

MOTOR VEHICLE SERVICE AND REPAIR ACT (EXCERPT)
Act 300 of 1974

***** 257.1318.amended THIS AMENDED SECTION IS EFFECTIVE APRIL 4, 2017 *****

257.1318.amended Records; inspection; "reasonable business records" defined; retention; time periods; records to be maintained by facility engaging in body work; contents; police book; dealer's license required.

Sec. 18. (1) The owner of a motor vehicle repair facility shall maintain reasonable business records for the facility and ensure that those records are open for reasonable inspection by the administrator or other law enforcement officials. As used in this subsection, "reasonable business records" includes those documents and records described in subsection (2)(a) to (c).

(2) The owner of a motor vehicle repair facility shall retain the records of the facility for the following time periods:

(a) The owner shall retain copies of each instrument, form, contract, or other document used in connection with a repair transaction, including, but not limited to, all of the following for at least 3 years after completion of the repair transaction:

(i) Any document on which the facility required the customer's signature.

(ii) Any document used by the facility in connection with providing an estimate, diagnosis, or repair.

(iii) Any invoice, warranty, or waiver.

(iv) Any other document used by the facility to record or convey the terms of the transaction.

(v) Any other document required under this act or rules promulgated under this act in connection with a repair transaction.

(b) If a facility is advised by the administrator that he or she has received a complaint about a repair transaction performed by the facility, and the facility is under investigation by the administrator, the owner shall retain records relating to the transaction or otherwise relevant to the complaint until the date the administrator advises the facility in writing that the complaint is closed, or for 3 years after the completion of the repair transaction, whichever is later.

(c) If a repair transaction involves the assumption by the facility of an obligation extending beyond 3 years, the owner shall retain records or documents relating to that obligation for at least the term of the obligation.

(d) For any other document or record than those described in subdivision (a), (b), or (c), the owner shall retain that document or record for at least 3 years.

(3) A facility that engages in vehicle body work shall maintain records in a form prescribed by the administrator. The records shall contain the date of purchase or acquisition of each distressed vehicle, a description of the vehicle, and the name and address of the person from which the vehicle was acquired. If the vehicle is sold, the record shall contain the date of sale and the name and address of the purchaser. The record shall indicate whether a certificate of title or salvage certificate of title was obtained by the facility for the vehicle. If the vehicle is a late model vehicle, the facility shall maintain a record of the purchase or sale of each major component part purchased or acquired by the facility for the vehicle. The record shall contain the date of purchase or acquisition of the part, a description of the part, the identification number assigned to the part, and the name and address of the person to or from which the part was purchased, acquired, or sold.

(4) A facility shall maintain or attach the record of a sale, purchase, or acquisition of a major component part to a police book described in section 251 of the Michigan vehicle code, 1949 PA 300, MCL 257.251. A facility shall make its police book and its records of vehicle part sales, purchases, or acquisitions immediately available for inspection by the administrator and other law enforcement officials if a request for inspection is made.

(5) This section does not authorize a facility to engage in the business of dealing in vehicles or salvageable parts without a dealer's license under the Michigan vehicle code, 1949 PA 300, MCL 257.1 to 257.923.

History: 1974, Act 300, Eff. Apr. 1, 1975;—Am. 1988, Act 254, Eff. Oct. 1, 1989;—Am. 2016, Act 430, Eff. Apr. 4, 2017.

Administrative rules: R 257.101 et seq. of the Michigan Administrative Code.