

SUBSTITUTE FOR  
HOUSE BILL NO. 5447

A bill to amend 1974 PA 300, entitled  
"Motor vehicle service and repair act,"  
by amending sections 2, 2a, and 22 (MCL 257.1302, 257.1302a, and  
257.1322), sections 2 and 22 as amended and section 2a as added  
by 1988 PA 254.

**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 person designated by him or her to act in his or her place.

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

5       (c) "Master mechanic" means a motor vehicle mechanic or spe-  
6 cialty mechanic who is certified by the department ~~pursuant to~~  
7 UNDER this act in all of the specific repair categories.

8       (d) "Motor vehicle" means a vehicle ~~which~~ THAT is  
9 self-propelled ~~, a vehicle which is~~ OR propelled by electric

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1 power, OR a motorcycle, ~~or a~~ trailer, OR SEMITRAILER as those  
2 terms are defined in the Michigan vehicle code, ~~Act No. 300 of~~  
3 ~~the Public Acts of 1949, as amended, being sections 257.1 to~~  
4 ~~257.923 of the Michigan Compiled Laws~~ 1949 PA 300, MCL 257.1 TO  
5 257.923. For the purposes of this act, ~~a~~ motor vehicle does  
6 not include the dwelling or sleeping portions of a motor home,  
7 trailer, or any recreational vehicle having similar facilities  
8 ~~which~~ THAT are not directly connected with the drive mechanism  
9 of the vehicle or other areas of repair ~~which would~~ THAT  
10 require certification of motor vehicle mechanics as specified in  
11 this act or rules promulgated ~~pursuant to~~ UNDER this act.

12 (e) "Motor vehicle mechanic" means a technician, individual,  
13 or other person who ~~, for compensation,~~ repairs motor vehicles  
14 FOR COMPENSATION, including ~~the~~ reconditioning, ~~replacement,~~  
15 ~~adjustment, or alteration of~~ REPLACING, ADJUSTING, OR ALTERING  
16 the operating condition ~~,~~ of any component or subassembly of a  
17 motor vehicle.

18 (f) "Mechanic trainee" means a person who desires to become  
19 a motor vehicle mechanic, a specialty mechanic, or a master  
20 mechanic and receives a permit from the administrator ~~pursuant~~  
21 ~~to~~ UNDER this act.

22 (g) "Motor vehicle repair facility" means a place of busi-  
23 ness ~~which~~ THAT engages in the business of performing or  
24 employing persons who perform maintenance, diagnosis, vehicle  
25 body work, or repair service on a motor vehicle for compensation,  
26 but excluding all of the following:

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1 (i) A person who engages only in the business of repairing  
2 the motor vehicles of a single commercial or industrial  
3 establishment or governmental agency.

4 (ii) A person repairing his or her own or a family member's  
5 car.

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

12 (h) "Specialty mechanic" means a motor vehicle mechanic who  
13 is certified by the department for a specific repair category or  
14 categories ~~pursuant to~~ UNDER this act.

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

16 (a) "Distressed vehicle" means that term as defined in  
17 section 12a of the Michigan vehicle code, ~~Act No. 300 of the~~  
18 ~~Public Acts of 1949, being section 257.12a of the Michigan~~  
19 ~~Compiled Laws~~ 1949 PA 300, MCL 257.12A.

20 (b) "Facility" means a motor vehicle repair facility.

21 (c) "Late model vehicle" means that term as defined in sec-  
22 tion 24b of ~~Act No. 300 of the Public Acts of 1949, being sec-~~  
23 ~~tion 257.24b of the Michigan Compiled Laws~~ THE MICHIGAN VEHICLE  
24 CODE, 1949 PA 300, MCL 257.24B.

25 (d) "Major component part" means ~~1~~ ANY of the following  
26 parts of a motor vehicle:

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- 1       (i) The engine.
- 2       (ii) The transmission.
- 3       (iii) The right or left front fender.
- 4       (iv) The hood.
- 5       (v) A door allowing entrance to or egress from the VEHICLE'S
- 6 passenger compartment. ~~of the vehicle.~~
- 7       (vi) The front or rear bumper.
- 8       (vii) The right or left rear quarter panel.
- 9       (viii) The deck lid, tailgate, or hatchback.
- 10      (ix) The trunk floor pan.
- 11      (x) The cargo box of a pickup.
- 12      (xi) The frame ~~—~~ or, if the vehicle has a unitized body,
- 13 the supporting structure or structures that serve as the frame.
- 14      (xii) The cab of a truck.
- 15      (xiii) The body of a passenger vehicle.
- 16      (xiv) AN AIR BAG.
- 17      (xv) THE TRANSFER CASE.
- 18      (xvi) A WHEEL.
- 19      (xvii) ANY OTHER PART OF A MOTOR VEHICLE THE SECRETARY OF
- 20 STATE DETERMINES IS COMPARABLE IN DESIGN OR FUNCTION TO ANY OF
- 21 THE PARTS LISTED IN SUBPARAGRAPHS (i) TO (xvi).
- 22      (e) "Salvageable part" means a major component part of a
- 23 late model vehicle or a vehicle manufactured in the current model
- 24 year, if the part can be reused.
- 25      (f) "Vehicle body work" means the business or activity of
- 26 repairing physical damage to a motor vehicle by repairing,

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1 mending, straightening, or replacing a major component part,  
2 except for the engine or transmission.

3       Sec. 22. The administrator may deny, suspend, or revoke a  
4 registration, certificate, or mechanic trainee permit after  
5 notice and opportunity for a hearing if the administrator deter-  
6 mines that the facility, mechanic, or trainee did 1 or more of  
7 the following:

8       (a) Engaged in a method, act, or practice that is unfair or  
9 deceptive or made an untrue statement of a material fact.

10       (b) Violated this act or a rule promulgated under this act.

11       (c) Violated a condition of probation.

12       (d) Made unnecessary repairs or repairs not authorized by  
13 the customer.

14       (e) Refused to honor warranties made by a facility.

15       (f) Caused or allowed a customer to sign a document in blank  
16 relating to the repair of a motor vehicle.

17       (g) Was enjoined by a court of competent jurisdiction from  
18 engaging in the trade or business of repairing motor vehicles or  
19 from a violation of this act or a rule promulgated under this  
20 act.

21       (h) If the applicant is a corporation or partnership, a  
22 stockholder, officer, director, or partner of the applicant was  
23 guilty of an act or omission that would be a cause for refusing,  
24 revoking, or suspending a license issued to the officer, direc-  
25 tor, or partner as an individual.

26       (i) Failed to comply with the terms of a final cease and  
27 desist order.

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1 (j) Was convicted of a violation of this act.

2 (k) Used the waiver of liability provision in an attempt to  
3 evade this act.

4 (l) Was convicted of a violation of ~~Act No. 119 of the~~  
5 ~~Public Acts of 1986, being sections 257.1351 to 257.1355 of the~~  
6 ~~Michigan Compiled Laws~~ 1986 PA 119, MCL 257.1351 TO 257.1355.

7 (m) Was convicted ~~under~~ OF A VIOLATION OF section 413,  
8 415, 535, 535a, or ~~536a~~ 535C of the Michigan penal code, ~~Act~~  
9 ~~No. 328 of the Public Acts of 1931, being sections 750.413,~~  
10 ~~750.415, 750.535, 750.535a, and 750.536a of the Michigan Compiled~~  
11 ~~Laws, or has been convicted in~~ 1931 PA 328, MCL 750.413,  
12 750.415, 750.535, 750.535A, AND 750.535C, OR A LOCAL ORDINANCE OR  
13 A LAW OF another state ~~of a violation of a law~~ substantially  
14 corresponding to THOSE sections. ~~413, 415, 535, 535a, 536, and~~  
15 ~~536a of the Michigan penal code, Act No. 328 of the Public Acts~~  
16 ~~of 1931~~

17 Enacting section 1. This amendatory act takes effect  
18 January 1, 1999.

19 Enacting section 2. This amendatory act does not take  
20 effect unless all of the following bills of the 89th Legislature  
21 are enacted into law:

22 (a) House Bill No. 5445.

23 (b) House Bill No. 5468.