

HOUSE BILL No. 4523

March 11, 1991, Introduced by Reps. Bennane, Gire and Pitoniak
and referred to the Committee on Insurance.

A bill to amend section 32 of Act No. 300 of the Public Acts
of 1974, entitled

"Motor vehicle service and repair act,"

being section 257.1332 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 32 of Act No. 300 of the Public Acts of
2 1974, being section 257.1332 of the Michigan Compiled Laws, is
3 amended to read as follows:

4 Sec. 32. (1) A PERSON IN THE EMPLOY OF A motor vehicle
5 repair facility shall give to ~~the~~ A customer a written esti-
6 mate, itemizing as closely as possible the price for labor and
7 parts necessary for a specific job, ~~prior to~~ BEFORE the com-
8 mencement of work. THE PERSON SHALL NOT REQUEST ANY INSURANCE
9 COVERAGE INFORMATION, INCLUDING, BUT NOT LIMITED TO, THE
10 EXISTENCE OF COVERAGE, THE NAME OF THE INSURER, THE EXTENT OF

1 COVERAGE, AND THE DEDUCTIBLE AMOUNT, BEFORE GIVING THE WRITTEN
2 ESTIMATE.

3 (2) A PERSON IN THE EMPLOY OF A MOTOR VEHICLE REPAIR facil-
4 ity shall not charge for work done or parts supplied in excess of
5 the ~~estimated price~~ WRITTEN ESTIMATE REQUIRED IN SUBSECTION (1)
6 or in excess of the limit stated by the customer in the waiver
7 provided for in subsection ~~(3)~~ (5) without the knowing written
8 or oral consent of the customer which shall be obtained at some
9 time after it is determined that the ~~estimated price~~ WRITTEN
10 ESTIMATE or stated limit is insufficient and before any work not
11 estimated or in excess of the limit is done or the parts not
12 estimated or in excess of the limit are supplied. If a waiver is
13 not signed as provided in subsection ~~(3)~~ (5) and the ~~estimated~~
14 ~~price~~ WRITTEN ESTIMATE is exceeded by not more than 10% or
15 \$10.00, whichever is lesser, the written or oral consent of the
16 customer for the excess charge need not be obtained unless spe-
17 cifically requested by the customer.

18 (3) This section shall not be construed ~~as requiring~~ TO
19 REQUIRE A PERSON IN THE EMPLOY OF a motor vehicle repair facility
20 ~~mechanic, or mechanic trainee~~ to give a written ~~estimated~~
21 ~~price~~ ESTIMATE if he OR SHE agrees not to perform the requested
22 repair. If the actual cost of repair is less than the agreed
23 upon ~~estimated cost~~ WRITTEN ESTIMATE, the customer shall pay
24 only the actual cost.

25 (4) ~~(2)~~ If ~~the~~ A PERSON IN THE EMPLOY OF A MOTOR VEHICLE
26 REPAIR facility ~~or mechanic~~ informs the customer that the
27 ~~price for~~ COST OF THE repair will exceed the written estimate

1 or the stated limit in the waiver and the customer does not want
2 the repair work performed, then the customer is liable for all
3 reasonable costs to return the vehicle to the condition ~~it~~ THE
4 VEHICLE was IN when it entered the facility. These costs
5 ~~should~~ SHALL be indicated in written form itemizing the costs
6 as closely as possible with a copy given to the customer. The
7 cost of a diagnosis to be made, whether or not the customer
8 authorizes repairs to be performed, shall be contained in the
9 written estimate before the diagnosis is undertaken.

10 (5) ~~(3)~~ If a customer initiates a request for service or
11 parts for the repair of a motor vehicle without receiving a writ-
12 ten estimate and voluntarily agrees to pay all reasonable costs
13 of repair up to an amount stated by the customer, a MOTOR VEHICLE
14 repair facility may obtain from the customer a waiver of his OR
15 HER right to receive a prior estimate of repair costs. The
16 waiver shall be in 14 point or larger bold capital type face and
17 executed with 1 copy to the customer requesting the repairs and
18 shall read as follows:

19 "I, _____, voluntarily request _____ to provide services
20 or parts in the repair of the below described motor vehicle without
21 receiving an estimate of repair costs. By signing this form, I
22 understand that I will give up my right to:

- 23 1. Receive a written estimate of the cost for repairs;
24 2. Approve in advance any repairs or costs with a total cost
25 under \$ _____; and

1 3. Refuse to pay for repairs with a total cost less than the
2 amount stated above.

3 The facility may exceed the amount stated above only after I give
4 my written or oral approval.

5 Motor vehicle description:

6 Customer signature _____

7 Date _____

8 Time _____"

9 This waiver ~~shall~~ IS not ~~be~~ effective unless given by the
10 customer voluntarily and with full knowledge of the implications
11 of the waiver. A motor vehicle repair facility or anyone in its
12 employ shall not make use of the waiver in an attempt to evade
13 this act.