

HOUSE BILL No. 4644

March 25, 1991, Introduced by Rep. Bennane and referred to the Committee on Judiciary.

A bill to amend section 22 of Act No. 300 of the Public Acts of 1974, entitled
"Motor vehicle service and repair act,"
as amended by Act No. 254 of the Public Acts of 1988, being section 257.1322 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 22 of Act No. 300 of the Public Acts of
2 1974, as amended by Act No. 254 of the Public Acts of 1988, being
3 section 257.1322 of the Michigan Compiled Laws, is amended to
4 read as follows:

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

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

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

4 (c) Violated a condition of probation.

5 (d) Made unnecessary repairs or repairs not authorized by
6 the customer.

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

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

10 (g) Was enjoined by a court of competent jurisdiction from
11 engaging in the trade or business of repairing motor vehicles or
12 from a violation of this act or a rule promulgated under this
13 act.

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

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

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

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

24 (l) Was convicted of a violation of Act No. 119 of the
25 Public Acts of 1986, being sections 257.1351 to 257.1355 of the
26 Michigan Compiled Laws.

1 (m) Was convicted under section 413, 415, 535, 535a, or 536a
2 of the Michigan penal code, Act No. 328 of the Public Acts of
3 1931, being sections 750.413, 750.415, 750.535, 750.535a, and
4 750.536a of the Michigan Compiled Laws, or has been convicted in
5 another state of a violation of a law substantially corresponding
6 to sections 413, 415, 535, 535a, 536, and 536a of ~~the Michigan~~
7 ~~penal code,~~ Act No. 328 of the Public Acts of 1931, SUBJECT TO
8 SUBSECTIONS (2) AND (3).

9 (2) IF A PERSON IS CONVICTED UNDER SECTION 535A OF ACT
10 NO. 328 OF THE PUBLIC ACTS OF 1931 OR IF A PERSON IS CONVICTED
11 UNDER SECTION 413 OR 535C OF ACT NO. 328 OF THE PUBLIC ACTS OF
12 1931 AND HAS 1 OR MORE PRIOR CONVICTIONS FOR VIOLATIONS OR
13 ATTEMPTED VIOLATIONS OF SECTION 413, 414, 415, 535, 535A, OR 535D
14 OF ACT NO. 328 OF THE PUBLIC ACTS OF 1931, BEING SECTIONS
15 750.413, 750.414, 750.415, 750.535, 750.535A, AND 750.535D OF THE
16 MICHIGAN COMPILED LAWS, BOTH OF THE FOLLOWING SHALL APPLY:

17 (A) IF THE PERSON OWNS, IN WHOLE OR IN PART, A REGISTERED
18 MOTOR VEHICLE REPAIR FACILITY OR IS CERTIFIED AS A SPECIALTY OR
19 MASTER MECHANIC, UPON RECEIPT OF THE APPROPRIATE ABSTRACTS OF
20 CONVICTION FROM THE COURT, THE ADMINISTRATOR SHALL REVOKE THE
21 REGISTRATION OF THE FACILITY OR THE PERSON'S MECHANIC'S
22 CERTIFICATE.

23 (B) THE ADMINISTRATOR SHALL NOT ISSUE A MOTOR VEHICLE REPAIR
24 FACILITY REGISTRATION TO A FACILITY OWNED IN WHOLE OR IN PART BY
25 THE PERSON CONVICTED OR A MECHANIC'S CERTIFICATE TO THE PERSON
26 FOR A PERIOD OF NOT LESS THAN 5 YEARS AFTER THE DATE OF THE LAST
27 CONVICTION.

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

5 (A) THE PERSON HAS 3 OR MORE CONVICTIONS UNDER SECTION 413
6 OF ACT NO. 328 OF THE PUBLIC ACTS OF 1931.

7 (B) THE PERSON HAS 3 OR MORE CONVICTIONS UNDER SECTION 535A
8 OF ACT NO. 328 OF THE PUBLIC ACTS OF 1931.

9 (C) THE PERSON HAS 3 OR MORE CONVICTIONS UNDER SECTION 535D
10 OF ACT NO. 328 OF THE PUBLIC ACTS OF 1931.

11 Section 2. This amendatory act shall not take effect unless
12 Senate Bill No. _____ or House Bill No. 4643 (request
13 no. 01292'91) of the 86th Legislature is enacted into law.