

Act No. 33
Public Acts of 2016
Approved by the Governor
March 8, 2016
Filed with the Secretary of State
March 8, 2016
EFFECTIVE DATE: June 6, 2016

**STATE OF MICHIGAN
98TH LEGISLATURE
REGULAR SESSION OF 2016**

Introduced by Senator Schuitmaker

ENROLLED SENATE BILL No. 357

AN ACT to amend 1974 PA 300, entitled “An act to regulate the practice of servicing and repairing motor vehicles; to proscribe unfair and deceptive practices; to provide for training and certification of mechanics; to provide for the registration of motor vehicle repair facilities; to provide for enforcement; and to prescribe penalties,” 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:

Sec. 2. As used in this act:

(a) “Administrator” means the secretary of state or any individual designated by the secretary of state to act in his or her place.

(b) “BAIID mechanic” means a specialty mechanic who holds a certification from the department under section 10 to perform BAIID service.

(c) “BAIID service” means the installation, removal, repair, or other servicing of breath alcohol ignition interlock devices.

(d) “Breath alcohol ignition interlock device” or “BAIID” means that term as defined in section 20d of the Michigan vehicle code, 1949 PA 300, MCL 257.20d.

(e) “Department” means the department of state.

(f) “Master mechanic” means a motor vehicle mechanic or specialty mechanic who is certified by the department under this act in all of the specific repair or service categories described in section 10(1).

(g) “Motor vehicle” means a vehicle that is self-propelled, a vehicle that is propelled by electric power, a motorcycle, or a trailer, as those terms are defined in the Michigan vehicle code, 1949 PA 300, MCL 257.1 to 257.923. For the purposes of this act, a motor vehicle does not include the dwelling or sleeping portions of a motor home, trailer, or any recreational vehicle that has similar facilities that are not directly connected with the drive mechanism of the vehicle or other areas of repair that would require certification of motor vehicle mechanics as specified in this act or rules promulgated under this act.

(h) “Motor vehicle mechanic” means a technician or other individual who, for compensation, repairs motor vehicles, including the reconditioning, replacement, adjustment, or alteration of the operating condition, of any component or subassembly of a motor vehicle.

(i) “Mechanic trainee” means an individual who desires to become a motor vehicle mechanic, a specialty mechanic, or a master mechanic and receives a permit from the administrator under this act.

(j) “Motor vehicle repair facility” means a place of business that, for compensation, is engaged in the business of performing, or employs individuals who perform, maintenance, diagnosis, vehicle body work, repair service, or, beginning July 1, 2016, BAIID service, on a motor vehicle for compensation. The term does not include any of the following:

(i) An individual who engages only in the business of repairing the motor vehicles of a single commercial or industrial establishment or governmental agency.

(ii) An individual who is repairing his or her own or a family member’s car.

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

(iv) A BAIID facility described in section 625k(14)(d) of the Michigan vehicle code, 1949 PA 300, MCL 257.625k.

(k) “Specialty mechanic” means a motor vehicle mechanic who is certified by the department for a specific repair or service category or categories described in section 10(1).

Sec. 6a. (1) A motor vehicle repair facility shall not provide BAIID service without the approval of the department under this section and under section 625k of the Michigan vehicle code, 1949 PA 300, MCL 257.625k.

(2) The department may approve a motor vehicle repair facility as a facility that is authorized to perform BAIID service, or renew an approval under this section, if all of the following requirements are met:

(a) The facility operates at a fixed location in this state.

(b) The facility employs at least 1 mechanic who holds a specialty certification in BAIID service under section 10(1) and who is properly trained as a BAIID technician by the BAIID manufacturer for which the facility is a vendor.

(c) The facility maintains and makes available for inspection records that prove that each mechanic who holds a specialty certification in BAIID service under section 10(1) and is employed by the facility is properly trained by the BAIID manufacturer to service the BAIID for which the facility is a vendor.

(d) The facility provides a designated waiting area for customers that is separate from the area in which BAIID service is performed.

(e) Only a mechanic who holds a specialty certification in BAIID service under section 10(1), a representative of the manufacturer, or a representative of the department is allowed to observe the installation or removal of a BAIID.

(f) The facility takes adequate security measures to ensure that unauthorized personnel cannot gain access to proprietary materials or files of any BAIID manufacturer for which the facility is a vendor.

(g) The facility informs the department of any change in its business address at least 15 days before the date of any relocation.

(h) An application for approval is for a single location. A separate application for approval is required for each location at which the facility will provide BAIID service.

(i) If requested by the department, the facility allows the department to conduct an on-site evaluation to ensure compliance with the requirements in this act.

(3) The term of an original or renewal approval of a motor vehicle repair facility under this section is 1 year.

(4) The department may conduct an inspection of a motor vehicle repair facility that provides BAIID service to ensure compliance with this act and section 625k of the Michigan vehicle code, 1949 PA 300, MCL 257.625k, and rules promulgated to implement this act and that section. The motor vehicle repair facility shall pay for the actual costs to the department in conducting an inspection under this subsection.

Sec. 10. (1) Subject to subsection (3), an individual may become certified as a specialty mechanic if he or she passes an examination, developed by the administrator or developed by a private entity and adopted by the administrator, that the administrator determines is an adequate test of an individual’s ability to perform certain types of motor vehicle repair. The repair or service categories for which certification is required include the following and any others specified by the administrator by rule:

(a) Engine repair.

(b) Automatic transmission repair.

(c) Manual transmission and rear axle repair.

(d) Front end repair.

(e) Repair of brakes.

(f) Electrical systems repair.

(g) Heating and air conditioning repair.

(h) Engine tune-up.

(i) Pre-1973 motor vehicle repair.

(j) BAIID service.

(2) An individual may apply for a specialty mechanic's certificate in any or all repair categories but he or she is required to pay only 1 certification fee if he or she makes the applications for more than 1 category at 1 time.

(3) On application, the department shall issue an initial specialty mechanic's certificate in BAIID service, without examination, to an individual who holds a valid specialty mechanic's certificate in electrical systems repair on the effective date of the amendatory act that added this subsection.

(4) Within 120 days after the effective date of the amendatory act that added section 10a, the administrator shall develop or adopt an examination for specialty mechanic certification in the repair or service category described in subsection (1)(j) for an individual who is engaged, for compensation, in BAIID service.

(5) An individual may apply for and receive a master mechanic's certificate if he or she is qualified as a specialty mechanic in all categories of motor vehicle repair described in subsection (1), except that qualification in a specialty category described in subsection (1)(i) or (j) is not necessary for a master mechanic's certificate.

Sec. 10a. (1) Beginning July 1, 2016, an individual shall not perform BAIID service in this state unless he or she has a specialty mechanic's certificate in BAIID service from the department under section 10 and certification as a BAIID installer under section 625k of the Michigan vehicle code, 1949 PA 300, MCL 257.625k.

(2) A BAIID mechanic shall perform BAIID service in a workmanlike manner and, in performing BAIID service, shall comply with the requirements of this section, the standards described in section 625k of the Michigan vehicle code, 1949 PA 300, MCL 257.625k, and the requirements of the BAIID manufacturer.

(3) A motor vehicle repair facility and BAIID mechanic shall ensure that a BAIID that is installed is in working order; that it performs in a manner that meets the requirements of this section and the standards described in section 625k of the Michigan vehicle code, 1949 PA 300, MCL 257.625k; and that all connections are soldered and covered with a tamper seal.

(4) When he or she completes the installation of a BAIID, a BAIID mechanic shall provide the customer with written installation verification. The department shall establish the form and format of this verification.

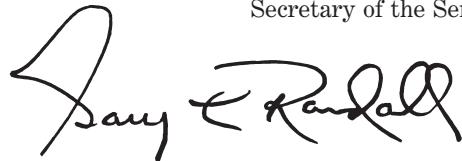
Enacting section 1. This amendatory act takes effect 90 days after the date it is enacted into law.

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

This act is ordered to take immediate effect.



Secretary of the Senate



Clerk of the House of Representatives

Approved

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Governor