

HOUSE BILL No. 4699

May 18, 1999, Introduced by Reps. Hale, Bogardus, Vaughn, Jamnick, Spade, DeHart, Basham, Wojno, Pappageorge, Thomas and Brewer and referred to the Committee on Criminal Law and Corrections.

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.

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

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

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

24 (g) "Motor vehicle repair facility" means a place of busi-
25 ness ~~which~~ THAT engages in the business of performing or
26 employing persons who perform maintenance, diagnosis, vehicle

1 body work, or repair service on a motor vehicle for compensation,
2 but excluding all of the following:

3 (i) A person who engages only in the business of repairing
4 the motor vehicles of a single commercial or industrial estab-
5 lishment or governmental agency.

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

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

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

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

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

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

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

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

3 (i) The engine.

4 (ii) The transmission.

5 (iii) The right or left front fender.

6 (iv) The hood.

7 (v) A door allowing entrance to or egress from the VEHICLE'S
8 passenger compartment. ~~of the vehicle.~~

9 (vi) The front or rear bumper.

10 (vii) The right or left rear quarter panel.

11 (viii) The deck lid, tailgate, or hatchback.

12 (ix) The trunk floor pan.

13 (x) The cargo box of a pickup.

14 (xi) The frame ~~—~~ or, if the vehicle has a unitized body,
15 the supporting structure or structures that serve as the frame.

16 (xii) The cab of a truck.

17 (xiii) The body of a passenger vehicle.

18 (xiv) AN AIR BAG.

19 (xv) THE TRANSFER CASE.

20 (xvi) A WHEEL.

21 (xvii) ANY OTHER PART OF A MOTOR VEHICLE THE SECRETARY OF
22 STATE DETERMINES IS COMPARABLE IN DESIGN OR FUNCTION TO ANY OF
23 THE PARTS LISTED IN SUBPARAGRAPHS (i) TO (xvi).

24 (e) "Salvageable part" means a major component part of a
25 late model vehicle or a vehicle manufactured in the current model
26 year, if the part can be reused.

1 (f) "Vehicle body work" means the business or activity of
2 repairing physical damage to a motor vehicle by repairing,
3 mending, straightening, or replacing a major component part,
4 except for the engine or transmission.

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

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

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

13 (c) Violated a condition of probation.

14 (d) Made unnecessary repairs or repairs not authorized by
15 the customer.

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

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

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

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

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

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

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

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

9 (m) Was convicted ~~under~~ OF A VIOLATION OF section 413,
10 415, 535, 535a, or ~~536a~~ 535C of the Michigan penal code, ~~Act~~
11 ~~No. 328 of the Public Acts of 1931, being sections 750.413,~~
12 ~~750.415, 750.535, 750.535a, and 750.536a of the Michigan Compiled~~
13 ~~Laws, or has been convicted in~~ 1931 PA 328, MCL 750.413,
14 750.415, 750.535, 750.535A, AND 750.535C, OR A LOCAL ORDINANCE OR
15 A LAW OF another state ~~of a violation of a law~~ substantially
16 corresponding to ANY OF THOSE sections. ~~413, 415, 535, 535a,~~
17 ~~536, and 536a of the Michigan penal code, Act No. 328 of the~~
18 ~~Public Acts of 1931~~

19 Enacting section 1. This amendatory act takes effect
20 January 1, 2000.

21 Enacting section 2. This amendatory act does not take
22 effect unless all of the following bills of the 90th Legislature
23 are enacted into law:

24 (a) Senate Bill No. _____ or House Bill No. _____
25 (request no. 00595'99).

26 (b) Senate Bill No. _____ or House Bill No. _____
27 (request no. 00595'99 b).