

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

***** 257.1333.amended THIS AMENDED SECTION IS EFFECTIVE APRIL 4, 2017 *****

257.1333.amended Right to receive or inspect replaced parts; notice; exchange agreement; disposition of replaced parts; display of sign at entrance of facility.

Sec. 33. (1) A motor vehicle repair facility shall return replaced parts to the customer at the time the repair work is completed. All of the following apply to the obligation to return replaced parts under this subsection:

(a) A facility is not required to return any of the following replaced parts to the customer:

(i) Parts that are exempted from the return requirement by the administrator because of size, weight, or similar factors. However, a facility shall not prevent a customer from removing any heavy or large part, by the customer's own means and at his or her expense.

(ii) Subject to subsection (3), parts that the motor vehicle repair facility or mechanic is required to return to the manufacturer or distributor under a warranty or exchange arrangement.

(iii) For reasons of safety, a gasoline tank or any other container-type part that was filled with or was otherwise in appreciable contact with flammable fuels, unless that part is rendered nonflammable.

(b) If any returned part presents an actual danger of flammability or explosiveness, the facility shall clearly inform the customer of that danger.

(c) When the repair work is completed, if requested by the customer, the facility shall reasonably clean the replaced parts that are to be returned or inspected by the customer. The facility shall place portable parts in a suitable container. The facility shall store any parts that it identifies as not portable in a suitable place in the facility for the customer's inspection.

(d) If a facility charges a fee to a customer in connection with the return of replaced parts, the facility must disclose that fee to the customer in writing before the customer engages the facility to replace the part.

(2) A customer shall be informed of his right to receive or inspect replaced parts as provided in this section before the customer executes any document or engages the facility or mechanic for the work. Subject to subsection (5), the facility shall provide this information to the customer by providing the following notice to the customer, printed or displayed on the face of any contract, work order form, or other document that evidences the engagement of the facility or mechanic in at least 12-point boldfaced letters that are at least 4 points larger than the principal size of the letters in that document, or providing the notice in a separate written document in at least 12-point, boldfaced, capital letters, as follows:

YOU ARE ENTITLED BY LAW TO THE RETURN OF ALL PARTS REPLACED, EXCEPT THOSE WHICH ARE TOO HEAVY OR LARGE, AND THOSE REQUIRED TO BE SENT BACK TO THE MANUFACTURER OR DISTRIBUTOR BECAUSE OF WARRANTY WORK OR AN EXCHANGE AGREEMENT. YOU ARE ENTITLED TO INSPECT THE PARTS WHICH CANNOT BE RETURNED TO YOU.

(3) If a facility is obligated to return a replaced part to the manufacturer or a distributor under a warranty agreement, or, subject to subsection (4), under an exchange agreement, the facility is not required to return that part to the customer. However, the facility or mechanic shall offer the customer an opportunity to inspect the replaced part. If the customer accepts the offer to inspect the part, or otherwise requests to inspect the part, the facility or mechanic shall allow the customer to inspect the part when the repair work is completed. A facility is not required to show a replacement part to a customer if the replacement is made without charge to the customer.

(4) If replacement of a part is contingent on the facility keeping the part under an exchange agreement, the facility shall explain, in a manner understandable to the customer, the precise terms of the exchange agreement, including if applicable a disclosure of the price to the customer if he or she wishes to reclaim the part. If a customer raises a question or dispute with the facility within 2 business days after the delivery of the repaired vehicle to the customer and the dispute involves an exchange part for which the facility required the customer pay a deposit in the amount of the facility's obligation, the facility shall refund the deposit to the customer if he or she returns the part to the facility.

(5) A facility that displays the notice described in subsection (2) on a clearly legible sign with lettering at least 1 inch high, conspicuously displayed in the part of the facility where customers routinely contract for repairs, is not required to provide the notice to a customer in the form of a document described in subsection (2).

(6) All of the following apply to the disposition of replaced parts that are not returned to the customer:

(a) Unless subdivision (b) applies, the facility shall not dispose of the parts for at least 2 business days after the customer takes possession of the repaired vehicle, unless the customer has specifically authorized

immediate disposition of the parts.

(b) If a customer questions or disputes repairs performed by a facility or the charges for those repairs within 2 days after the customer takes possession of the repaired vehicle, the facility shall not dispose of the replaced parts until the question or dispute is resolved. If the dispute involves the replaced part, the facility shall, in the presence of the customer, immediately affix to the part a permanent mark sufficient to identify the part.

(7) If requested by a customer, a facility shall explain exactly why a replaced part is defective or nonfunctional, or otherwise why it was replaced.

(8) The motor vehicle repair facility shall display a clearly legible sign in a conspicuous place at the entrance of the facility that indicates that customers may make inquiries concerning repair service or complaints to the administrator and states the address and telephone number of the department.

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