ADMINISTRATOR AFTER THE EXPIRATION  
13 DATE.

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

23           (2) If the ~~department~~**ADMINISTRATOR** makes a finding of fact  
24 in writing that the public interest will be irreparably harmed by  
25 delay in issuing an order, ~~it~~**HE OR SHE** may issue a temporary  
26 cease and desist order. ~~Prior to~~**BEFORE** issuing the temporary  
27 cease and desist order, the administrator when possible by

1 telephone or otherwise shall give notice of the proposal to issue  
 2 a temporary cease and desist order to the facility. A temporary  
 3 cease and desist order shall include in its terms a provision  
 4 that ~~upon~~**ON** request **THE ADMINISTRATOR SHALL HOLD** a hearing ~~shall~~  
 5 ~~be held~~ within 30 days to determine whether or not the order  
 6 shall become permanent.

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

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

16       (b) ~~Violated~~**VIOLATES** this act or a rule promulgated under  
 17 this act.

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

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

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

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

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



1 ~~—— (h) If the applicant is a corporation or partnership, a~~  
 2 ~~stockholder, officer, director, or partner of the applicant was~~  
 3 ~~guilty of an act or omission that would be a cause for refusing,~~  
 4 ~~revoking, or suspending a license issued to the officer,~~  
 5 ~~director, or partner as an individual.~~

6 (H) ~~(i) Failed~~ **FAILS** to comply with the terms of a final  
 7 cease and desist order.

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

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

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

14 (L) ~~(m) Was~~ **IS** convicted under section 413, 415, 535, 535a,  
 15 or 536a of the Michigan penal code, Act No. 328 of the Public  
 16 Acts of 1931, being sections 750.413, 750.415, 750.535, 750.535a,  
 17 and 750.536a of the Michigan Compiled Laws, **1931 PA 328, MCL**  
 18 **750.413, 750.415, 750.535, 750.535A, AND 750.536A**, or has been  
 19 convicted in another state of a violation of a law substantially  
 20 corresponding to **1 OF THOSE** sections 413, 415, 535, 535a, 536,  
 21 and 536a of the Michigan penal code. ~~, Act No. 328 of the Public~~  
 22 ~~Acts of 1931.~~

23 (2) **AFTER NOTICE AND OPPORTUNITY FOR A HEARING, THE**  
 24 **ADMINISTRATOR MAY DO 1 OR MORE OF THE FOLLOWING IF HE OR SHE**  
 25 **DETERMINES THAT A FACILITY, MECHANIC, OR TRAINEE, OR A**  
 26 **STOCKHOLDER, OFFICER, DIRECTOR, OR PARTNER OF A FACILITY THAT IS**  
 27 **A CORPORATION OR PARTNERSHIP, VIOLATES SUBSECTION (1):**

1 (A) PLACE A LIMITATION ON A REGISTRATION, CERTIFICATE, OR  
2 MECHANIC TRAINEE PERMIT.

3 (B) SUSPEND A REGISTRATION, CERTIFICATE, OR MECHANIC TRAINEE  
4 PERMIT.

5 (C) DENY A REGISTRATION, CERTIFICATE, OR MECHANIC TRAINEE  
6 PERMIT OR RENEWAL OF A REGISTRATION, CERTIFICATE, OR MECHANIC  
7 TRAINEE PERMIT.

8 (D) REVOKE A REGISTRATION, CERTIFICATE, OR MECHANIC TRAINEE  
9 PERMIT.

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

12 (3) AS AN ALTERNATIVE OR IN ADDITION TO ADMINISTRATIVE  
13 ACTION UNDER SUBSECTION (2) FOR A VIOLATION OR ALLEGED VIOLATION  
14 OF SUBSECTION (1), THE DIRECTOR MAY, BY WRITTEN AGREEMENT WITH A  
15 PERSON THAT HOLDS A REGISTRATION, CERTIFICATE, OR MECHANIC  
16 TRAINEE PERMIT, PLACE A REGISTRATION, CERTIFICATE, OR MECHANIC  
17 TRAINEE PERMIT ON PROBATION AND INCLUDE CONDITIONS OF PROBATION  
18 IN THE AGREEMENT.

19 (4) THE REMEDIES AND SANCTIONS UNDER THIS ACT ARE  
20 INDEPENDENT AND CUMULATIVE. THE USE OF A REMEDY OR SANCTION UNDER  
21 THIS ACT, INCLUDING, BUT NOT LIMITED TO, ADMINISTRATIVE ACTION BY  
22 THE DIRECTOR UNDER SUBSECTION (2) OR AN AGREEMENT FOR PROBATION  
23 UNDER SUBSECTION (3), DOES NOT BAR OTHER LAWFUL REMEDIES AND  
24 SANCTIONS AGAINST A PERSON AND DOES NOT LIMIT A PERSON'S CRIMINAL  
25 OR CIVIL LIABILITY UNDER LAW.

26 Sec. 30. (1) The registration fee for the registration of a  
27 facility ~~shall be~~ IS determined by a sliding fee scale THAT IS

1 based ~~upon~~ ~~ON~~ the gross annual revenue of the facility, as  
 2 follows:

| 3  | GROSS ANNUAL REVENUE              | FEE      |
|----|-----------------------------------|----------|
| 4  | under \$5,000.00.....             | \$ 25.00 |
| 5  | \$5,001.00 to \$15,000.00.....    | 50.00    |
| 6  | \$15,001.00 to \$25,000.00.....   | 75.00    |
| 7  | \$25,001.00 to \$40,000.00.....   | 100.00   |
| 8  | \$40,001.00 to \$60,000.00.....   | 125.00   |
| 9  | \$60,001.00 to \$80,000.00.....   | 150.00   |
| 10 | \$80,001.00 to \$100,000.00.....  | 175.00   |
| 11 | \$100,001.00 to 120,000.00.....   | 200.00   |
| 12 | \$120,001.00 to 140,000.00.....   | 225.00   |
| 13 | \$140,001.00 to \$160,000.00..... | 250.00   |
| 14 | \$160,001.00 to \$180,000.00..... | 275.00   |
| 15 | \$180,001.00 to \$200,000.00..... | 300.00   |
| 16 | \$200,001.00 to \$220,000.00..... | 325.00   |
| 17 | \$220,001.00 to \$240,000.00..... | 350.00   |
| 18 | \$240,001.00 to \$260,000.00..... | 375.00   |
| 19 | \$260,001.00 to \$280,000.00..... | 400.00   |
| 20 | \$280,001.00 to \$300,000.00..... | 425.00   |
| 21 | \$300,001.00 to \$320,000.00..... | 450.00   |
| 22 | \$320,001.00 to \$340,000.00..... | 475.00   |
| 23 | over \$340,000.00.....            | 500.00   |

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

27 ~~—— (3) The fee for the renewal of the registration of a~~  
 28 ~~facility, certification of a specialty or master mechanic,~~

1 ~~including a permit of a mechanic trainee shall be set by rule.~~  
2 ~~The effective length of original and renewal registrations,~~  
3 ~~certificates, and permits shall be set by rule and shall not be~~  
4 ~~less than 1 year in duration. The renewal fee for a registration,~~  
5 ~~certificate, or permit that has expired shall be 1-1/2 times the~~  
6 ~~fee for the renewal of a registration, certificate, or permit~~  
7 ~~that has not expired.~~

8 (2) THE EXAMINATION, APPLICATION, CERTIFICATE, AND RENEWAL  
9 FEES FOR THE CERTIFICATION OF MECHANICS ARE AS FOLLOWS:

10 (A) EACH CERTIFICATION EXAMINATION ADMINISTERED BY THE  
11 ADMINISTRATOR, \$6.00.

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

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

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

25 (iii) AN INDIVIDUAL WHO SERVED IN THE ARMED FORCES; WAS  
26 SEPARATED FROM THAT SERVICE; AND PROVIDES TO THE ADMINISTRATOR A  
27 FORM DD214, A FORM DD215, OR ANY OTHER FORM THAT IS SATISFACTORY

1 TO THE ADMINISTRATOR THAT DEMONSTRATES THAT THE INDIVIDUAL WAS  
2 SEPARATED FROM THAT SERVICE, WITH AN HONORABLE CHARACTER OF  
3 SERVICE OR UNDER HONORABLE CONDITIONS (GENERAL) CHARACTER OF  
4 SERVICE.

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

6 (D) REPLACEMENT CERTIFICATE, \$5.00.

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

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

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

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

13 (ii) A STUDENT WHO IS CURRENTLY ENROLLED IN A VOCATIONAL  
14 EDUCATION OR SPECIAL EDUCATION PROGRAM THAT INCLUDES EMPLOYMENT  
15 BY A MOTOR VEHICLE REPAIR FACILITY; THAT IS APPROVED BY THE  
16 DEPARTMENT OF EDUCATION; AND FOR WHICH THE STUDENT RECEIVES  
17 CREDIT TOWARD THE AWARD OF A HIGH SCHOOL OR SPECIAL EDUCATION  
18 DIPLOMA.

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

20 (4) AS USED IN THIS SECTION:

21 (A) "ARMED FORCES" MEANS THAT TERM AS DEFINED IN SECTION 2  
22 OF THE VETERAN RIGHT TO EMPLOYMENT SERVICES ACT, 1994 PA 39, MCL  
23 35.1092.

24 (B) "GROSS ANNUAL REVENUE" MEANS A FACILITY'S GROSS REVENUE  
25 FROM PERFORMING REPAIRS, INCLUDING PARTS AND GOODS SOLD IN  
26 CONJUNCTION WITH REPAIRS, IN ITS MOST RECENTLY COMPLETED FEDERAL  
27 INCOME TAX YEAR, OR, IF THE FACILITY HAS NOT BEEN IN BUSINESS FOR

1 A COMPLETE FEDERAL INCOME TAX YEAR, THE FACILITY'S REASONABLY  
2 ANTICIPATED GROSS REVENUE FOR ITS FIRST FULL FEDERAL INCOME TAX  
3 YEAR OF OPERATION.

4 Sec. 32. (1) ~~A~~ **BEFORE BEGINNING REPAIR WORK, A** motor vehicle  
5 repair facility shall give to the customer a written estimate ~~7~~  
6 ~~itemizing~~ **THAT ITEMIZES** as closely as possible the price for  
7 labor and parts necessary for a ~~specific job prior to the~~  
8 ~~commencement of~~ **THE** work. A facility shall not charge for work  
9 done or parts supplied in excess of the estimated price, or in  
10 excess of the limit stated by the customer in the waiver ~~provided~~  
11 ~~for~~ **DESCRIBED** in subsection (3), without the knowing written or  
12 oral consent of the customer, ~~which shall be obtained at some~~  
13 time after it is ~~determined~~ **THE FACILITY DETERMINES** that the  
14 estimated price or stated limit is insufficient and before any  
15 work **THAT IS** not estimated or **IS** in excess of the limit is done  
16 or the parts **THAT ARE** not estimated or **ARE** in excess of the limit  
17 are supplied. If a waiver is not signed ~~as provided in~~ **UNDER**  
18 subsection (3) and the estimated price is exceeded by not more  
19 than 10% or ~~\$10.00~~ **\$50.00**, whichever is lesser, the **FACILITY IS**  
20 **NOT REQUIRED TO OBTAIN THE** written or oral consent of the  
21 customer for the excess charge ~~need not be obtained unless~~  
22 specifically requested by the customer. This section shall not be  
23 construed as requiring a motor vehicle repair facility, mechanic,  
24 or mechanic trainee to give a written estimated price if ~~he~~ **THE**  
25 **FACILITY, MECHANIC, OR TRAINEE** agrees not to perform the  
26 requested repair. If the actual cost of **A** repair is less than the  
27 agreed ~~upon~~ **ON** estimated cost, the customer shall pay only the

1 actual cost.

2 (2) If ~~the~~ **A** facility or mechanic informs the customer that  
 3 the price for repair will exceed the written estimate or the  
 4 stated limit in the waiver and the customer does not want the  
 5 repair work performed, ~~then~~ the customer is ~~liable~~ **RESPONSIBLE**  
 6 for all reasonable costs to return the vehicle to the condition  
 7 it was ~~when~~ **IN AT THE TIME** it entered the facility. ~~These~~ **THE**  
 8 **FACILITY SHALL INDICATE THOSE** costs ~~should be indicated in~~  
 9 written form, itemizing the costs as closely as possible with a  
 10 copy given to the customer. The cost of a diagnosis ~~to be made~~ **BY**  
 11 **THE FACILITY**, whether or not the customer authorizes **THE FACILITY**  
 12 **TO PERFORM THOSE** repairs, ~~to be performed,~~ shall be contained  
 13 **INCLUDED** in the written estimate before the diagnosis is  
 14 undertaken.

15 (3) If a customer initiates a request for service or parts  
 16 for the repair of a motor vehicle without receiving a written  
 17 estimate and voluntarily agrees to pay all reasonable costs of  
 18 repair up to an amount stated by the customer, a ~~repair~~ facility  
 19 may obtain from the customer a waiver of his **OR HER** right to  
 20 receive a prior estimate of repair costs. The waiver shall be in  
 21 14 point or larger bold capital type face and executed with 1  
 22 copy to the customer **WHO IS** requesting the repairs. ~~and~~ **THE**  
 23 **WAIVER** shall read as follows:

24 "I, \_\_\_\_\_, voluntarily ~~request~~ **AUTHORIZE** \_\_\_\_\_ to  
 25 provide services or parts in the repair of the below described  
 26 motor vehicle without receiving an estimate of repair costs. By  
 27 signing this form, I understand that I will give up my right to:

- 1           1. Receive a written estimate of the cost for repairs;  
 2           2. Approve in advance any repairs or costs with a total cost  
 3 under \$ \_\_\_\_\_; and  
 4           3. Refuse to pay for repairs with a total cost less than the  
 5 amount stated above.

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

8           Motor vehicle description:

9           Customer signature \_\_\_\_\_

10          Date \_\_\_\_\_

11          Time \_\_\_\_\_".

12          (4) ~~This waiver shall not be effective unless~~ **A WAIVER**  
 13 **DESCRIBED IN SUBSECTION (3) IS NOT EFFECTIVE UNLESS IT IS** given  
 14 by the customer voluntarily and with full knowledge of the  
 15 implications of the waiver. A motor vehicle repair facility or  
 16 anyone in its employ shall not make use of ~~the~~ **A waiver DESCRIBED**  
 17 **IN SUBSECTION (3)** in an attempt to evade this act.

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

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

27          (A) **ANY DOCUMENT ON WHICH THE FACILITY ROUTINELY REQUIRES**



1 THE CUSTOMER'S SIGNATURE.

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

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

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

7 SEC. 32A. (1) A MOTOR VEHICLE REPAIR FACILITY SHALL DISPLAY  
8 A CONSUMER INFORMATION SIGN. THE SIGN SHALL CONTAIN 11 LINES OF  
9 LETTERING WORDED SUBSTANTIALLY AS FOLLOWS:

10 THIS ESTABLISHMENT IS REGISTERED WITH THE MICHIGAN DEPARTMENT OF  
11 STATE AND IS REQUIRED BY LAW TO FURNISH A CUSTOMER WITH A:

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

14 (2) DETAILED STATEMENT OF LABOR AND PARTS SUPPLIED. QUESTIONS  
15 REGARDING SERVICE WORK SHOULD BE DIRECTED FIRST TO THE MANAGER OF  
16 THIS REPAIR FACILITY.

17 MICHIGAN DEPARTMENT OF STATE

18 P.O. BOX \_\_\_\_\_, LANSING, MI 489\_\_\_\_\_

19 TOLL-FREE TELEPHONE: 800 \_\_\_\_\_

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

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

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

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

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

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

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

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

9 (G) THE SIGN SHALL INCLUDE THE ADDRESS AND TELEPHONE NUMBERS  
10 OF THE DEPARTMENT OF STATE IN LINES 9 AND 10, AS PROVIDED BY THE  
11 ADMINISTRATOR.

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

14 (A) THE FACILITY SHALL DISPLAY THE SIGN AT EACH ENTRANCE TO  
15 THE FACILITY AND AT EACH CASHIER STATION. AS USED IN THIS  
16 SUBSECTION, "ENTRANCE TO THE FACILITY" MEANS EACH LOCATION IN OR  
17 ABOUT THE FACILITY WHERE CUSTOMER REPAIR SERVICE ORDERS ARE  
18 INITIALLY EXECUTED.

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

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

25 (4) THE ADMINISTRATOR MAY REQUIRE THAT A FACILITY REPLACE  
26 ANY SIGN THAT DOES NOT MEET ALL OF THE REQUIREMENTS OF THIS  
27 SECTION OR IS NO LONGER READILY LEGIBLE, OR THAT THE FACILITY

1 REPOSITION ANY SIGN THAT IS IMPROPERLY DISPLAYED.

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

8       **(A) A FACILITY IS NOT REQUIRED TO RETURN ANY OF THE**  
9 **FOLLOWING REPLACED PARTS TO THE CUSTOMER:**

10       **(i) PARTS THAT ARE EXEMPTED FROM THE RETURN REQUIREMENT** by  
11 the administrator because of size, weight, or similar factors.  
12 ~~from this requirement, and except for parts~~ **HOWEVER, A FACILITY**  
13 **SHALL NOT PREVENT A CUSTOMER FROM REMOVING ANY HEAVY OR LARGE**  
14 **PART, BY THE CUSTOMER'S OWN MEANS AND AT HIS OR HER EXPENSE.**

15       **(ii) SUBJECT TO SUBSECTION (3), PARTS** that the motor vehicle  
16 repair facility or mechanic is required to return to the  
17 manufacturer or distributor under a warranty or exchange  
18 arrangement. ~~If the parts must be returned to the manufacturer or~~  
19 ~~distributor, the facility or mechanic shall offer to show and~~  
20 ~~upon acceptance of the offer or upon request shall show the parts~~  
21 ~~to the customer upon completion of the work, except the facility~~  
22 ~~shall not be required to show a replacement part when a charge is~~  
23 ~~not being made for the replacement thereof.~~

24       **(iii) FOR REASONS OF SAFETY, A GASOLINE TANK OR ANY OTHER**  
25 **CONTAINER-TYPE PART THAT WAS FILLED WITH OR WAS OTHERWISE IN**  
26 **APPRECIABLE CONTACT WITH FLAMMABLE FUELS, UNLESS THAT PART IS**  
27 **RENDERED NONFLAMMABLE.**

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

4 (C) WHEN THE REPAIR WORK IS COMPLETED, IF REQUESTED BY THE  
5 CUSTOMER, THE FACILITY SHALL REASONABLY CLEAN THE REPLACED PARTS  
6 THAT ARE TO BE RETURNED OR INSPECTED BY THE CUSTOMER. THE  
7 FACILITY SHALL PLACE PORTABLE PARTS IN A SUITABLE CONTAINER. THE  
8 FACILITY SHALL STORE ANY PARTS THAT IT IDENTIFIES AS NOT PORTABLE  
9 IN A SUITABLE PLACE IN THE FACILITY FOR THE CUSTOMER'S  
10 INSPECTION.

11 (D) IF A FACILITY CHARGES A FEE TO A CUSTOMER IN CONNECTION  
12 WITH THE RETURN OF REPLACED PARTS, THE FACILITY MUST DISCLOSE  
13 THAT FEE TO THE CUSTOMER IN WRITING BEFORE THE CUSTOMER ENGAGES  
14 THE FACILITY TO REPLACE THE PART.

15 (2) A customer shall be informed of his right to receive or  
16 ~~see~~ ~~INSPECT~~ replaced parts as provided in this section ~~prior to~~  
17 ~~the customer executing any document or engaging~~ **BEFORE THE**  
18 **CUSTOMER EXECUTES ANY DOCUMENT OR ENGAGES** the facility or  
19 mechanic for the work. ~~The information shall be given~~ **SUBJECT TO**  
20 **SUBSECTION (5), THE FACILITY SHALL PROVIDE THIS INFORMATION to**  
21 **the customer BY PROVIDING THE FOLLOWING NOTICE TO THE CUSTOMER,**  
22 **PRINTED OR DISPLAYED** on the face of any contract, work order  
23 form, ~~or sign,~~ or other document ~~evidencing~~ **THAT EVIDENCES** the  
24 engagement of the facility or mechanic ~~or by separate written~~  
25 ~~document,~~ in at least ~~12 point boldface type~~ **12-POINT BOLDFACED**  
26 **LETTERS THAT ARE AT LEAST 4 POINTS LARGER THAT THE PRINCIPAL SIZE**  
27 **OF THE LETTERS IN THAT DOCUMENT, OR PROVIDING THE NOTICE IN A**

1 SEPARATE WRITTEN DOCUMENT IN AT LEAST 12-POINT, BOLDFACED,  
2 CAPITAL LETTERS, as follows:

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

8 (3) IF A FACILITY IS OBLIGATED TO RETURN A REPLACED PART TO  
9 THE MANUFACTURER OR A DISTRIBUTOR UNDER A WARRANTY AGREEMENT, OR,  
10 SUBJECT TO SUBSECTION (4), UNDER AN EXCHANGE AGREEMENT, THE  
11 FACILITY IS NOT REQUIRED TO RETURN THAT PART TO THE CUSTOMER.  
12 HOWEVER, THE FACILITY OR MECHANIC SHALL OFFER THE CUSTOMER AN  
13 OPPORTUNITY TO INSPECT THE REPLACED PART. IF THE CUSTOMER ACCEPTS  
14 THE OFFER TO INSPECT THE PART, OR OTHERWISE REQUESTS TO INSPECT  
15 THE PART, THE FACILITY OR MECHANIC SHALL ALLOW THE CUSTOMER TO  
16 INSPECT THE PART WHEN THE REPAIR WORK IS COMPLETED. A FACILITY IS  
17 NOT REQUIRED TO SHOW A REPLACEMENT PART TO A CUSTOMER IF THE  
18 REPLACEMENT IS MADE WITHOUT CHARGE TO THE CUSTOMER.

19 (4) IF REPLACEMENT OF A PART IS CONTINGENT ON THE FACILITY  
20 KEEPING THE PART UNDER AN EXCHANGE AGREEMENT, THE FACILITY SHALL  
21 EXPLAIN, IN A MANNER UNDERSTANDABLE TO THE CUSTOMER, THE PRECISE  
22 TERMS OF THE EXCHANGE AGREEMENT, INCLUDING IF APPLICABLE A  
23 DISCLOSURE OF THE PRICE TO THE CUSTOMER IF HE OR SHE WISHES TO  
24 RECLAIM THE PART. IF A CUSTOMER RAISES A QUESTION OR DISPUTE WITH  
25 THE FACILITY WITHIN 2 BUSINESS DAYS AFTER THE DELIVERY OF THE  
26 REPAIRED VEHICLE TO THE CUSTOMER AND THE DISPUTE INVOLVES AN  
27 EXCHANGE PART FOR WHICH THE FACILITY REQUIRED THE CUSTOMER PAY A

1 DEPOSIT IN THE AMOUNT OF THE FACILITY'S OBLIGATION, THE FACILITY  
2 SHALL REFUND THE DEPOSIT TO THE CUSTOMER IF HE OR SHE RETURNS THE  
3 PART TO THE FACILITY.

4 (5) A FACILITY THAT DISPLAYS THE NOTICE DESCRIBED IN  
5 SUBSECTION (2) ON A CLEARLY LEGIBLE SIGN WITH LETTERING AT LEAST  
6 1 INCH HIGH, CONSPICUOUSLY DISPLAYED IN THE PART OF THE FACILITY  
7 WHERE CUSTOMERS ROUTINELY CONTRACT FOR REPAIRS, IS NOT REQUIRED  
8 TO PROVIDE THE NOTICE TO A CUSTOMER IN THE FORM OF A DOCUMENT  
9 DESCRIBED IN SUBSECTION (2).

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

12 (A) UNLESS SUBDIVISION (B) APPLIES, THE FACILITY SHALL NOT  
13 DISPOSE OF THE PARTS FOR AT LEAST 2 BUSINESS DAYS AFTER THE  
14 CUSTOMER TAKES POSSESSION OF THE REPAIRED VEHICLE, UNLESS THE  
15 CUSTOMER HAS SPECIFICALLY AUTHORIZED IMMEDIATE DISPOSITION OF THE  
16 PARTS.

17 (B) IF A CUSTOMER QUESTIONS OR DISPUTES REPAIRS PERFORMED BY  
18 A FACILITY OR THE CHARGES FOR THOSE REPAIRS WITHIN 2 DAYS AFTER  
19 THE CUSTOMER TAKES POSSESSION OF THE REPAIRED VEHICLE, THE  
20 FACILITY SHALL NOT DISPOSE OF THE REPLACED PARTS UNTIL THE  
21 QUESTION OR DISPUTE IS RESOLVED. IF THE DISPUTE INVOLVES THE  
22 REPLACED PART, THE FACILITY SHALL, IN THE PRESENCE OF THE  
23 CUSTOMER, IMMEDIATELY AFFIX TO THE PART A PERMANENT MARK  
24 SUFFICIENT TO IDENTIFY THE PART.

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

1           (8) ~~(3)~~The motor vehicle repair facility shall display a  
 2 clearly legible sign in a conspicuous place at the entrance of  
 3 the facility ~~indicating~~**THAT INDICATES** that **CUSTOMERS MAY MAKE**  
 4 inquiries concerning repair service or complaints ~~may be made to~~  
 5 the administrator and ~~shall contain~~**STATES** the address and  
 6 telephone number of the department.

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

17           Sec. 36. A facility that violates this act ~~or who, in a~~  
 18 ~~course of dealing as set forth in this act or rules, engages in~~  
 19 ~~an unfair or deceptive method, act, or practice,~~ is liable as  
 20 provided in this act, to a person ~~who~~**THAT** suffers damage or  
 21 injury as a result ~~thereof~~**OF THAT VIOLATION**, in an amount equal  
 22 to the damages plus reasonable attorney fees and costs. If the  
 23 damage or injury to the person occurs as the result of a wilful  
 24 and flagrant violation of this act, the person shall recover  
 25 double the damages plus reasonable attorney fees and costs **FROM**  
 26 **THE FACILITY.**

27           Enacting section 1. Section 39 of the motor vehicle service

1 and repair act, 1974 PA 300, MCL 257.1339, is repealed.

2 Enacting section 2. This amendatory act takes effect 90 days

3 after the date it is enacted into law.