

# HOUSE BILL No. 5447

January 14, 1998, Introduced by Reps. Hale, Wallace, Schermesser, Wojno, Hanley, Vaughn, DeHart, Callahan, Leland, Hood, Goschka, Price, Prusi, Rison, Murphy, Basham, Willard, Tesanovich, Scranton, Baade, Emerson, Mans, Griffin, Dobronski, Olshove, Cherry, Kelly and Varga and referred to the Committee on Transportation.

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

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

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

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

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

9       (c) Violated a condition of probation.

1 (d) Made unnecessary repairs or repairs not authorized by  
2 the customer.

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

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

6 (g) Was enjoined by a court of competent jurisdiction from  
7 engaging in the trade or business of repairing motor vehicles or  
8 from a violation of this act or a rule promulgated under this  
9 act.

10 (h) If the applicant is a corporation or partnership, a  
11 stockholder, officer, director, or partner of the applicant was  
12 guilty of an act or omission that would be a cause for refusing,  
13 revoking, or suspending a license issued to the officer, direc-  
14 tor, or partner as an individual.

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

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

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

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

23 (m) Was convicted ~~under~~ OF A VIOLATION OF section 413,  
24 415, 535, 535a, or 536a of the Michigan penal code, ~~Act No. 328~~  
25 ~~of the Public Acts of 1931, being sections 750.413, 750.415,~~  
26 ~~750.535, 750.535a, and 750.536a of the Michigan Compiled Laws, or~~  
27 ~~has been convicted in~~ 1931 PA 328, MCL 750.413, 750.415,

1 750.535, 750.535A, AND 750.536A, OR A LAW OR LOCAL ORDINANCE OF  
2 another state ~~of a violation of a law~~ substantially correspond-  
3 ing to THOSE sections, ~~413, 415, 535, 535a, 536, and 536a of the~~  
4 ~~Michigan penal code, Act No. 328 of the Public Acts of 1931~~  
5 SUBJECT TO SUBSECTIONS (2) AND (3).

6 (2) IF A PERSON IS CONVICTED UNDER SECTION 535A OF THE  
7 MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.535A, OR IF A PERSON IS  
8 CONVICTED UNDER SECTION 413 OR 535C OF THE MICHIGAN PENAL CODE,  
9 1931 PA 328, MCL 750.413 AND 750.535C, AND HAS 1 OR MORE PRIOR  
10 CONVICTIONS FOR VIOLATIONS OR ATTEMPTED VIOLATIONS OF  
11 SECTION 413, 414, 415, 535, 535A, OR 535C OF THE MICHIGAN PENAL  
12 CODE, 1931 PA 328, MCL 750.413, 750.414, 750.415, 750.535,  
13 750.535A, AND 750.535C, BOTH OF THE FOLLOWING APPLY:

14 (A) IF THE PERSON OWNS IN WHOLE OR IN PART A REGISTERED  
15 MOTOR VEHICLE REPAIR FACILITY OR IS CERTIFIED AS A SPECIALTY OR  
16 MASTER MECHANIC, THE ADMINISTRATOR SHALL REVOKE THE REGISTRATION  
17 OF THE FACILITY OR THE PERSON'S MECHANIC'S CERTIFICATE UPON  
18 RECEIVING THE ABSTRACT OF CONVICTION FROM THE COURT.

19 (B) EXCEPT AS PROVIDED IN SUBSECTION (3), THE ADMINISTRATOR  
20 SHALL NOT ISSUE A MOTOR VEHICLE REPAIR FACILITY REGISTRATION TO A  
21 FACILITY OWNED IN WHOLE OR IN PART BY THE PERSON CONVICTED OR A  
22 MECHANIC'S CERTIFICATE TO THE PERSON FOR A PERIOD OF NOT LESS  
23 THAN 5 YEARS AFTER THE DATE OF THE CONVICTION.

24 (3) THE ADMINISTRATOR SHALL DENY A MOTOR VEHICLE REPAIR  
25 FACILITY REGISTRATION TO A PERSON OR TO A FACILITY OWNED IN WHOLE  
26 OR IN PART BY THE PERSON IF 1 OR MORE OF THE FOLLOWING APPLY:

1 (A) THE PERSON HAS 3 OR MORE CONVICTIONS UNDER SECTION 413  
2 OF THE MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.413.

3 (B) THE PERSON HAS 3 OR MORE CONVICTIONS UNDER SECTION 535A  
4 OF THE MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.535A.

5 (C) THE PERSON HAS 3 OR MORE CONVICTIONS UNDER SECTION 535C  
6 OF THE MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.535C.

7 Enacting section 1. This amendatory act does not take  
8 effect unless Senate Bill No. \_\_\_\_\_ or House Bill No. \_\_\_\_\_  
9 (request no. 01082'97) of the 89th Legislature is enacted into  
10 law.