

MICHIGAN VEHICLE CODE (EXCERPT)
Act 300 of 1949

***** 257.625q.added THIS ADDED SECTION IS EFFECTIVE JUNE 6, 2016 *****

257.625q.added Compliance with MCL 257.625k; investigation and determination by secretary of state; decertification of installer; notice to manufacturer; violation; penalty; suspension or revocation of manufacturer certification; removal from list of approved certified BAIIDs; summary suspension or revocation; hearing; rules.

Sec. 625q. (1) The secretary of state may investigate a BAIID installer's compliance with section 625k and shall suspend, revoke, or deny an individual's certification as a BAIID installer under section 625k if the secretary of state determines that 1 or more of the following apply:

- (a) The BAIID installer violated section 625k or a rule promulgated under section 625k.
- (b) The BAIID installer committed a fraudulent act in connection with the installation, monitoring, servicing, or removal of a BAIID.
- (c) The BAIID installer performed improper, careless, or negligent inspection, installation, monitoring, servicing, or removal of the BAIID.

(d) The BAIID installer made a false statement of a material fact regarding his or her actions in inspecting, installing, monitoring, servicing, or removing a BAIID.

(2) The department shall notify a manufacturer within 14 days of the date the department decertifies an installer that one of the manufacturer's installers has been decertified.

(3) A person who knowingly provides false information to the department under section 625k(4) or (5) is guilty of a felony punishable by imprisonment for not less than 5 years or more than 10 years or a fine of not less than \$5,000.00 or more than \$10,000.00, or both, together with costs of the prosecution.

(4) A person who negligently provides false information to the department under section 625k(4) or (5) is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than \$1,000.00, or both, together with costs of the prosecution.

(5) A person who knowingly fails to comply with section 625k(6) is guilty of a felony punishable by imprisonment for not less than 5 years or more than 10 years or a fine of not less than \$5,000.00 or more than \$10,000.00, or both, together with the costs of prosecution.

(6) A person who negligently fails to comply with section 625k(6) is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than \$1,000.00, or both, together with the costs of prosecution.

(7) The department may suspend or revoke the certification of a manufacturer and its device from the list of approved certified BAIIDs for any of the following reasons:

(a) The manufacturer, the manufacturer's BAIIDs, or the manufacturer's installer or service provider no longer complies with the requirements of section 625k or 625l or the relevant rules promulgated under section 625k or 625l.

(b) The manufacturer or the installer and service provider authorized to install and service the manufacturer's BAIIDs have failed to submit reports required under section 625k or the relevant rules promulgated under section 625k in a timely manner in the form prescribed by the department.

(8) Before removing a manufacturer from the list of manufacturers of approved certified BAIIDs under section 625k, the administrator shall give the manufacturer written notice of the reasons for the removal.

(9) The notice issued under subsection (8) shall also indicate that suspension or revocation will occur 30 days after the date of the notice unless the manufacturer establishes, to the satisfaction of the administrator, that both of the following apply:

- (a) The conditions set forth in subsection (7)(a) and (b) no longer exist.
- (b) The manufacturer, the manufacturer's BAIIDs, or the manufacturer's installer or service provider, as applicable, is complying with the requirements of section 625k or 625l and the relevant rules promulgated under section 625k or 625l.

(10) The administrator may order a summary suspension or revocation of the certification of a manufacturer and its device from the list of approved certified BAIIDs under section 625k for the following reasons:

- (a) Repeated failure to submit reports in a timely manner.
- (b) Repeated failure to report violations as required by the applicable administrative rules.
- (c) Repeated submission of inaccurate violation reports or annual reports to the department.
- (d) The manufacturer, installer, or service provider has provided an individual with a bypass code.
- (e) The manufacturer, installer, or service provider has shown or instructed an individual how to tamper

with or circumvent a BAIID.

(f) The manufacturer, installer, or service provider has provided a sample to start a vehicle for an individual, in an attempt to circumvent a BAIID.

(g) The manufacturer, installer, or service provider has allowed an individual other than the individual specified in section 625k(14)(h) to observe the installation or removal of a BAIID.

(h) The BAIID no longer meets the National Highway Safety Traffic Administration's standards or no longer meets the requirements of section 625k or 625l.

(11) The manufacturer to whom a summary order is directed shall immediately comply with that order but, upon application to the department, shall be afforded a hearing by the department within 30 days after the date of the application. On the basis of a hearing under this subsection, the order shall be continued, modified, or held in abeyance not later than 30 days after the hearing is held.

(12) The secretary of state may promulgate rules to implement this section in compliance with the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

History: Add. 2016, Act 32, Eff. June 6, 2016.

Compiler's note: Enacting section 1 of Act 32 of 2016 provides:

"Enacting section 1. R 257.1005 and R 257.1006 of the Michigan Administrative Code are rescinded."