

# SENATE BILL No. 357

June 3, 2015, Introduced by Senator SCHUITMAKER and referred to the Committee on Regulatory Reform.

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

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 2. As used in this act:

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

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

8       (c) **"BAIID SERVICE" MEANS THE INSTALLATION, REMOVAL, REPAIR,**  
9 **OR OTHER SERVICING OF BREATH ALCOHOL IGNITION INTERLOCK DEVICES.**

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

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

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

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

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

27 (I) ~~(f)~~"Mechanic trainee" means ~~a person~~ AN INDIVIDUAL who

1 desires to become a motor vehicle mechanic, a specialty mechanic,  
 2 or a master mechanic and receives a permit from the administrator  
 3 pursuant to ~~UNDER~~ this act.

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

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

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

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

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

24 (K) ~~(h)~~ "Specialty mechanic" means a motor vehicle mechanic  
 25 who is certified by the department for a specific repair **OR SERVICE**  
 26 category or categories ~~pursuant to this act.~~ **DESCRIBED IN SECTION**  
 27 **10(1).**

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

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

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

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

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

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

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

26           (F) THE FACILITY TAKES ADEQUATE SECURITY MEASURES TO ENSURE  
27 THAT UNAUTHORIZED PERSONNEL CANNOT GAIN ACCESS TO PROPRIETARY

1 MATERIALS OR FILES OF ANY BAIID MANUFACTURER FOR WHICH THE FACILITY  
2 IS A VENDOR.

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

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

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

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

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

21 Sec. 10. (1) ~~A person~~ **AN INDIVIDUAL** may become certified as a  
22 specialty mechanic if ~~that person has passed~~ **HE OR SHE PASSES** an  
23 examination, developed by the administrator or developed by a  
24 private entity and adopted by the administrator, that the  
25 administrator determines is an adequate test of ~~a person's~~ **AN**  
26 **INDIVIDUAL'S** ability to perform certain types of motor vehicle  
27 repair. The repair **OR SERVICE** categories for which certification is

1 required include the following and ~~others that may be specified~~ **ANY**  
 2 **OTHERS SPECIFIED BY THE ADMINISTRATOR** by rule:

3 (a) Engine repair.

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

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

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

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

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

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

10 (h) Engine tune-up.

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

12 **(J) SUBJECT TO SUBSECTION (3), BAID SERVICE.**

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

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

27 (4) ~~A person~~ **AN INDIVIDUAL** may apply for and receive a master

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

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

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

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

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

27 Enacting section 1. This amendatory act takes effect 90 days

1 after the date it is enacted into law.

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