

**SUBSTITUTE FOR
HOUSE BILL NO. 5194**

A bill to amend 1974 PA 300, entitled
"Motor vehicle service and repair act,"
by amending section 2 (MCL 257.1302), as amended by 2016 PA 430.

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
3 individual designated by the secretary of state to act in his or
4 her place.

5 (b) "Advertise" means to advise, announce, apprise, command,
6 give notice of, inform, make known, or publish any material that
7 calls to the attention of the public the availability of parts and
8 services.

9 (c) "Approved educational institution" means a school,



1 academy, or other similar establishment approved by the
2 administrator under section 13a to provide training to mechanics or
3 mechanical trainees under this act.

4 (d) "Automobile or light truck" means a motor vehicle that has
5 a gross vehicle weight **rating** of less than ~~10,000~~**14,000** pounds.

6 (e) "BAIID mechanic" means a specialty mechanic who holds a
7 certification from the department under section 10 to perform BAIID
8 service.

9 (f) "BAIID service" means the installation, removal, repair,
10 or other servicing of breath alcohol ignition interlock devices.

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

14 (h) "Contract" means a written or oral agreement, or a similar
15 understanding or arrangement, in which a person agrees that another
16 person will perform work, labor, diagnosis, repair, reconditioning,
17 replacement, adjustment, or alteration, directly or indirectly, on
18 a motor vehicle.

19 (i) "Customer" means the owner or operator of a motor vehicle.

20 (j) "Department" means the department of state.

21 (k) "Distressed vehicle" means that term as defined in section
22 12a of the Michigan vehicle code, 1949 PA 300, MCL 257.12a.

23 (l) "Estimate" means a written statement that itemizes as
24 closely as possible the price for labor, by showing the labor price
25 per hour, the number of hours required to perform the work, and the
26 price of parts necessary for a specific repair.

27 (m) "Facility" or "motor vehicle repair facility" means a
28 place of business that is required to register under this act and
29 that, for compensation, is engaged in the business of performing,



1 or employs individuals who perform, maintenance, diagnosis, vehicle
2 body work, or repair service, or, beginning July 1, 2016, BAIID
3 service, on a motor vehicle. The term does not include any of the
4 following:

5 (i) A person that engages only in the business of repairing the
6 motor vehicles of a single commercial or industrial establishment
7 or governmental agency.

8 (ii) An individual who is repairing his or her own or a family
9 member's motor vehicle.

10 (iii) A business that does not diagnose the operation of a motor
11 vehicle, does not remove parts from a motor vehicle to be
12 remachined, and does not install finished machined or remachined
13 parts on a motor vehicle. This subparagraph does not apply to a
14 motor vehicle repair facility that engages in the business of
15 performing, or employing individuals who perform, vehicle body
16 work.

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

19 (n) "Heavy-duty truck" means a motor vehicle that has a gross
20 vehicle weight **rating** of ~~10,000~~**14,000** pounds or more and includes
21 both single-unit and combination tractor trailer or tractor
22 semitrailer vehicles.

23 (o) "Late model vehicle" means that term as defined in section
24 24b of the Michigan vehicle code, 1949 PA 300, MCL 257.24b.

25 (p) "Lien" means a security interest in or other encumbrance
26 on a motor vehicle. The term includes a security interest created
27 by agreement, a judicial lien obtained by legal or equitable
28 process or proceedings, a common-law lien, or a statutory lien on a
29 vehicle.

